Section 7.22 - Sample Provision Excerpt (Public Preview)

Antennas and Aerials. All television antennas and other antennas and aerials shall be located inside the attic of the residence constructed on the Lot. Satellite dishes that do not exceed thirty (30) inches in diameter shall be permitted if installed, to the extent practicable, in a manner not visible from any Street. Towers of any kind are not permitted.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 7.22 (p. 31): 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:

Antennas and Aerials. All television antennas and other antennas and aerials shall be located inside the attic of the residence constructed on the Lot. Satellite dishes that do not exceed thirty (30) inches in diameter shall be permitted if installed, to the extent practicable, in a manner not visible from any Street. Towers of any kind are not permitted.

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).