MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->

Section 2 - Sample Provision Excerpt (Public Preview)

Outside Antennas. No exterior television or radio antennas oI satellite dishes sort shall be allowed OI maintained upon any portion of any lot, except that snall digital satellite receiver of a dish diameter of 18 inches or leas may be installed.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 3): 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 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:

Outside Antennas. No exterior television or radio antennas oI satellite dishes sort shall be allowed OI maintained upon any portion of any lot, except that snall digital satellite receiver of a dish diameter of 18 inches or leas may be installed.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Outside Antennas. No exterior television or radio antennas oI satellite dishes sort shall be allowed OI maintained upon any portion of any lot, except that snall digital satellite receiver of a dish diameter of 18 inches or leas may be installed. [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 within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations...