

# Kimball, Tirey & St. John LLP

## Satellite Dishes for Residential Landlords

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FCC regulations limit a landlord's ability to restrict residential tenants from installing certain types of satellite dishes (and video antenna) inside rental units.

Landlords who want to include enforceable provisions in their lease regarding satellite dishes (and video antenna) can use the following:

***Satellite Dishes and Antenna.*** Landlord will permit Resident to install a satellite dish or antenna for personal, private use on the premises under the following conditions:

- 1. It must be one meter or less in diameter;*
- 2. It may only be installed in the rental unit in areas within Resident's exclusive control. No part may extend beyond a balcony or patio railing. The satellite dish may not be installed in common areas, including but not limited to the roof, outside walls, window sills, common balconies, hallways or stairways;*
- 3. Resident may not make physical modifications to the premises and may not cause physical or structural damage to the premises. No holes may be drilled through exterior walls or the roof.*
- 4. Resident must install, maintain and remove it in a manner which is consistent with industry standards and will be liable for any damage or injury caused by the negligent installation, maintenance or removal. Resident will indemnify, defend and hold Landlord harmless for any damage or injury resulting from breach of Resident's obligations, including paying Landlord's attorney's fees and costs;*
- 5. Resident is advised that allowable locations may not provide an optimal signal, or any signal. Landlord does not warrant that the unit will provide a suitable location for receiving a signal; and*
- 6. Resident will move it, at Resident's expense, if necessary for Landlord maintenance or repairs.*

Generally, restrictions that prevent or delay installation, maintenance or use of satellite dishes or antenna are prohibited. However, reasonable restrictions necessary to prevent damage (property damage or personal injury) are permitted. The landlord has the burden of proving that a restriction is valid.

If the landlord offers a central antenna, the landlord can prohibit individual satellite dishes or antenna, but only if certain conditions are met. A landlord cannot prohibit individual satellite dishes or antenna (even if a central antenna is provided for the community) if:

- (1) the central antenna does not provide the particular video programming or fixed wireless service that the resident desires and could receive with an individual antenna; or*
- (2) the central antenna does not provide service from the service provider of resident's choice; or*
- (3) the signal quality of transmission to and from the resident's home using the central antenna is inferior to the quality the resident could receive or transmit with an individual antenna; or*

- (4) the installation, maintenance and use costs of the central antenna are greater than the costs of an individual antenna; or
- (5) use of the central antenna (instead of an individual antenna) unreasonably delays the viewer's ability to receive video programming or fixed wireless services.

Additional Resources:

- <http://www.fcc.gov/guides/over-air-reception-devices-rule>

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