

Section D - Sample Provision Excerpt (Public Preview)

application will be rejected. If you have an aerial easement on your lot, the utility company may permit you to place a permanent structure on the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with them first.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. D (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:

application will be rejected. If you have an aerial easement on your lot, the utility company may permit you to place a permanent structure on the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with them first.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

application will be rejected. If you have an aerial easement on your lot, the utility company may permit you to place a permanent structure on the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with them first.