

Section 3.02 - Sample Provision Excerpt (Public Preview)

exception of Antennas and Satellite Dishes discussed in Section 4.1 of these Guidelines, include, but is not limited to, all items referenced in Article IV of these Guidelines. Unless otherwise defined in these Guidelines, all capitalized terms shall have the same meaning as defined in the Declaration.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3.02 (p. 5): 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:

exception of Antennas and Satellite Dishes discussed in Section 4.1 of these Guidelines, include, but is not limited to, all items referenced in Article IV of these Guidelines. Unless otherwise defined in these Guidelines, all capitalized terms shall have the same meaning as defined in the Declaration.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

exception of Antennas and Satellite Dishes discussed in Section 4.1 of these Guidelines, include, but is not limited to, all items referenced in Article IV of these Guidelines. Unless otherwise defined in these Guidelines, all capitalized terms shall have the same meaning as defined in the Declaration.