

Section 22 - Sample Provision Excerpt (Public Preview)

2. Antennas Antennas of any type, including satellite dishes, are permitted provided they are installed on the rear elevation of the roof, and conform to the Design Guidelines. 3. Basketball Goals a.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 22 (p. 5): Sign restriction prohibits political signs or restricts their display window below the statutory 90-day pre-election / 10-day post-election period (or caps signs at 1 per lot rather than 1 per candidate/measure).

Statutory / Legal Reference: Tex. Election Code § 259.002 (formerly Tex. Prop. Code § 202.009)

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:

2. Antennas Antennas of any type, including satellite dishes, are permitted provided they are installed on the rear elevation of the roof, and conform to the Design Guidelines. 3. Basketball Goals a.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

2. Antennas Antennas of any type, including satellite dishes, are permitted provided they are installed on the rear elevation of the roof, and conform to the Design Guidelines. 3. Basketball Goals a. [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...