



Section VII - Sample Provision Excerpt (Public Preview)

No pole/mast, antenna, radio, television, satellite dish or other aerial shall be erected or maintained on any lot except as approved by the Architectural Control Committee. r. No dwelling containing less than an attached, three-vehicle garage shall be constructed within the Properties.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. VII (p. 17): 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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

No pole/mast, antenna, radio, television, satellite dish or other aerial shall be erected or maintained on any lot except as approved by the Architectural Control Committee. r. No dwelling containing less than an attached, three-vehicle garage shall be constructed within the Properties.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No pole/mast, antenna, radio, television, satellite dish or other aerial shall be erected or maintained on any lot except as approved by the Architectural Control Committee. r. No dwelling containing less than an attached, three-vehicle garage shall be constructed within the Properties. [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 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,...