

Section 16. - Sample Provision Excerpt (Public Preview)

Antennae. No electronic antenna or device of any type shall be erected, constructed, placed or permitted to remain on any Lot, house or building exterior unless approved in writing by the Architectural Control Committee.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 16. (p. 12): 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:

Antennae. No electronic antenna or device of any type shall be erected, constructed, placed or permitted to remain on any Lot, house or building exterior unless approved in writing by the Architectural Control Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennae. No electronic antenna or device of any type shall be erected, constructed, placed or permitted to remain on any Lot, house or building exterior unless approved in writing by the Architectural Control Committee. [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...