

Section 1: [Overbrook Bill of Assurance & Protective Covenants, Section 14] Continuing Lien for Annual Assessments

Each lot in Overbrook shall be subject to an annual maintenance charge and assessment fixed by the Overbrook Property Owners Association, Inc., which charge, together with interest, costs, and reasonable attorney's fees, shall be a continuing lien upon the lot against which such assessment is made and may be enforced by the Association by foreclosure in the same manner as a mortgage or deed of trust.

MARKUP #1 ->

ISSUE #1

Section 2: [Overbrook Bill of Assurance, Section 6] Architectural Control Committee Approval and Prohibition on Solar Panels

No building, fence, wall, antenna, solar collector, or other exterior structure shall be commenced, erected, or maintained upon any lot until the plans and specifications therefor have been submitted to and approved in writing by the Architectural Control Committee, which may refuse approval on any grounds, including purely aesthetic grounds.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Overbrook Bill of Assurance, Section 6 (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 (OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000) preempts community association restrictions that prohibit, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of antennas and satellite dishes 1 meter or less in diameter situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Overbrook Bill of Assurance, Section 6] Architectural Control Committee Approval and Prohibition on Solar Panels or Exterior Equipment - No building, fence, wall, antenna, solar collector, or other exterior structure shall be commenced, erected, or maintained upon any lot until the plans and specifications therefor have been submitted to and approved in writing by the Architectural Control Committee, which may refuse approval on any grounds, including purely aesthetic grounds.

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 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).