

ISSUE #1

MARKUP #1 ->

Section 1: [Paragraph 11 (Unit 5A Covenants, Book 1611 Page 798)] Radio or Television Aerials or Antennas

No radio or television aerial or antenna nor any other exterior electronic or electric equipment or devises of any kind shall be installed or maintained on the exterior of any structures located on a building plot or on any portion of any building plot not occupied by a building or other structure...

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Paragraph 11 (Unit 5A Covenants, Book 1611 Page 798)] Radio or Television Aerials or Antennas No radio or television aerial or antenna nor any other exterior electronic or electric equipment or devises of any kind shall be installed or maintained on the exterior of any structures located on a building plot or on any portion of any building plot not occupied by a building or other structure...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).