



# Bulletin for Board Members

## Understanding OTARD: What HOA Boards Need to Know

As technology continues to evolve, many communities are seeing an increase in requests related to satellite dishes, antennas, and wireless devices. One important regulation that every HOA Board should be familiar with is OTARD, or the Over-the-Air Reception Devices rule.

While OTARD is often referred to as a “law,” it is more precisely a federal regulation adopted by the Federal Communications Commission (FCC). It was established in 1996 under the Telecommunications Act, which directed the FCC to create rules that protect a homeowner’s ability to install certain types of communication devices.

### What Does OTARD Do?

OTARD is designed to ensure that residents can access television, satellite, and certain wireless services without unnecessary interference. It generally prohibits restrictions that impair the installation, maintenance, or use of qualifying devices, including:

- Small satellite dishes
- Television antennas
- Certain fixed wireless antennas

For HOA Boards, the key takeaway is that these protections override conflicting association rules, guidelines, or architectural restrictions when the regulation applies.

### Why It Matters for HOA’s

Because OTARD carries the full force of federal authority, it preempts (overrides) state laws, local ordinances, and even private governing documents such as CC&Rs. This means that an HOA cannot enforce rules that:

- Unreasonably delay or prevent installation
- Increase the cost of installation
- Prevent a resident from receiving an acceptable signal

For example, a blanket rule prohibiting satellite dishes or requiring placement in a way that blocks signal reception would likely be unenforceable under OTARD.

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## What Boards Can Still Do

While OTARD limits certain restrictions, it does not eliminate all HOA authority. Associations may still:

- Enforce reasonable safety requirements
- Require installations to comply with building codes
- Regulate devices in common areas (as opposed to areas under an owner's exclusive use)

The goal is to strike a balance—allowing residents access to services while maintaining the overall integrity and safety of the community.

## A Practical Reminder

In day-to-day operations, it's important for Boards and Architectural Committees to recognize when OTARD may apply before denying or restricting a request. When in doubt, consulting with management or legal counsel can help avoid unnecessary disputes or compliance issues.

Understanding regulations like OTARD helps Boards make informed, consistent decisions while staying aligned with federal requirements. As always, your HOAMCO team is here to help navigate these situations and provide guidance when questions arise.

# From Boardrooms to Board Meetings: The Tales of Our Tireless HOA Heroes

In every thriving community, there's a group of unsung heroes working behind the scenes to keep everything running smoothly. They don't wear capes (although a few might sport a jaunty visor), but their superpowers are evident in the well-manicured lawns, the smoothly paved roads, and the harmonious neighborhood events we all enjoy. Who are these mysterious benefactors? They're our dedicated HOA Board members, of course!

## The Past Life Careers That Keep on Giving

Before they were wrangling over parking policies and debating the finer points of fence heights, our Board members led impressive careers in various fields. From retired engineers who now apply their problem-solving skills to community infrastructure, to former accountants who ensure our budgets balance to the penny, their past experiences are invaluable assets to our HOA.

Take, for instance, the ex-marketing executives who now craft compelling newsletters that keep us all informed and engaged. Or the former teachers who bring patience and diplomacy to even the most contentious meetings. There's the IT professional who has transformed our community website into a user-friendly hub, and the former lawyer who navigates the labyrinth of local regulations with ease. Their diverse backgrounds enrich our community, turning challenges into opportunities with a dash of professional flair.

## The Gift of Time: Batteries Not Included

Let's not forget that our Board members are volunteers. They donate countless hours—often sacrificing personal time—to attend meetings, respond to emails, and address the myriad concerns that arise in a bustling community. Their families might wonder why dinner conversations suddenly revolve around landscaping regulations or why weekend plans include inspecting playground equipment, but they understand that this commitment benefits us all.

One Board member jokes that they've attended so many meetings, their car can find the community center on autopilot. Another admits to dreaming in Robert's Rules of Order. Yet, they continue to give their time generously, driven by a desire to see our neighborhood thrive.



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## Giving Back: More Than Just Paying Dues

Our Board members embody the spirit of giving back. They don't just pay their dues; they invest their energy and expertise to make our community better place to live. Whether organizing community clean-ups, spearheading sustainability initiatives, or simply being a friendly face at social events, their contributions go far beyond the boardroom.

They've turned what could be a mundane responsibility into a labor of love. Their philosophy? "A community is like a garden; it flourishes when you tend to it." And tend to it they do—with the dedication of master gardeners cultivating not just plants, but relationships.



## A Thankless Job? Not If We Can Help It

It's often said that serving on an HOA Board is a thankless task. For every resident appreciative of the new community garden, there's another questioning the shade of mulch selected. Yet, our Board members handle criticism with grace, turning complaints into constructive conversations. They understand that you can't please everyone, but that doesn't stop them from trying.

Remember the time they spent an hour explaining to Mr. Thompson why, despite his passionate arguments, a 20-foot statue of a dragon does not qualify as "seasonal décor"? Or when they mediated the Great Dog Park Dispute of 2022, ensuring both the dog lovers and the rose gardeners could coexist peacefully? Their patience knows no bounds.

## The Unsung Heroes We All Need

In an era where individualism often takes center stage, our Board members remind us of the power of community. Their dedication ensures that our neighborhood isn't just a collection of houses, but a true community where residents look out for one another.

Behind every well-organized event, every resolved dispute, and every improvement project, there's a Board member who has invested time and effort to make it happen. They are the glue that holds us together, the oil that keeps the community gears turning smoothly.

## Conclusion: Raising a Toast (and Maybe a Motion)

So here's to our HOA Board members—the collective force that keeps our community thriving. They may not seek the spotlight, but their impact is felt in every well-maintained park, every successful event, and every friendly wave between neighbors.

Next time you see one of them meticulously measuring the space between sidewalk tiles or passionately discussing the merits of native plants, give them a nod, a wave, or better yet, a heartfelt thank you. After all, heroes come in all shapes and sizes—and sometimes, they come with a clipboard and an encyclopedic knowledge of municipal codes.

Let's celebrate the tireless dedication of our HOA Board members who utilize their past careers and expertise to give back to the community. Their long hours and gift of time transform our neighborhood from a mere place we live into a place we're proud to call home.

## ADA and HOAs: When Accessibility Laws Apply (and When They Don't)

Questions about accessibility and disability-related accommodations are becoming more common in community associations. One area that often creates confusion is how the Americans with Disabilities Act (ADA) applies within an HOA setting.

The ADA is a federal law designed to ensure accessibility for individuals with disabilities—but it primarily applies to "public accommodations," such as restaurants, hotels, retail stores, and other spaces open to the general public.



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## Does the ADA Apply to HOAs?

In most cases, HOA common areas—such as pools, clubhouses, and fitness centers—are considered private, as they are restricted to residents and their guests. Because of this, the ADA typically does not directly apply to these areas. However, there is an important exception.

## When the ADA May Apply

If an association opens its facilities to the general public—whether through:

- Public events
- Rentals to non-residents
- Paid access or memberships

...the nature of the space can shift from private to public. When that happens, ADA accessibility requirements may be triggered, and the association could be required to meet certain standards for access and accommodations.

This is where Boards should be especially mindful. Even occasional public use of a facility can raise questions about compliance.

## Where Most HOA Disability Issues Actually Fall

In residential communities, most disability-related matters are not governed by the ADA, but instead fall under the Fair Housing Act (FHA).



The FHA focuses on equal housing access and requires associations to provide:

- Reasonable accommodations (changes to rules or policies)
- Reasonable modifications (physical changes, typically at the homeowner's expense)

For example, requests related to service animals, parking accommodations, or accessibility modifications are generally handled under the FHA—not the ADA.



## Why This Distinction Matters

Understanding the difference between the ADA and the FHA helps Boards respond appropriately and avoid applying the wrong standard.

- ADA → Applies when spaces are open to the public
- FHA → Applies within residential communities and governs most owner-related requests

Misapplying one in place of the other can lead to confusion, inconsistent decisions, or potential compliance issues.

## A Practical Approach for Boards

When evaluating accessibility-related questions, it's helpful to start with two simple considerations:

1. Is the area open to the general public?
2. Is this a resident request related to housing or access?

From there, management and legal counsel can help determine the appropriate framework.

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