MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section INTEND TO BUY AND/OR BUILD IN THIS SUBDIVISION, YOU NEED - Sample Provision Excerpt (Public Preview

EXTERIOR ANTENNAS: Without written approval of the ACC, no exterior TV antenna, satellite reception disk or radio antenna will be allowed upon any structure in the subdivision other than one conventional TV antenna that is not visible from the street.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. INTEND TO BUY AND/OR BUILD IN THIS SUBDIVISION, YOU NEED (p. 2): 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:

EXTERIOR ANTENNAS: Without written approval of the ACC, no exterior TV antenna, satellite reception disk or radio antenna will be allowed upon any structure in the subdivision other than one conventional TV antenna that is not visible from the street.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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 satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).