

Section 1: [Design Review Procedures and Standards - Other Outdoor Structures and Installations (Page 30)] Blanket

Solar roof panels and outdoor solar collection units will not be considered for approval by the Design Review Committee.

Section 2: [Section 3.2.7 (Page 39)] Blanket Prohibition on All Exterior "Religious Items"

3.2.7 The following items are strictly prohibited from view and/or placement on the exterior of units and within Common and Limited Common Elements: Gazing balls, whirly gigs, wind indicators, wind socks, large thermometers, bug catchers, cartoon characters, any and all plastic/vinyl decorative items, decorative fencing or edging of any nature, religious items, animal figurines, gnomes, decorative garden flags, string lights, decorative lights and lanterns.

Section 3: [Section 3.2.2 (Page 38) & Design Review Procedures (Page 30)] Prior Written Design Review Committee Approval

3.2.2 Exterior antennas and satellite dishes are permitted provided the installation of these items meets the Design Review Committee Guidelines, Rules and Specifications and receive Design Review Committee approval in writing prior to installation if required." / "Page 30: Satellite Dishes & Antennas ... You must submit a Request for Design Review Approval form (with \$25 fee), along with a sketch or photo of the location...

Section 4: [Section 1.6.1 (Page 31) & Section 3.12.1 (Page 41)] Prohibition on "For Sale" or "For Rent" Signs Inside Units

1.6.1 'For Sale', 'For Rent' and other real estate signs shall not be posted or placed on or about the exterior of any unit or displayed in a window within the unit nor shall they be displayed on any part of the Common or Limited Common Elements." / "3.12.1 Open houses for purpose of selling or renting condominium Units are not permitted.

Section 5: [Schedule of Fees and Charges (Page ii)] \$185.00 Resale Certificate Fee Plus \$100.00 Buyer "Transition Fee"

SALE OR RENTAL TRANSFER FEES: Resale Certificate \$185.00 (paid by Seller); Transition Fee \$100.00 (paid by Buyer); Condo Questionnaire \$50.00.

Section 6: [Section 8(B) - Standard Foreclosure Policy (Page 62)] Blocking All Payments by Unit Owners After Account

B. At the time that the association sends a delinquent account to its attorneys for collection, the association shall block the application of any payments by the unit owner or others on the account by any means, including, by way of example, cash, checks, wires, EFTs, and payments mailed to a lockbox, and the association shall forward any payments to its attorneys or, in the alternative, consult with its attorneys before applying any payments to the account.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. m (p. 1): 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:

eets the Design Review Committee Guidelines, Rules and Specifications and receive Design Review Committee approval in writing prior to installation if required." / "Page 30: Satellite Dishes & Antennas ... You must submit a Request for Design Review Approval form (with \$25 fee), along with a sketch or photo of the location...

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).

ISSUE #1