Section 4.8 - Sample Provision Excerpt (Public Preview)

TELEVISION AND_ANTENNAS. Each resident of the Property will avoid doing or visible from a street or from another are prohibited within the Property, and shall be located inside the structure (such as in an attic or garage).

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.8 (p. 7): 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...

CURRENT WORDING IN DOCUMENT:

TELEVISION AND_ANTENNAS. Each resident of the Property will avoid doing or visible from a street or from another Lot are prohibited within the Property, and shall be located inside the structure (such as in an attic or garage).

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

TELEVISION AND_ANTENNAS. Each resident of the Property will avoid doing or visible from a street or from another Lot are prohibited within the Property, and shall be located inside the structure. The Owner of each Lot and/or residence hereby waives all rights, federal or other, for operating or maintaining ham radio antennas within the Property unless the ham radio antenna is not visible from...