

Section 6. - Sample Provision Excerpt (Public Preview)

ARTICLE 7. PROHIBITED STRUCTURES. Mobile homes are prohibited on any lot, whether or not wheels are attached. All television and radio antennae which are visible from the exterior of any building are prohibited unless such antennae are installed on a portion of the rear of the building and shall not exceed the height of the roof by more than five (5) feet, and the Association shall have the right and power to limit the size of the antennae in its discretion.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 6. (p. 4): 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 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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