

Section 3.13 - Sample Provision Excerpt (Public Preview)

of the dwell ing or accessory building. No solar panels, satellite dishes or similar apparatus shall be placed on any dwe
fn such a way that panel/apparatus is visible from the street. Ground satellite dishes shall not be erected. installed or placed
on property without the prior written approval of the Architectural Control Committee. Nothing herein shall be constructed to
conflict with the latest rules and regulations set forth by the Federal Communications Commission .

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.13 (p. 7): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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