



Section 3.15. - Sample Provision Excerpt (Public Preview)

structed on any Lots nor shall any free standing antenna of any style be permitted to remain on any Lot. No flagpole shall be permanently erected on any Lot (other than Lots on which model homes are constructed and the entry way and the Lots adjacent thereto), unless prior written approval has been granted by the Architectural Control Committee

ISSUE #1



MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3.15. (p. 9): 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:

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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.