Section 6.1. - Sample Provision Excerpt (Public Preview)

Antennas. No towers or antennas of any kind shall be erected without the written consent of the ARC. Ham radio ante
are not permitted.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. 6.1. (p. 7): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 209.00592

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:

Antennas. No towers or antennas of any kind shall be erected without the written consent of the ARC. Ham radio antennas are not permitted.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas. No towers or antennas of any kind shall be erected without the written consent of the ARC. Ham radio antennas are not permitted. [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...