

ISSUE #1

MARKUP #1 ->

Section 5: [Satellite Dish Installation Information] 39.0-Inch Dish Cap, Maintenance Supervisor Pre-Installation Review,

Size: Satellite dish antennas up to 39 inches in diameter are permitted by the FCC to be installed without prior Homeowner's Association approval. Dish diameters larger than 39 inches are not allowed. Location: The Rafter J Ranch Homeowner's Association would prefer that dish antennas be mounted below the roofline if at all possible... In order to avoid the possibility of reinstallation, the Rafter J Ranch Homeowner's Association requests that the intended installation location be reviewed by the Rafter J Ranch Maintenance Supervisor either in person or by means of a photograph. Color: Dish antennas should be a neutral or earth-tone color.

Section 6: [Rafter J Ranch HOA Rules (Revised 5/1/2026), Section A.1, A.4 & A.5 (citing Covenants Art. IV, Secs. 1, 2, 4,

A.1. Types of Assessments: Under the Covenants, two types of assessments are authorized: (1) annual regular assessments, and (2) special assessments for capital improvements... A.4. Penalty for Failure to Pay Assessments When Due: Assessments that are not paid within thirty (30) days after the due date shall accrue interest from the due date at the rate of ten percent (10%) per annum on the full assessment balance due. Covenants, Article IV, Section 8. A.5. HOA Remedies if an Owner Fails to Pay: Each assessment 'together with interest, costs and reasonable attorney's fees' constitutes a lien on the owner's real property, and a personal obligation of the Lot owner. Covenants, Article IV, Section 1. If an owner fails to pay, the HOA Board can record a lien against the owner's Lot and can foreclose that lien and cause the Lot to be sold at auction. Covenants, Article IV, Section 11.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. Satellite Dish Installation Information (p. 2): 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:

[Satellite Dish Installation Information] 39.0-Inch Dish Cap, Maintenance Supervisor Pre-Installation Review, and Earth-Tone Color Mandate - Size: Satellite dish antennas up to 39 inches in diameter are permitted by the FCC to be installed without prior Homeowner's Association approval. Dish diameters larger than 39 inches are not allowed. Location: The Rafter J Ranch Homeowner's Association would prefer that dish antennas be mounted below the roofline if at all possible... In order to avoid the possibility of reinstallation, the Rafter J Ranch Homeowner's Association requests that the intended installation location be reviewed by the Rafter J Ranch Maintenance Supervisor either in person or by means of a photograph. Color: Dish antennas should be a neutral or earth-tone color.

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).