

Section 4. - Sample Provision Excerpt (Public Preview)

disc or dish may be placed on a Lot where not visible from a street or C'ommon Area and where such location does not adversely affect the view from an adjacent Lot. "To the extent, if any, chat applicable federal law or FCC regulations may allect the ability of this Declarution and the ACC lo regulale the plucement and required srcuning of satellite discx and dishes, this proyision shall be giyen full force and ellect to empower the ACC to exercise such powers with regard to such placoment and/or screening os may...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4. (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:
disc or dish may be placed on a Lot where not visible from a street or C'ommon Area and where such location does not adversely affect the view from an adjacent Lot. "To the extent, if any, chat applicable federal law or FCC regulations may allect the ability of this Declarution and the ACC lo regulale the plucement and required srcuning of satellite discx and dishes, this proyision shall be giyen full force and ellect to empower the ACC to exercise such powers with regard to such placoment and/or screening os may...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
disc or dish may be placed on a Lot where not visible from a street or C'ommon Area and where such location does not adversely affect the view from an adjacent Lot. "To the extent, if any, chat applicable federal law or FCC regulations may allect the ability of this Declarution and the ACC lo regulale the plucement and required srcuning of satellite discx and dishes, this proyision shall be giyen full force and ellect to empower the ACC to exercise such powers with regard to such placoment and/or screening os may be permissible under DECLARATION OF COVENANTS.