

- d. All leases shall be approved by the Woodside Crossing HOA Board of Directors thirty (30) days before the Unit is occupied and shall contain an addendum prepared by the Association specifying certain restrictions which are to be made part of the lease.
- e. This restriction on leasing shall not apply to an Owner's "Family Members" who are defined as the Owner's spouse, former spouse, children, grandchildren, parent, grandparents, adopted children, stepchildren, stepparents, natural siblings (brothers & sisters) and parents of adopted children. Legal identification of family members and proof of relationship to homeowners must be submitted to the Woodside Crossing HOA Board prior to moving in.
- f. Under circumstances where leasing is allowed, units shall be leased in their entirety. The leasing of only part of a Unit is prohibited.

MARKUP #1 ->

X. Lot and Unit

1. Each lot and unit shall be used exclusively as a single-family residence.
2. Sexual Predator Occupancy Restriction

a. On June 2, 2005, our Declarations were amended and recorded on June 20, 2005, to wit, Article VI, Section 17 "Occupancy Restriction" which states a registered sexual predator, or a habitual offender cannot reside and/or occupy a unit for any length of time.
3. No trade business or occupation of any kind shall be conducted, maintained or permitted on any part of the property, provided however, an occupant of a unit may use a portion thereof for the occupant's office, as long as the activities do not interfere with the enjoyment or comfort of the owner of any other unit.
4. No unlawful use shall be made of any property.
5. No boats, motor homes, commercial trucks, or any other commercial or recreational vehicles shall be parked on the street or in any parking area. (These vehicles may be kept in your garage.)
6. Window air conditioners are not permitted.
7. Solar panels are not permitted.
8. Entry door and front & side garage lights are provided by the HOA and must be white LED lights as these act as security lights in the absence of streetlights.
9. Holiday decorations and lights are encouraged (other than the white LED front garage light); however, they **must** be removed in a timely manner.
10. Although our Second Amended and Restated Declarations say that no signs, except "For Sale" signs are allowed, we will allow "Garage Sale" and encourage "celebration" type signs on a temporary basis.
11. The Association (not the individual owner) shall be responsible for the maintenance/repair/replacement of exterior roofing, siding and trim of each unit **including** the cost of doing so... unless the necessity of such repair/replacement is caused by homeowner, or caused by a fire or other casualty covered under homeowners' insurance. In addition, the Association shall maintain the exterior of each unit in the manner in which others on the property are maintained, including periodic painting of the same color.
12. Exterior antennas, satellite dishes, skylights and sun tubes must be approved by the Architectural Review Committee **prior** to installation.

ISSUE #1

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 12 (p. 8): 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:

Exterior antennas, satellite dishes, skylights and sun tubes must be approved by the Architectural Review Committee prior to installation.

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).