



Section 3.6 - Sample Provision Excerpt (Public Preview)

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

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 3.6 (p. 7): 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: 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:

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

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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