Section C - Sample Provision Excerpt (Public Preview)

the Architectural Committee. The foregoing notwithstanding, in rhe event the absolute prohibition of such antenna or S WINWORDIRESTRICT\MIL WOOD40A.00C .J. receivers is invalidated or held to be unenforceable in any respect, then no exterior radio or television antenna, satellite dish or similar device shall be permitted to be erected or placed on any Lot...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. C (p. 16): Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex. Prop. Code § 202.018 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 202.018 (SB 1588)

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:

the Architectural Committee. The foregoing notwithstanding, in rhe event the absolute prohibition of such antenna or SLa WINWORDIRESTRICT\MIL WOOD40A.00C .J. receivers is invalidated or held to be unenforceable in any respect, then no exterior radio or television antenna, satellite dish or similar device shall be permitted to be erected or placed on any Lot...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

the Architectural Committee. The foregoing notwithstanding, in rhe event the absolute prohibition of such antenna or SLa WINWORDIRESTRICT\MIL WOOD40A.00C .J. receivers is invalidated or held to be unenforceable in any respect, then no exterior radio or television antenna, satellite dish or similar device shall be permitted to be erected or placed on any Lot unless the same is screened from view...