

## **Satellite Dishes**

Satellite dishes are allowed in Kakela Makai. Section “N” of the Design requirements states:

*Visible antennas or satellite dishes are allowed, but location and screening must be approved by DC.*

As a result of court rulings related to satellite dishes – specifically, rules related to dish size and homeowners associations - the Design Committee has revised the Design requirements to better conform to current Federal Law. We have added the following paragraph to the Design requirements:

### **Q. Satellite Dishes**

*Satellite dishes larger than 1 meter in diameter, but smaller than 54” in diameter, shall be located in the back yard, ground mounted and screened, such that they are not visible from the street. Glimpses of the dish may be seen from the street but their view should be incidental, not essential. The preferred location for satellite dishes smaller than 1 meter in diameter is the back yard, ground mounted and screened, such that they are not visible from the street. Glimpses of the dish may be seen from the street but their view should be incidental, not essential.*

How does this affect you?

- If you want to install a dish, submit a no-charge Improvement Application to the Design Committee.
- We’ll work with you and the installer to identify a workable, neighborhood-friendly dish location. If the dish is from Direct TV – it’s larger than 1 meter in diameter so it’ll have to be installed in the backyard. If it’s from Dish Network – it’s smaller than 1 meter in diameter so the preferred location, assuming you can get acceptable reception, is the backyard.

We’re in the process of updating the Application form right now. Until the revised form is available just submit a no-charge Improvement Application.

## COMMENTS - based on recent court rulings:

- As a homeowner or tenant you have the right to install a satellite dish which is up to 1 meter in diameter.
- While you have the right to install a 1 meter dish you are obligated to get approval of the dish's location from the owners' association if required.
- The owner's association can require placement of the dish in a non-intrusive location.
- The owner's association cannot be so restrictive in its requirements that placement of the dish is essentially precluded.
- Direct TV dishes are a 54" x 49" oval which is larger than 1 meter in diameter.
- Dishes larger than 1 meter in diameter are not protected by Federal Law. i.e., you do not have the right to install a satellite dish larger than 1 meter without owners' association approval.
- Direct TV petitioned the FCC for a waiver of the 1 meter size limit for the State of Hawaii. This waiver was denied Nov 5, 2010.