

Section 1: [Resolution on Lease of Units (Residential Leasing Policy), Section 11(a)] Prohibition on Occupancy by Persons

MARKUP #1 ->

11. The following forms of occupancy are prohibited: Single family residences containing three (3) or more individuals who may or may not be related, who are:
a) supervised under an institutional or governmental program related to a mental illness, handicap or mental retardation that, by its character or activities, would impose additional supervision, security, administration or insurance burdens in the Association; b) living in a single unit where owners or occupants normally are provided Services (such as food preparation, house cleaning and security) primarily performed by non-occupants.

ISSUE #1

Section 2: [Rules and Regulations, Section II.30] Prior Approval Required for Satellite Dishes (\$25/Day Fine)

30. SATELLITE DISHES - Satellite dishes must be approved prior to installation. They must be attached to the rail or in a weighted bucket ONLY. They cannot be attached to the building or roof, and cannot be placed on the common ground. Satellite dishes installation applications are available at the office. The fine for violation of this regulation shall be \$25.00 per day until the violation ceases.

Section 3: [Rules and Regulations, Section II.9] Flag Display Restrictions (Ban on Wall-Mounted Flag Brackets; \$25/Day Fine)

9. FLAGS - No flags or banners may be displayed within Timber Glen subject to the following exceptions: a. Small American Flags may be displayed in flower beds. b. Larger American flags may be displayed in a free-standing base on the patio or balcony. No wall attachment to display your flag. The fine for violation of this regulation shall be \$25.00 per day until the violation ceases.

Section 4: [Rules and Regulations, Section II.23(e) & Section III] Immediate Fines, Permanent Loss of Parking Privileges

Section II.23(e): Third offense - immediate fines and loss of parking privileges - permanently."` / ``Section III. VIOLATIONS OF THE RULES AND REGULATIONS: ... If the violator objects to the hearing and does not attend the hearing, the matter will be heard without them. The ADR committee will make a recommendation to the Board of Directors as far as guilt or innocence. If found guilty, the Board of Directors will decide on the fine or other penalty and the account will be turned over to the Association Attorney, if necessary. Besides all other fines, the cost of the Association's Attorney will be charged to the guilty party.

Section 5: [Rules and Regulations, Section II.40] Three-Month Working Capital Assessment Imposed Upon Resale via Internet

40. WORKING CAPITAL - An Assessment, equal to three (3) monthly payments of the Common Expense Assessment, shall also be collected upon closing of a resale of any Unit within the Condominium and This Assessment shall be deposited into the Association's account as working capital.

Section 6: [Resolution on Lease of Units (Residential Leasing Policy), Section 13(a)] Self-Contradictory Lease Submission

13. Any Owner who leases any unit shall, prior to the execution of the lease, provide the Association with the following documents: a. Fully executed copy of the Lease and Lease Rider (attached hereto as Exhibit 'A')...

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (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:

[Rules and Regulations, Section II.30] Prior Approval Required for Satellite Dishes (\$25/Day Fine) 30. SATELLITE DISHES - Satellite dishes must be approved prior to installation. They must be attached to the rail or in a weighted bucket ONLY. They cannot be attached to the building or roof, and cannot be placed on the common ground. Satellite dishes installation applications are available at the office. The fine for violation of this regulation shall be \$25.00 per day until the violation ceases.

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).