### Section 9.8 - Sample Provision Excerpt (Public Preview)

and located behind the rear wall of the house. Antennas shall not extend more than ten (10) feet above the roof of the and shall not be erected on a wooden pole. For Section 3, no freestanding antennas shall be permitted. Antennas shall be located behind and not higher than the center ridge line of the roof.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 9.8 (p. 8): 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:**

and located behind the rear wall of the house. Antennas shall not extend more than ten (10) feet above the roof of the house and shall not be erected on a wooden pole. For Section 3, no freestanding antennas shall be permitted. Antennas shall be located behind and not higher than the center ridge line of the roof.

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

**and located behind the rear wall of the house. Antennas shall not extend more than ten (10) feet above the roof of the house and shall not be erected on a wooden pole. For Section 3, no freestanding antennas shall be permitted. Antennas shall be located behind and not higher than the center ridge line of the roof.**