

Section I - Sample Provision Excerpt (Public Preview)

antenna be placed within the attic of the living Unit.
(b) The New Construction Committee or Modifications Committee may, at its sole discretion, authorize the installation of one
(1) satellite dish on a Lot within the Property

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. I (p. 7): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: **Tex. Prop. Code § 209.0059(a) & § 209.00592**

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:

antenna be placed within the attic of the living Unit.
(b) The New Construction Committee or Modifications Committee may, at its sole discretion, authorize the installation of one (1) satellite dish on a Lot within the Property

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

antenna be placed within the attic of the living Unit.
(b) The New Construction Committee or Modifications Committee may, at its sole discretion, authorize the installation of one (1) satellite dish on a Lot within the Property [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless...