

MARKUP #1 ->

Association for one-half of the costs of any structural repair of that portion of the Perimeter Wall located on that Owner's property or on or near that Owner's property boundary. The Board shall have sole discretion with respect to the maintenance of the exterior surface facing the Common Area or public right-of-way and the structural repair of the Perimeter Walls. In addition, the Association shall be responsible for the maintenance of:

(i) all landscaping immediately outside the Perimeter Walls and adjoining the public right-of-way, except any maintenance assumed by any governmental entity, or by the Owner of the adjoining Lot; and

(ii) all areas immediately outside a Perimeter Wall and adjoining Common Area, except any maintenance assumed by any governmental entity, or by the Owner of the adjoining Lot.

2.13 Window Coverings. The Owner hereby agrees that window coverings other than those made of customary cloth, wood or other materials shall not be permitted to remain beyond 30 days after the close of escrow.

ISSUE #1

2.14 Antennas. Unless governed by 47 C.F.R. § 1.400 (Over-the-Air Reception Devices Rule), as amended, repealed, or recodified, no antenna or other device for the transmission or reception of television, internet or radio signals or any other form of electromagnetic radiation or any associated equipment shall be erected, used or maintained outdoors on any Lot or Parcel or Common Area, whether attached to a building or structure or otherwise, so as to be Visible From Neighboring Property or the street, unless approved in writing by the Committee. Any device governed by 47 C.F.R. § 1.400 (Over-the-Air Reception Devices Rule), as amended, repealed, or recodified, shall comply with the applicable antenna installation rules and size requirements of the Association's rules and regulations.

2.15 Building Repair, Reconstruction and Replacement.

2.15.1 No building or structure on any Lot shall be permitted to fall into disrepair and each such building and structure shall at all times be kept in good condition and repair and adequately painted or otherwise finished. In the event any Dwelling Unit or other structure is totally or partially damaged or destroyed by fire, Act of God, or any other cause, the Owner shall commence the repair, reconstruction, or replacement of the Dwelling Unit or other structure, subject to Subsection 2.15.2 below, if applicable, and the approvals required by Article 3, within six (6) months after occurrence of the damage or destruction, and shall complete such repair, reconstruction, or replacement within twelve (12) months, unless the Owner is prevented from doing so by an Act of God or other event beyond the Owner's control, in which case the applicable time period shall be extended by the amount of time necessitated by such event. No part of any Dwelling Unit may be used for living purposes until the entire structure is complete.

2.15.2 When, for any reason, a manufactured home is removed from a Lot, it may be replaced with either a manufactured home or a constructed home as approved by the Committee and in compliance with all applicable building codes. Any Owner seeking to replace a manufactured home with a constructed home shall notify the Committee in writing of such Owner's intent within thirty (30) days of removal of the manufactured home and submit plans to the Committee for the constructed home within six (6) months after removal of the manufactured

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2.14 (p. 13): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

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:

Antennas. Unless governed by 47 C.F.R. § 1.400 (Over-the-Air Reception Devices Rule), as amended, repealed, or recodified, no antenna or other device for the transmission or reception of television, internet or radio signals or any other form of electromagnetic radiation or any associated equipment shall be erected, used or maintained outdoors on any Lot or Parcel or Common Area, whether attached to a building or structure or otherwise, so as to be Visible From Neighboring Property or the street, unless approved in writing by the Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).