

Section 11.2 - Sample Provision Excerpt (Public Preview)

No permanently fixed external antenna may be installed that interferes with the reception of any other regular television antenna nor may it be used for transmission of a signal.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 11.2 (p. 8): Clause restricts religious displays using the repealed 25-square-inch front-door cap or prohibits religious items in violation of Tex. Prop. Code § 202.018 (SB 1588).

Statutory / Legal Reference: Tex. Prop. Code § 202.018 (SB 1588)

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:

No permanently fixed external antenna may be installed that interferes with the reception of any other regular television antenna nor may it be used for transmission of a signal.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

No permanently fixed external antenna may be installed that interferes with the reception of any other regular television antenna nor may it be used for transmission of a 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 broadband hub/relay device, or satellite dish of one...