

## 4

### **Satellite Dishes: Can an Association restrict the installation or use of satellite dishes?**

An Association can adopt limited restrictions on the installation or use of satellite dishes.

Federal regulations greatly restrict the ability of Associations to regulate satellite dishes.<sup>1</sup> These regulations apply to owners of condominium units, single family homeowners, and their tenants.

An Association cannot:

- A) prohibit satellite dishes on property that is reserved to the exclusive use and control of a homeowner, unit owner, or resident like in limited common areas or lots;<sup>2</sup> or
- B) require prior approval of installation for reasons other than safety or historic preservation.

However, an Association may:<sup>3</sup>

- A) prohibit satellite dishes in common areas;
- B) prohibit satellite dishes bigger than one meter in diameter;
- C) require prior approval of installation if necessary for safety or historic preservation purposes;
- D) limit the number of satellite dishes per unit/home;<sup>4</sup> and
- E) make rules regarding placement preferences<sup>5</sup> of satellite dishes, as long as the rules do not impair the right to install,

maintain, or use the dish. An Association's rule impairs these rights if it:

- (1) unreasonably delays or prevents installation, maintenance, or use of the satellite dish;
- (2) unreasonably increases cost; or
- (3) prevents an acceptable quality signal.<sup>6</sup>

---

<sup>1</sup> 47 CFR 1.4000 (Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services). This law preempts state and local regulations, as well as any limitations set forth in an Association's Governing Documents.

<sup>2</sup> An Association can prohibit bolting or otherwise attaching a satellite dish to roofs, railings, walls, or other limited common areas or elements. A satellite dish on a stand held by concrete blocks on a limited common element such as a deck or patio must be allowed.

<sup>3</sup> When establishing the validity of a restriction on satellite dishes, the burden of proof is on the Association, not the owner or tenant.

<sup>4</sup> This is true unless multiple dishes are needed to get an acceptable quality signal. If multiple dishes are not necessary for this purpose, the Association need not allow them.

<sup>5</sup> For example, an Association might wish to enact a rule stating that a satellite dish should be placed in the location least visible from the street, if there is more than one possible location for the dish. We recommend finding a preferred way to allow dishes.

<sup>6</sup> 47 CFR 1.4000(a)(3).