MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section OECLARA TION OF COVENANTS, CONDITIONS & RESTRICTIONS - Sample Provision Excerpt (Public Preview)

Subject to applicable laws pertaining to same, no pole/mast, antenna, r dio, television, satellite dish or other aerial sha
erected or maintained on an approved by the ACC.
(n) No Residence containing less than an attached, twoconstructed upon any Lot.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. OECLARA TION OF COVENANTS, CONDITIONS & RESTRICTIONS (p. 20): 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:

Subject to applicable laws pertaining to same, no pole/mast, antenna, r dio, television, satellite dish or other aerial shall be erected or maintained on an approved by the ACC.
(n) No Residence containing less than an attached, twoconstructed upon any Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Subject to applicable laws pertaining to same, no pole/mast, antenna, r dio, television, satellite dish or other aerial shall be erected or maintained on an approved by the ACC.
(n) No Residence containing less than an attached, twoconstructed upon any Lot.