

Section COVENANT ENFORCEMENT AND FINE POLICY - Sample Provision Excerpt (Public Preview)

antenna or device must be installed inside the dwelling. No satellite dish may be erected, constructed, placed or permitted to remain on any Lot without the express prior written consent of the ACC, which consent may be conditioned upon the ACC's approval of the location thereof and screening of the satellite dish from the public's view.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. COVENANT ENFORCEMENT AND FINE POLICY (p. 5):
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...

CURRENT WORDING IN DOCUMENT:
antenna or device must be installed inside the dwelling. No satellite dish may be erected, constructed, placed or permitted to remain on any Lot without the express prior written consent of the ACC, which consent may be conditioned upon the ACC's approval of the location thereof and screening of the satellite dish from the public's view.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
antenna or device must be installed inside the dwelling. No satellite dish may be erected, constructed, placed or permitted to remain on any Lot without the express prior written consent of the ACC, which consent may be conditioned upon the ACC's approval of the location thereof and screening of the satellite dish from the public's view.