

ISSUE #1

Section 1: [Article VII, Section 7.1(c)] Prohibition on Antennas and Satellite Dishes Exceeding 18 Inches

MARKUP #1 ->

Owners shall not attach anything to the outside walls or roof of any Dwelling, such as radio or television antenna, or satellite dish, (excepting a satellite dish with a diameter of 18" or less), which may be visible from the street.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Article VII, Section 7.1(c) (p. 1): 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 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Article VII, Section 7.1(c)] Prohibition on Antennas and Satellite Dishes Exceeding 18 Inches
- Owners shall not attach anything to the outside walls or roof of any Dwelling, such as radio or television antenna, or satellite dish, (excepting a satellite dish with a diameter of 18" or less), which may be visible from the street.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).