

Section GENERAL COVENANTS - Sample Provision Excerpt (Public Preview)

13) Antenna. There shall be no antenna or satellite dish of any sort either installed or maintained which is visible from neighboring property. 14) Sightliness. All clothes lines, garbage cans, equipment, motorcycles, snowmobiles, mobile homes, boats, wood piles and storage piles shall be walled in or screened to conceal them from the view of neighboring...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. GENERAL COVENANTS (p. 4): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

13) Antenna. There shall be no antenna or satellite dish of any sort either installed or maintained which is visible from neighboring property. 14) Sightliness. All clothes lines, garbage cans, equipment, motorcycles, snowmobiles, mobile homes, boats, wood piles and storage piles shall be walled in or screened to conceal them from the view of neighboring lots and street Protective Covenants 15)...