Section 5.13.10.No - Sample Provision Excerpt (Public Preview)

5 .13. I I.It is the intent of the ACC to insure that antennas, discs, dishes or other similar equipment does not detract fr
overall appearance of the Community as they are considered unsightly. No antennas, discs, dishes, or other equipment for sending or receiving sound or video messages shall be permitted in the Community except antennas for AM or...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5.13.10.No (p. 26): Provision prohibits exterior antennas/satellite dishes, requires prior written approval before installing a satellite dish, or bans street-facing satellite dishes/solar collectors in conflict with the FCC OTARD Rule (47 C.F.R. § 1.4000) and Tex. Prop. Code §§ 202.010, 202.019.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

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:

5 .13. I I.It is the intent of the ACC to insure that antennas, discs, dishes or other similar equipment does not detract from the overall appearance of the Community as they are considered unsightly. No antennas, discs, dishes, or other equipment for sending or receiving sound or video messages shall be permitted in the Community except antennas for AM or...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

5 .13. I I.It is the intent of the ACC to insure that antennas, discs, dishes or other similar equipment does not detract from the overall appearance of the Community as they are considered unsightly. No antennas, discs, dishes, or other equipment for sending or receiving sound or video messages shall be permitted in the Community except antennas for AM or FM radio reception and for UHF and VHF...