Section 1.2 - Sample Provision Excerpt (Public Preview)

2. 7 .Antenna·. No . antenna or . other device for the transmission or . reception of television or radio signals shall .be erected, used or maintained outdoors on any lot which shall be ·.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1.2 (p. 3): 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...

CURRENT WORDING IN DOCUMENT:

2. 7 .Antenna·. No . antenna or . other device for the transmission or . reception of television or radio signals shall .be erected, used or maintained outdoors on any lot which shall be ·.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

2. 7 .Antenna·. No . antenna or . other device for the transmission or . reception of television or radio signals shall .be erected, used or maintained outdoors on any lot which shall be ·. [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...