Section 3.11 - Sample Provision Excerpt (Public Preview)

Antennas. No external antennas of any kind shall be permitted on any Lot within the Subdivision without prior written approval of the Architectural Committee as to antenna size, height, placement and visibility. No satellite antenna nor any antenna dish may be parked, erected or installed either permanently or temporarily, on any Lot, except in backyard areas where it is substantially concealed from public view.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.11 (p. 14): Clause permits directors to vote or establish a board quorum by proxy at Board of Directors meetings without requiring express authorization in the Certificate of Formation under Tex. Bus. Orgs. Code § 22.214.

Statutory / Legal Reference: Tex. Bus. Orgs. Code § 22.213 - 22.214 & Tex. Prop. Code § 209.0051

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 satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Antennas. No external antennas of any kind shall be permitted on any Lot within the Subdivision without prior written approval of the Architectural Committee as to antenna size, height, placement and visibility. No satellite antenna nor any antenna dish may be parked, erected or installed either permanently or temporarily, on any Lot, except in backyard areas where it is substantially concealed from public view.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Antennas. No external antennas of any kind shall be permitted on any Lot within the Subdivision without prior written approval of the Architectural Committee as to antenna size, height, placement and visibility. No satellite antenna nor any antenna dish may be parked, erected or installed either permanently or temporarily, on any Lot, except in backyard areas where it is substantially concealed from public view.