



Section 3.02 - Sample Provision Excerpt (Public Preview)

Radio or Television Antennae. No radio or television aerial wires or antennae are permitted on any portion of any Tract. This prohibition includes any derricks or antennas of any nature mounted on, it, or around the dwelling or the Tract upon which the dwelling is situated or free-standing.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 3.02 (p. 4): 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:

Radio or Television Antennae. No radio or television aerial wires or antennae are permitted on any portion of any Tract. This prohibition includes any derricks or antennas of any nature mounted on, it, or around the dwelling or the Tract upon which the dwelling is situated or free-standing.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Radio or Television Antennae. No radio or television aerial wires or antennae are permitted on any portion of any Tract. This prohibition includes any derricks or antennas of any nature mounted on, it, or around the dwelling or the Tract upon which the dwelling is situated or free-standing.