Section AMENDED AND RESTATED ENFORCEMENT POLICY - Sample Provision Excerpt (Public Preview)

Antennas and satellite dishes visible from any portion of the street in front of the Property/Lot Solar energy devices, pa or collectors visible from any portion of the street in front of the Property/Lot (including side yard for corner Lots) Aluminum foil, newspaper, reflective film, bed sheets or similar linens, or similar treatment placed on windows or glass doors of Property/Lot Above-ground pools Any lawn equipment stored outside and visible from public view Common Violations

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. AMENDED AND RESTATED ENFORCEMENT POLICY (p. 3): 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:

Antennas and satellite dishes visible from any portion of the street in front of the Property/Lot Solar energy devices, panels or collectors visible from any portion of the street in front of the Property/Lot (including side yard for corner Lots) Aluminum foil, newspaper, reflective film, bed sheets or similar linens, or similar treatment placed on windows or glass doors of Property/Lot Above-ground pools Any lawn equipment stored outside and visible from public view Common Violations

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas and satellite dishes visible from any portion of the street in front of the Property/Lot Solar energy devices, panels or collectors visible from any portion of the street in front of the Property/Lot (including side yard for corner Lots) Aluminum foil, newspaper, reflective film, bed sheets or similar linens, or similar treatment placed on windows or glass doors of Property/Lot Above-ground pools Any lawn equipment stored outside and visible from public view Common Violations [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any owner or occupant...