

Section 1: [Declaration of Covenants, Article IV & Delinquency Policy] Annual Assessments, Late Fees, Continuing E

Each Owner of a Lot in the Subdivision hereby covenants and agrees to pay to the Association annual assessments and special assessments fixed in accordance with the Covenants and Bylaws. Any assessment not paid within thirty (30) days after the due date shall be delinquent, shall incur late charges and interest from the due date, and together with costs of collection and reasonable attorney's fees, shall become a continuing lien upon the Lot enforceable by foreclosure in the same manner as a mortgage on real property.

MARKUP #1 ->

ISSUE #1

Section 2: [Declaration of Covenants, Article V (Architectural Control)] Architectural Review Board (ARB) Prior Approva

No building, fence, wall, storage shed, swimming pool, solar energy device, or other exterior structure or modification shall be commenced, erected, or maintained upon any Lot until an Architectural Change Request with complete plans and specifications has been submitted to and approved in writing by the Architectural Review Board (ARB). The ARB may disapprove any solar panel installation visible from a street or neighboring property or require screening that preserves neighborhood uniformity.

Section 3: [Declaration of Covenants, Article VI (General Restrictions - Signs and Flags)] Prohibition on Exterior Signs

No sign of any kind shall be displayed to the public view on any Lot except one (1) professional sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Renewable Energy, Solar Orientation, EV Charging, or Water-Wise Landscaping Conflict: Clause prohibits or impairs solar collectors, solar drying lines, EV charging stations, or drought-tolerant landscaping in conflict with IN law.

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

Statutory Comparison: Under Ind. Code § 32-25.5-3.5 (Solar Energy Systems); Ind. Code Title 32, Art. 25.5 (Indiana Homeowners Associations Act); 47 C.F.R. § 1.4000, covenants and architectural rules may not prohibit solar energy systems, ban street-facing solar panels without the statutory efficiency/cost safe harbor, prohibit residential EV charging stations in designated parking areas, or ban statutorily protected drought-tolerant landscaping or solar drying lines.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2 to incorporate the mandatory statutory safe harbors of Ind. Code § 32-25.5-3.5 (Solar Energy Systems); Ind. Code Title 32, Art. 25.5 (Indiana Homeowners Associations Act); 47 C.F.R. § 1.4000, permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.