



Section 1 - Sample Provision Excerpt (Public Preview)

q. No pole mast, antenna, radio, television, satellite dish or other aerial shall be erected or maintained on any Lot except as approved by the Architectural Control Committee. r. The garage door of any house or residence within The Properties must open to the rear or side of the house or as approved by the Architectural Control Committee.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 9): 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):

q. No pole mast, antenna, radio, television, satellite dish or other aerial shall be erected or maintained on any Lot except as approved by the Architectural Control Committee. r. The garage door of any house or residence within The Properties must open to the rear or side of the house or as approved by the Architectural Control Committee.