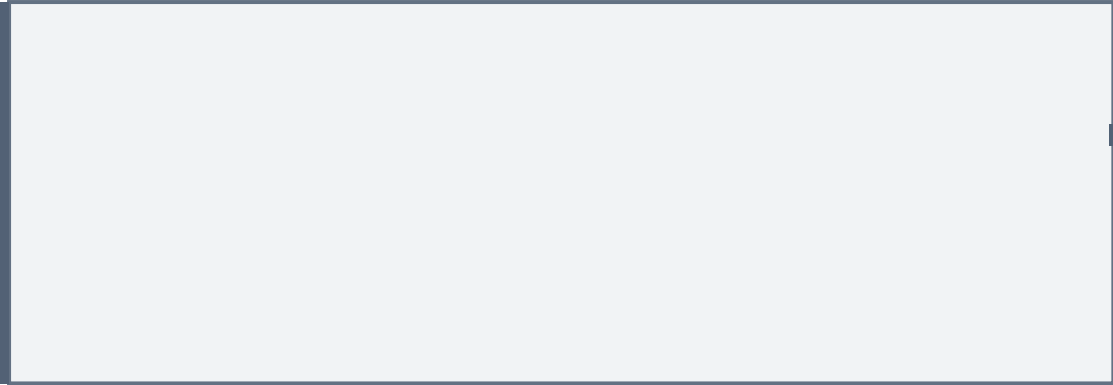


Section 3.01 - Sample Provision Excerpt (Public Preview)

Except as to special street lighting or other aerial facilities which may be required by the City of Fort Worth or may be required by the franchise of any utility company, no aerial utility facilities of any type (except meters, risers, service pedestals and other surface installations

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 3.01 (p. 4): 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:
Except as to special street lighting or other aerial facilities which may be required by the City of Fort Worth or may be required by the franchise of any utility company, no aerial utility facilities of any type (except meters, risers, service pedestals and other surface installations

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Except as to special street lighting or other aerial facilities which may be required by the City of Fort Worth or may be required by the franchise of any utility company, no aerial utility facilities of any type (except meters, risers, service pedestals and other surface installations [FEDERAL OTARD CARVEOUT]: Provided that this restriction shall not prohibit or require prior approval for any...