



Section 3.3 - Sample Provision Excerpt (Public Preview)

except for antennae or satellite dishes installed in accordance with the Rules, nor shall any exterior addition to or change or alienation therein (including color or painting of the exterior and type of exterior finish, any existing or builder-installed construction material, plant material or ground cover) be made without the prior written approval of the...

ISSUE #1



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 3.3 (p. 9): Covenant suspending owner voting rights for delinquency or covenant violations is void under the Texas Property Code.

Statutory / Legal Reference: Tex. Prop. Code § 209.0059(a) & § 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:

except for antennae or satellite dishes installed in accordance with the Rules, nor shall any exterior addition to or change or alienation therein (including color or painting of the exterior and type of exterior finish, any existing or builder-installed construction material, plant material or ground cover) be made without the prior written approval of the...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

except for antennae or satellite dishes installed in accordance with the Rules, nor shall any exterior addition to or change or alienation therein (including color or painting of the exterior and type of exterior finish, any existing or builder-installed construction material, plant material or ground cover) be made without the prior written approval of the ARC, which approval may be withheld in...