

Section 6.21 - Sample Provision Excerpt (Public Preview)

Antennas and Aerials. No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, satellite or other signals of any kind shall be affixed or attached to any Lot, or any improvement thereon, without prior written approval by the Architectural Control Committee on transmissions.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 6.21 (p. 23): 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:

Antennas and Aerials. No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be affixed or attached to any Lot, or any improvement thereon, without prior written approval by the Architectural Control Committee on transmissions.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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