

Section ARCHITECTURAL STANDARDS - Sample Provision Excerpt (Public Preview)

Antennas Clotheslines, Garbage Cans, Tanks, Etc. Subdivision of Unit and Timesharing Firearms Pools Irrigation Tents, Mobile Homes, and Temporary Structures Grading, Drainage and Septic Systems

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. ARCHITECTURAL STANDARDS (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:

Antennas Clotheslines, Garbage Cans, Tanks, Etc. Subdivision of Unit and Timesharing Firearms Pools Irrigation Tents, Mobile Homes, and Temporary Structures Grading, Drainage and Septic Systems

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas Clotheslines, Garbage Cans, Tanks, Etc. Subdivision of Unit and Timesharing Firearms Pools Irrigation Tents, Mobile Homes, and Temporary Structures Grading, Drainage and Septic Systems [FEDERAL OTARD CARVEOUT]:
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...