

Section 7 - Sample Provision Excerpt (Public Preview)

i. A satellite dish that is loose from its mounting and dangling. j. Excessive untidiness around house and/or porch, deck or dock including (but not limited to) home, lawn and garden equipment, implements or supplies or marine equipment or supplies.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7 (p. 51): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas on exclusive-use property 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...

CURRENT WORDING IN DOCUMENT:

i. A satellite dish that is loose from its mounting and dangling. j. Excessive untidiness around house and/or porch, deck, patio or dock including (but not limited to) home, lawn and garden equipment, implements or supplies or marine equipment or supplies.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

i. A satellite dish that is loose from its mounting and dangling. j. Excessive untidiness around house and/or porch, deck, patio or dock including (but not limited to) home, lawn and garden equipment, implements or supplies or marine equipment or supplies.