

ISSUE #1

MARKUP #1 ->

Section 1: [Property Rules & Regulations - Television, Radio Antennas] Prohibition on Exterior Antennas and Satellites

No radio, television or tower, pole, mast antenna or similar structure are to be erected on any part of the building or common elements nor shall any drilling into any of the Common Property (which includes any part of the exterior of a home). These devices may be located wholly within the interior of the home.

Section 2: [Property Rules & Regulations - Schedule of Fines] Unilateral Imposition of Fines and Property Liens Without Notice

Second Offense - If no response within 30 days (or less) of the written warning, a violation letter will be sent with a \$100.00 fine and 1 day to correct the violation. (The fine will be placed on the homeowner's account.)... Failure to pay fines will result in lien/liens on the property.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Property Rules & Regulations - Television, Radio Antennas (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:

[Property Rules & Regulations - Television, Radio Antennas] Prohibition on Exterior Antennas and Satellite Dishes - No radio, television or tower, pole, mast antenna or similar structure are to be erected on any part of the building or common elements nor shall any drilling into any of the Common Property (which includes any part of the exterior of a home). These devices may be located wholly within the interior of the home.

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).