

SUNDANCE ESTATES
HOMEOWNER'S ASSOCIATION
P.O. Box 31083, Santa Fe, NM 87594

POLICY #2017-01

INSTALLATION OF ANTENNAS & SATELLITE DISHES

PURPOSE

1. The purpose of this policy is to clarify the provision of the Sundance Estates Covenants and Restrictions ("Amended and Restated Declaration of Covenants and Restrictions for Sundance Estates Subdivision," or "C&Rs") relating to the installation of Antennas and Satellite Dishes in Sundance Estates. That provision is contained in paragraph (H) of Section 3.5 of the C&Rs, relating to "Architecture". That provision reads as follows

(h) Solar Collectors: Antennas and Satellite Dishes. Passive solar applications, or the orientation and design of the residence for maximum winter solar heat gain, will reduce the winter heating needs and will be encouraged. Insensitively positioned solar collectors can cause excessive glare and reflection, and can be approved only if they are integrated into the structure or landscaping and are not visible from the neighboring properties. No antenna, solar collector or satellite dish may be erected on any Lot or structure without the Lot owner first submitting to the Architectural Control Committee a written description showing the proposed location and dimensions of the device intended to be installed, together with a schematic showing how the same is to be screened from view so as not to offend neighboring Lot owners. No device described herein may be placed on any Lot without Architectural Control Committee approval.

BACKGROUND

2. The Over-the-Air Reception Devices ("OTARD") rule (47 C.F.R. Section 1.4000) has been in effect since October 1996, and prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter, TV antennas, and wireless cable antennas. HOA's are permitted to have requirements, so long as they don't: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.

In order to provide guidance to owners and to the Architectural Control Committee (ACC) in its consideration of any issues involving visibility of antennas and satellite dishes from neighboring Lots, the Board of Directors of the Sundance Estates Homeowners Association hereby adopts this Policy.

POLICY & DEFINITION

3. In order to comply with the applicable provision of the C&Rs, antennas and satellite dishes for residential use will be permitted. Antennas and satellite dishes are defined as including those intended for video programming reception, television broadcast reception as well as fixed wireless services. Antennas and satellite dishes installed in Sundance Estates must be one meter or less in diameter. For alternate shapes, please consult the ACC for guidance. To the extent possible, they should be positioned in a central roof top location and the top of the antenna or dish should be no higher than

three feet above the building parapet so as to minimize their visual impact on surrounding properties and road ways.

ACC REVIEW PROCESS

4. Any proposed installation of an antenna or satellite dish must be submitted for review and approval by the ACC before the equipment is installed. Owners are encouraged to contact the ACC for an initial consultation to discuss placement and shielding of these devices prior to deciding on an exact location.

5. The owner shall permit the ACC to visit and inspect the proposed Installation site as an element of its review and approval process. The Committee may require the relocation of a satellite dish or antenna to another location where it will also function properly if the Committee, in its judgment, believes such location better meets the objectives of this policy.

EFFECTIVE DATE

6. This policy shall be effective on June 01, 2017. It will thereafter apply to any satellite dish that is installed in Sundance Estates.



Karl Klessig

Board President