

~~Section 9. Date of Commencement of Annual Assessments; Due Dates. The annual assessments provided for herein shall commence as to all Lots, Units or Parcels in the first phase of the Project on the first day of the month following (a) the conveyance by Declarant of the first Lot, Unit or Parcel to an Owner in the first phase or (b) the conveyance of the Common Area to the Association, if any, in the first phase, whichever shall first occur. The annual assessments shall commence as to each Lot, Unit or Parcel in each subsequent phase upon conveyance by Declarant of the first Lot, Unit or Parcel to an Owner in that phase. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of~~ Section 8. Date of Commencement of Annual Assessments; Due Dates. The Board of Directors shall fix the amount of the annual assessment to be paid monthly against each Lot, Unit or Parcel at least thirty (30) days in advance of each annual assessment period. ~~Writ ten~~ Written notice of the annual assessment shall be sent to every ~~Owner~~ subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot, Unit or Parcel have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot, Unit or Parcel is binding upon the Association as of the date of its issuance.

Section ~~109~~. Exemption from Assessments. The assessments, charges, and liens provided for or created by this Article VI shall not apply to the Common Area of this Association or any other Homeowners' Association or Condominium Association established for any community in Los Prados, any property dedicated to and accepted for maintenance by a public or governmental authority or agency, any property owned by a public or private utility company or public or governmental body or agency, or any property utilized for commercial purposes.

ARTICLE VII

ARCHITECTURAL CONTROL COMMITTEE

Section 1. Architectural Control Committee Guidelines. The Association's Board, or the Association's Architectural Control Committee with the Board's approval, may adopt and amend architectural standards for the community by publishing, maintaining, and distributing to the Members an Architectural Control Committee Guideline.

Section 2. Composition of Committee. The Architectural Control Committee shall consist of three (3) or more persons appointed by the Board of Directors of the Association. A majority of the committee may designate a representative to act for it.

Section ~~23~~. Review by Committee. No new structure or addition or attachment to an existing structure ~~on the Properties, whether it be a residence, an accessory building, a tennis court,~~ a swimming pool, a spa, a satellite dish, a radio or television antenna, fences, walls, exterior lighting facilities, an athletic facility, or other similar improvements or attachments, shall be constructed or placed upon the Properties and no alteration, painting, or covering of the exterior of a structure or any of the foregoing shall be made nor the installation, addition, or removal of ~~any lawn or landscaping to or from any part of a Lot, Unit, or Parcel shall be performed, by or at the direction of any person or entity other than Declarant,~~ unless complete plans and specifications

Sec. 23. (p. 23): 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:
a swimming pool, a spa, a satellite dish, a radio or television antenna, fences, walls, exterior lighting facilities, an athletic facility, or other similar improvements or attachments, shall be constructed or placed upon the Properties and no alteration, painting, or covering of the exterior of a structure or any of the foregoing shall be made nor the installation, addition,

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).