

Section 1: [GVCA Enforcement Procedure (Adopted 2014), Sections 2 & 3] Enforcement Assessment Notice and 7-Day

When an Owner fails to comply with the GVCA Declaration, Bylaws, or ACCES Rules, the GVCA Office shall mail a Violation Notice stating the nature of the violation and the scheduled enforcement charge. The Owner shall have seven (7) calendar days from the date of the letter to submit a written request for an appeal hearing before the Board of Trustees; if no written request is received within seven (7) days, the enforcement charge is automatically imposed.

MARKUP #1 ->

ISSUE #1

Section 2: [ACCES Request for Satellite & Exterior Equipment Rules (2016), Section 1] Prior Written Approval and Scree

No satellite dish, television antenna, or wireless reception device may be installed on the exterior of any residence or Lot in Greenwood Village until the Owner has submitted an ACCES Request for Satellite Approval Form and received prior written approval from the Architectural Control Committee for Existing Structures (ACCES). Dishes must be placed in the rear yard or rear roof slope out of view from the street.

Section 3: [GVCA Facility Suspension Rule (2014), Section 1] Immediate Suspension of Pool and Clubhouse Privileges

The GVCA Manager or Pool Supervisor may immediately suspend any Member, tenant, or family member from using the Greenwood Village pools, clubhouse, and recreational facilities for up to sixty (60) days for any infraction of facility rules or delinquency in semi-annual fees, and levy a \$50.00 administrative reinstatement fee before privileges are restored.

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 2 (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 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[ACCES Request for Satellite & Exterior Equipment Rules (2016), Section 1] Prior Written Approval and Scree No satellite dish, television antenna, or wireless reception device may be installed on the exterior of any residence or Lot in Greenwood Village until the Owner has submitted an ACCES Request for Satellite Approval Form and received prior written approval from the Architectural Control Committee for Existing Structures (ACCES).

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, fixed wireless broadband hub/relay device, 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).