

Section AFTICLE IX - Sample Provision Excerpt (Public Preview)

Antennas and Satellite Dish Systems 59 General Rule 5
Prohibited Antenna

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. AFTICLE IX (p. 7): 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:
Antennas and Satellite Dish Systems 59 General Rule
..... 59 Prohibited Antenna

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Antennas and Satellite Dish Systems 59 General Rule
..... 59 Prohibited Antenna [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...