

Section ARCHITECTURAL CONTROL COMMITTEE - Sample Provision Excerpt (Public Preview)

ACC do not apply to the installation of antennas, satellite dishes and related masts.
Please see Section 9 hereof for the special provisions which apply to antennas, satellite dishes and related masts.
It is the responsibility of the applicant to make sure he or she has the most current guidelines available before proceeding with any improvement.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. ARCHITECTURAL CONTROL COMMITTEE (p. 4): 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:

ACC do not apply to the installation of antennas, satellite dishes and related masts. Please see Section 9 hereof for the special provisions which apply to antennas, satellite dishes and related masts. It is the responsibility of the applicant to make sure he or she has the most current guidelines available before proceeding with any improvement.

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).