

Section COVENANT ENFORCEMENT AND FINE POLICY - Sample Provision Excerpt (Public Preview)

cooling towers, communication towers, antennas, storage tanks, and other structures or equipment shall be architecturally compatible or effectively shielded from public view. All utility service system components and trash pick up stations shall be integrated with the building or screened by a fence or wall of compatible materials and shall not be visible...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. COVENANT ENFORCEMENT AND FINE POLICY (p. 6):
Enforcement/fining provision omits mandatory Texas Property Code § 209.006 certified mail notice, 30-day Board hearing request window, or HB 614 recorded fine schedule requirements.

Statutory / Legal Reference: Tex. Prop. Code § 209.006, § 209.0061 & § 209.007
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:
cooling towers, communication towers, antennas, storage tanks, and other structures or equipment shall be architecturally compatible or effectively shielded from public view. All utility service system components and trash pick up stations shall be integrated with the building or screened by a fence or wall of compatible materials and shall not be visible...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
cooling towers, communication towers, antennas, storage tanks, and other structures or equipment shall be architecturally compatible or effectively shielded from public view. All utility service system components and trash pick up stations shall be integrated with the building or screened by a fence or wall of compatible materials and shall not be visible above such screening from any street.