

Section 5.1 - Sample Provision Excerpt (Public Preview)

Poles, Masts, Exterior Antennae/Air Conditioners. No poles, masts, radio or television wires, satellite dishes or antennae shall be placed on any Lot between the residence and an adjoining Street; nor shall poles, masts, antennae, including free-standing antennae, be installed within the envelope of the residence without the express written approval of the

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 5.1 (p. 5): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: **Tex. Prop. Code § 209.0059(a) & § 209.00592**

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:

Poles, Masts, Exterior Antennae/Air Conditioners. No poles, masts, radio or television wires, satellite dishes or antennae shall be placed on any Lot between the residence and an adjoining Street; nor shall poles, masts, antennae, including free-standing antennae, be installed within the envelope of the residence without the express written approval of the

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Poles, Masts, Exterior Antennae/Air Conditioners. No poles, masts, radio or television wires, satellite dishes or antennae shall be placed on any Lot between the residence and an adjoining Street; nor shall poles, masts, antennae, including free-standing antennae, be installed within the envelope of the residence without the express written approval of the [FEDERAL OTARD CARVEOUT]: Provided that...