shakes, or fences shall stay in keeping with original stains. Variation from the original stains will require an approved HMR form.

2. Fences: All fences shall be finished in a natural wood color. Any variation requires the approval of the ARC using the HMR Form and a stain color sample. Design of new fences, or the design for replacement fences must be approved by the ARC prior to construction.

ISSUE #1

3. Antennas, Satellite Dishes and Solar Panels: Mounting of satellite dishes and solar panels will be permitted as required to provide a line-of-sight reception. Efforts should be made to keep mounting as inconspicuous as possible. Rooftop television antennas and/or Ham Radio antennas are not permitted.

4. External-Accessories-Storage: External accessories including storage, decks and balconies should not be visible from the street. Plans for balconies, decks and sheds which will be visible from street level must be submitted to THHOA-ARC via HOA Board President and approved before construction is started. Plans can be hand sketches or computer-generated renderings for submission to the BOD. Detailed architectural drawings are not required. Decorations displayed which are visible from the street level should be of acceptable taste as determined by the THHOA-ARC.

Procedures for Home Modification

Any Owners wishing to make a change alterations or improvement affecting the exterior appearance of a home that requires the approval of the THHOA-BOD must follow these procedures:

1. Submit a completed "Home Modification Request Form" with the Plans and Specifications (collectively referred to as "Plans") to the THHOA-ARC via the HOA President. A copy of this form has been provided at the back of this handbook.

2. The ARC will receive and review requests and may contact Owners for additional documentation if necessary.

3. The ARC has 10 days from the date it receives the request to respond to the Owner. In the event the Board fails to approve or disapprove such plans or to request additional information reasonably required within 10 days after submission, the Plans shall be deemed approved.

4. Considerations used when determining whether to grant a request will include, but are not limited to the following:

- Whether the proposed changes or additions are harmonious with existing workmanship and design of existing structures.
- Whether the changes or additions are consistent with surrounding structures, topography, and finished grade elevation.

MARKUP #1 ->

MARKUP #1 · POTENTIAL FED LAW CONFLICT — BOARD & COUNSEL REVIEW

Sec. 3 (p. 8): FCC OTARD preemption conflict (47 C.F.R. § 1.4000): Outright antenna/satellite-dish prohibition, sub-1-meter diameter cap, mandatory cable-hookup removal, permit fee, or unqualified front-elevation/street-visibility ban is unenforceable as applied to covered <= 1-meter reception devices on exclusive-use property.

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

Statutory Comparison: Under the FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, including FCC 21-10), preemption applies to covered direct-broadcast satellite (DBS/DSS) dishes one meter (39.37 inches) or less in diameter, television broadcast antennas, and fixed wireless broadband antennas installed within areas under the owner's or occupant's exclusive use or control. Outright bans, sub-1-meter diameter caps, monetary permit fees, mandatory removal upon cable availability, and unqualified front-elevation or street-visibility prohibitions that preclude an acceptable quality signal are preempted unless justified by a documented safety objective (§ 1.4000(b)(1)) or a National Register historic site (§ 1.4000(b)(2)).

CURRENT WORDING IN DOCUMENT:

Antennas, Satellite Dishes and Solar Panels: Mounting of satellite dishes and solar panels will be permitted as required to provide a line-of-sight reception. Efforts should be made to keep mounting as inconspicuous as possible. Rooftop television antennas and/or Ham Radio antennas are not permitted.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that for covered reception antennas and satellite dishes one meter (39.37 inches) or less in diameter installed within areas under the owner's or occupant's exclusive use or control, this provision shall be administered in accordance with 47 C.F.R. § 1.4000 without outright prohibition, permit fee, or placement/size limits that preclude an acceptable quality signal, while preserving association authority over shared common elements, dishes exceeding one meter, documented safety objectives (§ 1.4000(b)(1)), and historic preservation sites (§ 1.4000(b)(2)).