

Section 1. - Sample Provision Excerpt (Public Preview)

disc or dish may be placed on a Lot where not visible from a street or Common Area and where such location does not adversely affect the view f b m an adjacent Lot. To the extent, if any, that applicable federal law or FCC regulations may a f l i t the ability of ths Declaration

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1. (p. 7): 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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

disc or dish may be placed on a Lot where not visible from a street or Common Area and where such location does not adversely affect the view f b m an adjacent Lot. To the extent, if any, that applicable federal law or FCC regulations may a f l i t the ability of ths Declaration

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

disc or dish may be placed on a Lot where not visible from a street or Common Area and where such location does not adversely affect the view f b m an adjacent Lot. To the extent, if any, that applicable federal law or FCC regulations may a f l i t the ability of ths Declaration [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 meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in...