



Section 7.7 - Sample Provision Excerpt (Public Preview)

installation, maintenance or use. All matters set forth in this provision require the advance written approval of the Architectural Control Committee. II .16 Rainwater Collection Devices. An Owner must obtain written approval from the Architectural Control Committee prior to the installation of a rain barrel or a rainwater harvesting system.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · STATUTORY FINING & HEARING DEFECT

BOARD & COUNSEL REVIEW

Sec. 7.7 (p. 17): Fining or suspension provision omits modern statutory due-process safeguards (advance written notice specifying the violation and curing window, formal hearing procedure, and statutory fine caps) required under Tex. Prop. Code §§ 209.006, 209.0061, 82.102(d).

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 § 209.006, 209.0061

Statutory Comparison: Federal telecommunications policy under 47 C.F.R. § 97.15(b) (PRB-1) establishes a strong federal interest in promoting amateur radio emergency communications. Absolute covenant bans on FCC-licensed amateur radio operators without architectural review for stealth or minimally intrusive installations expose the association to federal preemption challenges and state statutory amateur-radio...

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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