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



**Section ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, - Sample Provision Excerpt (Public Preview**

No satellite dish or similar apparatus shall be erected or maintained on any lot unless the same is adequately screened public view and is located within all applicable building lines.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW — BOARD & COUNSEL REVIEW

**Sec. ANY PROVISIONS HEREIN WHICH RESTRICT THE SALE, RENTAL, (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:
No satellite dish or similar apparatus shall be erected or maintained on any lot unless the same is adequately screened from public view and is located within all applicable building lines.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
**No satellite dish or similar apparatus shall be erected or maintained on any lot unless the same is adequately screened from public view and is located within all applicable building lines. [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...**