

## Assembly Bill No. 104

### CHAPTER 978

An act to add Section 1376 to the Civil Code, relating to common interest developments.

[Approved by Governor October 16, 1995. Filed  
with Secretary of State October 16, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 104, Hauser. Common interest developments.

Existing law provides that the covenants and restrictions contained in a declaration for a common interest development are enforceable equitable servitudes, unless unreasonable, and inure to the benefit of, and are binding upon, all owners of separate interests in the development.

This bill would provide that any prohibition against, or restriction on, the installation or use of a video or television antenna, including a satellite dish, or any prohibition against the attachment of that antenna to a structure, that is contained in a document that affects the transfer or sale of, or any interest in, a common interest development is void and unenforceable, as it relates to the installation or use of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less, except as specified. The bill would, however, permit a common interest development association to impose reasonable restrictions on the installation or use of a video or television antenna.

The bill would also prohibit the willful delay of the issuance of a decision on an application for the approval of the installation of a video or television antenna. The bill would authorize the awarding of attorney's fees to the prevailing party in an action to enforce the provisions of the bill.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1376 is added to the Civil Code, to read:

1376. (a) Any covenant, condition, or restriction contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, a common interest development that effectively prohibits or restricts the installation or use of a video or television antenna, including a satellite dish, or that effectively prohibits or restricts the attachment of that antenna to a structure within that development where the antenna is not visible from any street or common area, except as otherwise prohibited or restricted by law, is void and unenforceable as to its application to the



installation or use of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less.

(b) This section shall not apply to any covenant, condition, or restriction, as described in subdivision (a), that imposes reasonable restrictions on the installation or use of a video or television antenna, including a satellite dish, that has a diameter or diagonal measurement of 36 inches or less. For purposes of this section, “reasonable restrictions” means those restrictions that do not significantly increase the cost of the video or television antenna system, including all related equipment, or significantly decrease its efficiency or performance and include all of the following:

(1) Requirements for application and notice to the association prior to the installation.

(2) Requirement of the owner of a separate interest, as defined in Section 1351, to obtain the approval of the association for the installation of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less on a separate interest owned by another.

(3) Provision for the maintenance, repair, or replacement of roofs or other building components.

(4) Requirements for installers of a video or television antenna to indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of a video or television antenna that has a diameter or diagonal measurement of 36 inches or less.

(c) Whenever approval is required for the installation or use of a video or television antenna, including a satellite dish, the application for approval shall be processed by the appropriate approving entity for the common interest development in the same manner as an application for approval of an architectural modification to the property, and the issuance of a decision on the application shall not be willfully delayed.

(d) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney’s fees.

