MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 4.15 - Sample Provision Excerpt (Public Preview)

* No exterior antennae are permitted except satellite dishes with a maximum dimension of 36" x 18", or the smallest po size as technology advances. Satellite dishes must be located on the house in an area approved by the ACC, but not on the front facade of the house. * No window air conditioning units of any type are permitted.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 4.15 (p. 9): 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:

* No exterior antennae are permitted except satellite dishes with a maximum dimension of 36" x 18", or the smallest possible size as technology advances. Satellite dishes must be located on the house in an area approved by the ACC, but not on the front facade of the house. * No window air conditioning units of any type are permitted.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No exterior antennae are permitted except satellite dishes with a maximum dimension of 36" x 18", or the smallest possible size as technology advances. Satellite dishes must be located on the house in an area approved by the ACC, but not on the front facade of the house. No window air conditioning units of any type are permitted.