

Section 1.6 - Sample Provision Excerpt (Public Preview)

discs, dishes or other similar equipment do not detract from the overall appearance ef the neighborhood as they are considered unsightly. No antennas, dlfac, dishesmel olher equipment for sending or receiving sound or video messages shalhbe permitted in this Addition except antennas for AM or FM radio reception and for UHF and VHF rolevision reception and...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1.6 (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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

discs, dishes or other similar equipment do not detract from the overall appearance ef the neighborhood as they are considered unsightly. No antennas, dlfac, dishesmel olher equipment for sending or receiving sound or video messages shalhbe permitted in this Addition except antennas for AM or FM radio reception and for UHF and VHF rolevision reception and satellite antennas of size specifically...