

ISSUE #1

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

h. Outside water faucets and electric outlets and any unit damage due to defective electrical or plumbing.

i. Satellite & Cable-Placement of satellite dishes must be approved by the Board. They are not permitted on common property.

j. **Interior temperature - Unit owner shall keep his unit heated** in the winter to a minimum of 55 degrees Fahrenheit, whether or not the unit is occupied because of the risk of icing which may affect individual units or the Common Areas.

2. VPHOA Responsibility

- a. Outward from interior sheet rock walls and ceilings, beneath the sub-flooring (excluding attics & crawl spaces),and including any interior load-bearing walls (the support of buildings).
- b. Any repair that unit owner believes to be VPHOA responsibility must be requested to the VPHOA Board. Unit owner is **Not** allowed to have repair made and submit a bill to the VPHOA.
- c. Painting of exterior surfaces including doors and window frames are VPHOA responsibility. This includes exterior of covered porches and garages.
- d. Painting exteriors including decks and walks will be painted as deemed needed by VPHOA. (Unit owner is responsible for moving furniture, potted plants, etc. on decks and walks for painting.)
- e. **Repairs:** Wood replacement would include appropriate painting of repaired portions only. Roof shingle replacement will include replacement of only those shingles necessary for repair.
- f. Pipes, ducts, wires and conduits up to and including their point of entry.
- g. Exterior light fixtures if part of original installation.
- h. Cleaning of gutters and roof debris/leaves & limbs.

3 B. Structural or Exterior Modifications (Must have Board approval)

- 1. Owner must submit plans and specifications along with a completed Request/Waiver form to the Board for approval. [Example: for any exterior modification] Board must APPROVE CONTRACTOR. If request is approved, the owner is responsible for all costs and assumes ongoing responsibility for all maintenance, repair or insurance costs. **This transfers to any subsequent owner.** The Board cannot grant permission for use of additional common property such as adding a garage to a unit not equipped with one. Approval also applies to installation of **antennas. Small “dish” for satellite permitted. Absolutely, no TV or radio antennas permitted, decks, walkways, porches/extensions, doors, windows, outside lights, porch awnings, etc.**
- 2. Attachment to Exterior Walls
 - a. Any attachment that may cause damage to walls of a structure must be avoided. Any damage caused by an attachment will be the responsibility of the unit owner.

Sec. I (p. 5): 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:

Satellite & Cable-Placement of satellite dishes must be approved by the Board. They are not permitted on common property. j. Interior temperature - Unit owner shall keep his unit heated in the winter to a minimum of 55 degrees Fahrenheit, whether or not the unit is occupied because of the risk of icing which may affect individual units or the Common Areas.

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).