

Section 3 - Sample Provision Excerpt (Public Preview)

No antenna or dish antenna of any kind shall be attached to the exterior of a building structure. Dish may be attached to the interior side of the patio fence or attached to a metal pole.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3 (p. 6): Condominium fining clause omits the mandatory written notice and 30-day hearing request period required by Tex. Prop. Code § 82.102(d).

Statutory / Legal Reference: Tex. Prop. Code § 82.102(d)-(e) & § 82.113(e)
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:
No antenna or dish antenna of any kind shall be attached to the exterior of a building structure. Dish may be attached to the interior side of the patio fence or attached to a metal pole.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
No antenna or dish antenna of any kind shall be attached to the exterior of a building structure. Dish may be attached to the interior side of the patio fence or attached to a metal pole. [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).