

Section 5.11. - Sample Provision Excerpt (Public Preview)

Satellite Dishes See Section 2.14 of the Declaration. D. Flag and Religious Displays See Sections 2.17, 2.18 and 2.24 of the Declaration. E. Arbors/Pergolas/Patio Covers/Decks Plans shall be submitted to the ACC for review and approval prior to the commencement of construction.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5.11. (p. 19): Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
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:
Satellite Dishes See Section 2.14 of the Declaration. D. Flag and Religious Displays See Sections 2.17, 2.18 and 2.24 of the Declaration. E. Arbors/Pergolas/Patio Covers/Decks Plans shall be submitted to the ACC for review and approval prior to the commencement of construction.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Satellite Dishes See Section 2.14 of the Declaration. D. Flag and Religious Displays See Sections 2.17, 2.18 and 2.24 of the Declaration. E. Arbors/Pergolas/Patio Covers/Decks Plans shall be submitted to the ACC for review and approval prior to the commencement of construction. [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 satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in...