

Section 1: [Covenants (2024 Restatement) Article VII, Section 7.10] Restriction on Leasing Applicable to All Lots Open

No Lot or Residence in Temple Hills may be leased for a term of less than twelve (12) months, nor may more than five percent (5%) of the Lots be leased at any one time, and this leasing cap shall apply to all existing and future Owners immediately upon recording of this Amended and Restated Declaration.

MARKUP #1 ->

ISSUE #1Section 2: [Covenants Article VI, Section 6.8] Exterior Antennas and Satellite Dishes

No exterior television or radio antennas or satellite dishes shall be placed, allowed, or maintained upon any portion of a Lot or Residence visible from any street or golf course without the prior written approval of the Architectural Control Committee.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Covenants Article VI, Section 6.8 (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:

[Covenants Article VI, Section 6.8] Exterior Antennas and Satellite Dishes - No exterior television or radio antennas or satellite dishes shall be placed, allowed, or maintained upon any portion of a Lot or Residence visible from any street or golf course without the prior written approval of the Architectural Control 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 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).