Section i - Sample Provision Excerpt (Public Preview)

Private Water/Septic Systems. Each Residence shall be connected to the City water system, and no private water well or storm sewer system is permitted within the Property unless constructed or caused to be constructed by the Declarant on the Declarant's Property.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT

BOARD & COUNSEL REVIEW

Sec. i (p. 8): Renewable Energy, Solar Orientation, EV Charging, or Water-Wise Landscaping Conflict: Clause prohibits or impairs solar collectors, solar drying lines, EV charging stations, or drought-tolerant landscaping in conflict with TX law.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under Tex. Prop. Code §§ 202.010, 202.019; Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in...

CURRENT WORDING IN DOCUMENT:
Private Water/Septic Systems. Each Residence shall be connected to the City water system, and no private water well or storm sewer system is permitted within the Property unless constructed or caused to be constructed by the Declarant on the Declarant's Property.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section i to incorporate the mandatory statutory safe harbors of Tex. Prop. Code §§ 202.010, 202.019; Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules); 47 C.F.R.