

Section 4.11(c) - Sample Provision Excerpt (Public Preview)

(d) Television and Radio Antennas and Satellite Dishes.
(i) Without the prior authorization of the Architectural Control Committee, no television or radio antenna of any sort, satellite dish, microwave dish or any device or equipment of any kind for the reception or transmission of audio, video or other signals transmitted across airwaves, shall be placed,...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4.11(c) (p. 38): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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(i) Without the prior authorization of the Architectural Control Committee, no television or radio antenna of any sort, satellite dish, microwave dish or any device or equipment of any kind for the reception or transmission of audio, video or other signals transmitted across airwaves, shall be placed, allowed or maintained on or above...