

Section 5. - Sample Provision Excerpt (Public Preview)

antenna, diaca or other equipment for receiving or sendins sound or video messaps are uot allowed on the Property un inside the attic of the main residential structure or, with written permiasion of the Committee.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 5. (p. 3): 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:**  
antenna, diaca or other equipment for receiving or sendins sound or video messaps are uot allowed on the Property unleu inside the attic of the main residential structure or, with written permiasion of the Committee.

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**  
**antenna, diaca or other equipment for receiving or sendins sound or video messaps are uot allowed on the Property unleu inside the attic of the main residential structure or, with written permiasion of the Committee. [FEDERAL OTARD CARVEOUT]:** Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband...