Section AMANDERA - Sample Provision Excerpt (Public Preview)

Antennas, satellite dishes or similar devices for receiving and/or sending ignals are permitted; provided, however, plac of such devices shall e in the least obtrusive location and no higher than the highest point of the rear of the residence and must not be visible from the street.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. AMANDERA (p. 13): Clause prohibits or over-restricts solar energy devices in conflict with Tex. Prop. Code § 202.010.

Statutory / Legal Reference: Tex. Prop. Code § 202.010

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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Antennas, satellite dishes or similar devices for receiving and/or sending ignals are permitted; provided, however, placement of such devices shall e in the least obtrusive location and no higher than the highest point of the rear of the residence and must not be visible from the street.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas, satellite dishes or similar devices for receiving and/or sending ignals are permitted; provided, however, placement of such devices shall e in the least obtrusive location and no higher than the highest point of the rear of the residence and must not be visible from the street. [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 hub/relay device, 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,...