MARKED-UP PAGE 1: 1 COMPLIANCE ISSUE (#1) - SEE REDLINE COMMENTS AT RIGHT ->



## Section I. - Sample Provision Excerpt (Public Preview)

or antenna MaximumHeight shall front permitted to extend said nor be located or wires shall Lot, si de of on any portio
d Lot; above the roof behind be visible No radio of Antenna.

ISSUE #1

MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

**Sec. I. (p. 4): 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:
or antenna MaximumHeight shall front permitted to extend said nor be located or wires shall Lot, si de of on any portion sai d Lot; above the roof behind be visible No radio of Antenna.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
**or antenna MaximumHeight shall front permitted to extend said nor be located or wires shall Lot, si de of on any portion sai d Lot; above the roof behind be visible No radio of Antenna. [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 (47 C.F.R. § 1.4000).**