

Section 4.5. - Sample Provision Excerpt (Public Preview)

Television and Radio Antennae and Satellite Dishes. Without the prior written authorization of the Architectural Control Committee, or as may be permitted in the Design Guidelines, as the case may require, no teluipment of rany tape an ciie atelier danterdishes ithersod eigtereon inches (18") in diameter shall be placed, allowed or maintained outside a Dwelling or on the exterior of any permitted building or other Improvement located on a Lot within the Properties.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.5. (p. 4): 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:
Television and Radio Antennae and Satellite Dishes. Without the prior written authorization of the Architectural Control Committee, or as may be permitted in the Design Guidelines, as the case may require, no teluipment of rany tape an ciie atelier danterdishes ithersod eigtereon inches (18") in diameter shall be placed, allowed or maintained outside a Dwelling or on the exterior of any permitted building or other Improvement located on a Lot within the Properties.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
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