

Section 8.2(j) - Sample Provision Excerpt (Public Preview)

(1) Antenna. No outside antenna, satellite dish, or amateur adio equipment or similar equipment shal be maintained without the prior written approval of the Covenants Committee unless such antenna is located upon Nonresidential Lot and is not Visible from Neighboring Property.· Notwithstanding the fore going, the Board of Directors may install and

ISSUE #1



MARKUP #1 ->



MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

**Sec. 8.2(j) (p. 53): 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:**

(1) Antenna. No outside antenna, satellite dish, or amateur adio equipment or similar equipment shal be maintained without the prior written approval of the Covenants Committee unless such antenna is located upon Nonresidential Lot and is not Visible from Neighboring Property.· Notwithstanding the fore going, the Board of Directors may install and...

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

**Temporary structures. No structure of a temporary character, and no temporary trailer,·tent, shack, barn, pen, kennel, run, stable or other temporary accessory building shall be erected, used or maintained on any Lot except in connection with construction or marketing activities by the Declarant or a Builder (as permitted by the Declarant) or events on the Golf Course Lot without the prior...**