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

Section General - Sample Provision Excerpt (Public Preview)

Antennas, Towers, and Vertical Structures Oil Drilling Operations No use of off-road vehicles, ATV's, motorbikes, or dirt bikes on any community road or in any community common spaces, including, but not limited to, parks and gathering areas.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. General (p. 1): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and Tex. Prop. Code §§ 202.010, 202.019.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

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, Towers, and Vertical Structures Oil Drilling Operations No use of off-road vehicles, ATV's, motorbikes, or dirt bikes on any community road or in any community common spaces, including, but not limited to, parks and gathering areas.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas, Towers, and Vertical Structures Oil Drilling Operations No use of off-road vehicles, ATV's, motorbikes, or dirt bikes on any community road or in any community common spaces, including, but not limited to, parks and gathering areas.