

Section 4.7 - Sample Provision Excerpt (Public Preview)

telephonic, electronic, microwave, cable, or satellite reception on the Property. Antennas, satellite or microwave dishes receiving or transmitting towers that are visible from a street or from another Lot are prohibited within the Property without first obtaining ACC approval, and shall be, if at all possible, located inside the structure (such as in an attic or garage).

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 4.7 (p. 5): Provision authorizes holding regular Board of Directors meetings "without notice" or taking Board action by written consent outside a noticed open meeting, conflicting with Tex. Prop. Code §§ 209.005, 82.1141 & 1 TAC § 70.3 (Open Records Cost Schedule).**

Statutory / Legal Reference: Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); Tex. Prop. Code § 209.005 & 1 TAC § 70.3 (Open Records Cost Schedule)  
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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

**CURRENT WORDING IN DOCUMENT:**  
telephonic, electronic, microwave, cable, or satellite reception on the Property. Antennas, satellite or microwave dishes, and receiving or transmitting towers that are visible from a street or from another Lot are prohibited within the Property without first obtaining ACC approval, and shall be, if at all possible, located inside the structure (such as in an attic or garage).

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**  
**TELEVISION AND ANTENNAS.** Each resident of the Property will avoid doing or permitting anything to be done that may unreasonably interfere with the television, radio, telephonic, electronic, microwave, cable, or satellite reception on the Property. Antennas, satellite or microwave dishes, and receiving or transmitting towers that are visible from a street or from another Lot are prohibited within the Property without first obtaining ACC approval, and shall be, if at all possible, located inside the structure.