

Section 10. - Sample Provision Excerpt (Public Preview)

Television and Radio Antennas. Without the prior written authorization of the Architectural Control Committee, no telev
or radio antenna or satellite dish of any sort shall be placed, allowed or maintained outside a Living Unit or on the exterior of
any building or other improvement located on a Lot.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 10. (p. 10): 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:

Television and Radio Antennas. Without the prior written authorization of the Architectural Control Committee, no television or radio antenna or satellite dish of any sort shall be placed, allowed or maintained outside a Living Unit or on the exterior of any building or other improvement located on a Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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