



28 E. Jackson Blvd., Rm. 910 • Chicago, IL 60604-2211 • 312-987-1906 • fax: 312-939-7590 • email: socialeng@aol.com • website: http://www.actha.org

## APRIL 2001

### “ASSOCIATIONS VS. THE FEDERAL COMMUNICATIONS COMMISSION (FCC)”

*(By: Steven R. Heuberger, President of Villa Management, Ltd., P.O. Box 7110, Libertyville IL 60048, 847-364-9880. Villa Management a supporting member of ACTHA.)*

**IMPORTANT DATES TO REMEMBERS:**

**SATURDAY, APRIL 28**  
**SATURDAY, MAY 12**  
**SATURDAY, OCT. 20**

More details about these dates are on the back page of the newsletter.

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Recently, the FCC came down with a ruling regarding the case of Frankfurt vs. New Century Town. This was an Illinois case involving an association located in Vernon Hills, Illinois. It concerned the right of a unit owner to install a satellite dish.

The facts of the case involved a homeowner who installed a satellite dish that was not properly grounded. That represented a distinct safety risk to not only his own unit, but to the surrounding units should the satellite dish be hit by lightning. If that had occurred, it could have

caused severe property damage, and possibly serious personal injury or death to the unlucky residents of the unit and the cluster. Ultimately, the village required the unit owner to properly ground the satellite dish. Nevertheless, as a result of a properly adopted safety resolution pertaining to satellite dishes, the association fined the homeowner \$1,000 for failing to comply with safety regulations. The FCC overturned the fine on the basis that the resolution adopted by the association was too burdensome in accordance with their standards. This case

represents a philosophical conflict between the right of an association to control its residents on a local level versus big government interference.

Although owners of units in community associations do not realize it, statistics tell us that several millions of Americans live in planned unit developments. They purchased their unit knowing that there would be restrictions on the conduct of residents for the preservation of property values and also for the peaceful enjoyment of their own home. They did this

*continued on next page*

## Associations vs. the FCC

knowingly and voluntarily.

Anyone who lives in a planned unit development understands the politics of the community. They recognize that at each annual meeting, if the membership is dissatisfied with the board of directors, it is simple to vote in different individuals. There are not massive sums of money that need to be generated to mount a political campaign. There are no "pots of gold" at the end of the rainbow to serve on a board of directors. Serving on a board of directors is the purest form of civic duty that I know of. You do not get to take the clubhouse furniture with you when you resign the board of directors or when your term is up. Individuals will stop you on a Sunday morning when you are outside picking up your newspaper, or jogging through the community and ask all sorts of questions concerning their association. You are not only

expected to be a policy maker, but the janitor and the police department. Aside from the cartoons and the sitcoms characterizing board members as overbearing and egotistical, most board members are very civic and fair minded individuals. Their goal is the preservation of property values and the equal treatment of all residents and owners.

The paradox comes from the federal government now invading the territory of local communities in making their own decisions. What would be so wrong for individual associations to decide whether or not to permit satellite dishes or where satellite dishes should be installed? If the members vehemently disagreed with the decisions of the board of directors, they could easily vote them out of power and elect board members who would be more open to satellite dishes. However, the FCC has mandated by its ruling that

boards do not have a say, except by lip service of the FCC regarding safety restrictions. When carefully read, the Frankfurt vs. New Century Town decision essentially makes it economically and virtually impossible for an association to adopt any kind of safety restriction that would be enforceable. It places a huge burden both in time and money on the association to defeat the installation of any satellite dish by a member of the association.

It is about time that community associations exercise their political muscle since they represent a huge voting population. It is about time that you contact your senator and your congressman and complain that you want to take back control of your association in regard to this matter, It is about time that you inform your congressman and

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senators that you do not want the industry controlling how your association views satellite dishes, no pun intended. It is about time that you tell Washington, D.C. and specifically the Federal Communications Commission that you are intelligent human beings, and you can make these decisions on your own without their wisdom and guidance. Yes, it is about time that community associations recognize that they have a huge political say across the land of this nation and should exercise it like any other group. Put very simply, your vote is a lot more meaningful to a candidate for office than all the money the industry puts up to support a campaign by that candidate. Use your political muscle by writing or e-mailing your representatives and senators. Your power is not limited to simply the issue of satellite dishes and the safety risk they present. It can be applied to any issue that community associations feel is in their best interest. The time has come. The ball is in your court. You have only yourself to blame if action is not taken. Remember, your home is your castle.