



Section CONSOLIDATED DECLARATION OF COVENANTS, CONDITIONS AND - Sample Provision Excerpt (Public Prev

antennae, dishes or other equipment for receiving or sending sound or video messages shall be permitted in or on the Property except antennae for AM or FM radio reception and UHF and VHF television reception and satellite dishes for television reception.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. CONSOLIDATED DECLARATION OF COVENANTS, CONDITIONS AND (p. 5): 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: Under the Federal Communications Commission OTARD Rule (47 C.F.R. § 1.4000), private covenants may not prohibit, require prior architectural approval for, or limit satellite dishes to 18/24 inches (federal protection covers dishes up to 1 meter / 39.37 inches in diameter), nor may they ban street-visible placement if an alternative location would preclude acceptable signal quality.

CURRENT WORDING IN DOCUMENT:

antennae, dishes or other equipment for receiving or sending sound or video messages shall be permitted in or on the Property except antennae for AM or FM radio reception and UHF and VHF television reception and satellite dishes for television reception.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Carve out satellite dishes up to one meter (39.37 inches) and TV/wireless antennas protected by 47 C.F.R. § 1.4000 from prior-approval and street-visibility bans, and align solar collector placement guidelines with Tex. Prop. Code §§ 202.010, 202.019.