

Section 1: [Declaration of Bylaws, Restrictions, and Protective Covenants, Section 15] Annual Assessment Determination

The Board of Directors of the Westbrook Heights Homeowners Association shall annually determine the maintenance assessment per Lot necessary for the upkeep of the common areas, stormwater facilities, and subdivision entrance, and notice of the assessment amount shall be billed to each Lot Owner on or before January 31 of each year.

MARKUP #1 ->

ISSUE #1

Section 2: [Declaration of Bylaws, Restrictions, and Protective Covenants, Section 8] Restriction on Exterior Antennas

No exterior television or radio antennas, satellite dishes exceeding eighteen (18) inches in diameter, or solar energy collectors shall be installed on the exterior of any dwelling or Lot without the prior written consent of the Architectural Review Committee.

Section 3: [Declaration of Bylaws, Restrictions, and Protective Covenants, Section 16] Collection of Delinquent Dues w

Any assessment not paid within thirty (30) days of its due date shall be subject to a late penalty and interest, and the delinquent Lot Owner shall be liable for all collection agency fees, administrative fees, and attorney's fees incurred by the Association in attempting to collect the delinquent balance, whether or not suit is filed.

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:

[Declaration of Bylaws, Restrictions, and Protective Covenants, Section 8] Restriction on Exterior Antennas, No exterior television or radio antennas, satellite dishes exceeding eighteen (18) inches in diameter, or solar energy collectors shall be installed on the exterior of any dwelling or Lot without the prior written consent of the Architectural Review Committee.

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).