

Section 5. - Sample Provision Excerpt (Public Preview)

Antennas Artificial Vegetation Athletic Facilities..... Building Materials, Finishes and Colors.. Burglar and Fire Alarms...
Chimneys. Compliance with Provisions of this Declaration Construction Activities I.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5. (p. 4): 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:

Antennas Artificial Vegetation Athletic Facilities..... Building Materials, Finishes and Colors..
Burglar and Fire Alarms... Chimneys. Compliance with Provisions of this Declaration
Construction Activities I.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas Artificial Vegetation Athletic Facilities..... Building Materials, Finishes and Colors.. Burglar and Fire Alarms... Chimneys. Compliance with Provisions of this Declaration Construction Activities I. [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 hub/relay...