Section c - Sample Provision Excerpt (Public Preview)

telephone and cable antenna particular utility system, shall not be relocated without the prior consent Owner of the Lot(s) affected and (b) the Declarant or the Directors. Notwithstanding any other utility lines located pass over, under or through any dwelling unit located thereon, lines shall run under any the dwelling grant blanket easements upon, the...

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. c (p. 1): 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:

telephone and cable antenna particular utility system, shall not be relocated without the prior consent Owner of the Lot(s) affected and (b) the Declarant or the Directors. Notwithstanding any other utility lines located pass over, under or through any dwelling unit located thereon, lines shall run under any the dwelling grant blanket easements upon, the...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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