

Section (f) - Sample Provision Excerpt (Public Preview)

he permuted un this Property except tor antennas tor AM or FM radio reception and UHF ur VHF television reception. antennas shall be locared inside the attic of the main residential structure. except that. it cable is not available.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. (f) (p. 9): 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:

he permuted un this Property except tor antennas tor AM or FM radio reception and UHF ur VHF television reception. All antennas shall be locared inside the attic of the main residential structure. except that. it cable is not available.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

he permuted un this Property except tor antennas tor AM or FM radio reception and UHF ur VHF television reception. All antennas shall be locared inside the attic of the main residential structure. except that. it cable is not available. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed...