

Section BRIAR PARK VILLAGE HOMEOWNERS MANUAL - Sample Provision Excerpt (Public Preview)

RADIO AND TELEVISION ANTENNAS: Owners and residents are not permitted to construct, use or operate their own external radio, television or other electronic antenna without prior written consent of the Board. (See attachment | concerning satellite dishes.)

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. BRIAR PARK VILLAGE HOMEOWNERS MANUAL (p. 6): 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...

CURRENT WORDING IN DOCUMENT:

RADIO AND TELEVISION ANTENNAS: Owners and residents are not permitted to construct, use or operate their own external radio, television or other electronic antenna without prior written consent of the Board. (See attachment | concerning satellite dishes.)

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).