

Section 3.04 - Sample Provision Excerpt (Public Preview)

Declaration, the term "Restricted Equipment" means any tower, antennae, satellite dish, solar collection paneis or other device for the transmission or reception of television or radio signals or other form of electromagnetic radiation, or for the collection or storage of solar or other atmospheric energy.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.04 (p. 24): Governance clause suspends owner voting rights or imposes non-statutory disqualifications on running for the Board of Directors, which are void under Tex. Prop. Code § 209.0059 and § 209.00591.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059, § 209.00591 & § 209.00592
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:
Declaration, the term "Restricted Equipment" means any tower, antennae, satellite dish, solar collection paneis or other device for the transmission or reception of television or radio signals or other form of electromagnetic radiation, or for the collection or storage of solar or other atmospheric energy.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Declaration, the term "Restricted Equipment" means any tower, antennae, satellite dish, solar collection paneis or other device for the transmission or reception of television or radio signals or other form of electromagnetic radiation, or for the collection or storage of solar or other atmospheric energy.