

Section ARTICLE FOUR - Sample Provision Excerpt (Public Preview)

Antennas and Satellite Dishes All television antennas and other antennas and aerials shall be located inside the attic or under roof, or, in the case of a satellite dish, out of public view, unless otherwise permitted by Architectural Committee.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. ARTICLE FOUR (p. 4): Landscaping covenant prohibits rainwater harvesting, composting, or drought-resistant landscaping/xeriscaping in violation of Tex. Prop. Code § 202.007.

Statutory / Legal Reference: Tex. Prop. Code § 202.007

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:

Antennas and Satellite Dishes All television antennas and other antennas and aerials shall be located inside the attic or under roof, or, in the case of a satellite dish, out of public view, unless otherwise permitted by Architectural Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas and Satellite Dishes All television antennas and other antennas and aerials shall be located inside the attic or under roof, or, in the case of a satellite dish, out of public view, unless otherwise permitted by Architectural Committee. [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 accordance with FCC OTARD regulations...