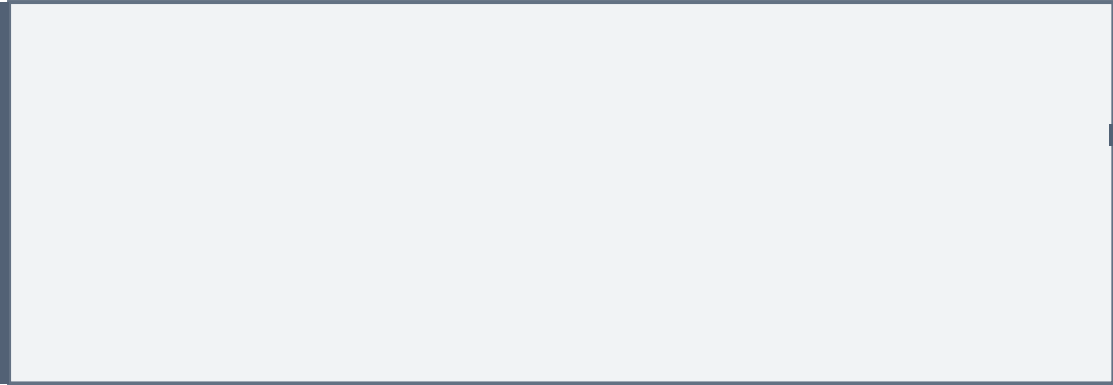


Section 5. - Sample Provision Excerpt (Public Preview)

certain utility easements are supported by adjoining aerial easements which _must be taken into account in planning the elevations of Improvements. Encroachment into an aerial easement will likewise trigger the required Consent(s) for Encroachment.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 5. (p. 6): 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:

certain utility easements are supported by adjoining aerial easements which _must be taken into account in planning the elevations of Improvements. Encroachment into an aerial easement will likewise trigger the required Consent(s) for Encroachment.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

certain utility easements are supported by adjoining aerial easements which _must be taken into account in planning the elevations of Improvements. Encroachment into an aerial easement will likewise trigger the required Consent(s) for Encroachment.