

Section General - Sample Provision Excerpt (Public Preview)

satellite dish, etc. It is part of our job to enforce compliance of the Covenants and By Laws. If you do not have a copy, call our office. You are encouraged to take an active part in the Association's affairs by serving on a committee or as an elected Board Member, when the opportunity arises.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. General (p. 3): 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:

satellite dish, etc. It is part of our job to enforce compliance of the Covenants and By Laws. If you do not have a copy, please call our office. You are encouraged to take an active part in the Association's affairs by serving on a committee or as an elected Board Member, when the opportunity arises.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

satellite dish, etc. It is part of our job to enforce compliance of the Covenants and By Laws. If you do not have a copy, please call our office. You are encouraged to take an active part in the Association's affairs by serving on a committee or as an elected Board Member, when the opportunity arises.