

Indiana Legal Services, Inc

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What Rights Do Tenants Have to Order Satellite Service?

Note: This is for information only. It is NOT legal advice. For legal advice, contact an attorney.

The Federal Communications Commission (FCC) has created laws that protect a tenant's right to buy satellite dish service. The FCC regulations prevent landlords from making rules that unfairly restrict a tenant's ability to install a dish on rental property. This page attempts to explain the FCC's laws. It is not clear, however, how the laws will apply in many cases.

Before any of the following rules can help a tenant, two conditions must be satisfied:

1. The tenant must have a place to put the satellite that he/she does not share with other tenants, such as a balcony or patio.
2. The satellite dish that the tenant plans to install must be less than one meter (39.37 inches) in diameter. These rules also apply to installation of TV antennas and wireless antennas.

Note: A tenant's subsidized housing status does not affect eligibility under the FCC rules.

What restrictions can the landlord put on my ability to install a satellite?

1. Rules that don't unfairly harm your satellite service;
2. Clearly-defined safety restrictions;
3. Restrictions to protect historical buildings; and
4. Restrictions to prevent property damage. For example, the landlord may prevent you from drilling a hole in your wall.

What can't the landlord do to restrict my ability to install a satellite on the rental property?

Under most circumstances, the landlord's rules about satellite installation **cannot** do the following things:

- Unfairly increase the cost of purchasing a satellite service.
- Significantly delay or stop you from obtaining a satellite service.
- Stop you from receiving quality reception.

These rules are vague. You may need to contact the FCC (see below) to see how they apply to you.

How much can my landlord increase the cost of my dish? Can he make me pay a deposit?

Fees that the landlord can require before allowing you to install a dish may vary. In some cases, a \$5 fee may be too high; however, under different circumstances, that same fee might be fine. In some situations, the rules may also forbid a landlord from collecting a deposit. If you think the landlord has unfairly increased your costs, read the section below that explains how to contact the FCC.

Can the landlord make me pay an insurance policy before I can install a dish?

Maybe. The federal government has not said whether insurance policies are unfair. If you believe this is unfair, read the section below that explains how to contact the FCC.

Can the landlord make me fill out a permit before I can have a dish?

Maybe. In some cases, permits have been found to unfairly delay a person's satellite service. Some permits, however, may be allowed. If you think your landlord's permit unfairly delays your ability to get a dish, read the portion below that explains how to contact the FCC.

What if my landlord provides a central antenna? Can I still install an individual antenna?

Maybe not. Under most circumstances, if the landlord provides a central antenna, he can limit your ability to install a dish.

However, the landlord is **limited** in the rules he can make if one of the following is true:

- The landlord's service does not provide you with the channels you want.
- Your own satellite dish would provide a better signal than the landlord's dish.
- Your own dish would be less expensive than the landlord's service.
- Waiting for your landlord's service would delay your access to programming.

What can I do if I think my landlord's restrictions violate the federal rules? How can I contact the Federal Communications Commission (FCC)?

You can contact the FCC in two ways:

1. by phone toll-free at 888-225-5322;
2. or by mail at:

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554
Attn: Media Bureau

The FCC can explain how the federal rules work and how those rules apply to you. The FCC also recommends talking to the landlord about any unfair rules.

You can challenge your landlord's rules by filing a petition with the FCC. If the FCC agrees with your petition, your landlord will have to change his policy. There is no special form for this petition. You should send one copy of the petition to the FCC and another copy to the landlord.

A petition to the FCC must include the following items:

1. A description of your situation on paper - include details! You must also include with this a signed statement verifying the truth of your description.
2. A copy of the landlord's satellite installation policy, including any documents from the landlord further explaining the policy.
3. A proof of service - this is a statement informing the FCC that you sent a copy of your petition to the landlord. On this paper, you must include the name and address of your landlord, the date you sent the petition, and how you sent it (i.e., regular mail or hand delivered).

Again, before you file a petition, you should contact the FCC toll-free at 888-225-5322 so that they can explain this procedure and the satellite installation rules in general.

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