

Section 20. - Sample Provision Excerpt (Public Preview)

Electronic Antennae. No electronic antennae or device of any type shall be erected, constructed, placed or permitted to remain on any resident occupied Lot, house or building within Chesterfield, Section One.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 20. (p. 1): Resale certificate fee provision exceeds the SB 1588 statutory cap of \$375 for a resale certificate (or \$75 for an updated resale certificate) under Tex. Prop. Code § 207.003(c).

Statutory / Legal Reference: Tex. Prop. Code § 207.003(a), 207.003(c) & 207.004 (SB 1588)

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:

Electronic Antennae. No electronic antennae or device of any type shall be erected, constructed, placed or permitted to remain on any resident occupied Lot, house or building within Chesterfield, Section One.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Electronic Antennae. No electronic antennae or device of any type shall be erected, constructed, placed or permitted to remain on any resident occupied Lot, house or building within Chesterfield, Section One. [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...