

Section 6 - Sample Provision Excerpt (Public Preview)

Antennas Homeowners must abide by FCC requirements for any mounted antennas. For satellite dishes, the homeowner must request that the installer place the dish at the least visible position from public view as possible for signal.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 6 (p. 18): 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:

Antennas Homeowners must abide by FCC requirements for any mounted antennas. For satellite dishes, the homeowner must request that the installer place the dish at the least visible position from public view as possible for signal.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas Homeowners must abide by FCC requirements for any mounted antennas. For satellite dishes, the homeowner must request that the installer place the dish at the least visible position from public view as possible for signal. [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless...