Section 8.4 - Sample Provision Excerpt (Public Preview)

pools; gazebos or playhouses; window air-conditioning units or fans; hot tubs; solar penels; antennas; satellite dishes or any other apparatus for the transmission or reception of television, radio, satellite, or other signals of any kind; hedges, walls, dog runs, animal pens, or fences of any kind, including invisible

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 8.4 (p. 28): Clause authorizes nonjudicial power-of-sale foreclosure without first obtaining a mandatory Tex. R. Civ. P. 736 court order under Tex. Prop. Code § 209.0092.

Statutory / Legal Reference: Tex. Prop. Code § 209.009 & 209.0092

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:
pools; gazebos or playhouses; window air-conditioning units or fans; hot tubs; solar penels; antennas; satellite dishes or any other apparatus for the transmission or reception of television, radio, satellite, or other signals of any kind; hedges, walls, dog runs, animal pens, or fences of any kind, including invisible

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
pools; gazebos or playhouses; window air-conditioning units or fans; hot tubs; solar penels; antennas; satellite dishes or any other apparatus for the transmission or reception of television, radio, satellite, or other signals of any kind; hedges, walls, dog runs, animal pens, or fences of any kind, including invisible [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or...