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The following is an overview of the satellite dish rules which have been implemented by the Federal Communication Commission (FCC). This overview is intended to be a general synopsis of the rules. If your Association intends to adopt or revise any rules or document provisions regarding satellite dishes, you should consult with our office to ensure that the rules are in compliance with the current FCC regulations. *

Section 207 of the Telecommunications Act of 1996 directed the FCC to enact a set of regulations which would prohibit restrictions which hinder a viewer's ability to receive satellite dish broadcasts. Since the directive from Congress was written in the negative, the rules issued by the FCC are written in the negative and list what rules a private entity (such as a condominium association) may not adopt. Consequently, this overview will address what an Association cannot do, instead of what it is permitted to do.

The Association may not enforce document provisions or adopt rules which will:

1. "impair" the ability of a viewer (unit owner or tenant)
2. to install, maintain or use a satellite dish
3. one meter or less in diameter
4. in an area which the viewer controls and has an ownership interest (generally, limited common elements).

This doesn't mean that an Association cannot enforce its document restrictions on altering the common elements or that it cannot have any rules about satellite dishes. It only means that an Association cannot have restrictions or rules which conflict with the FCC's orders.

* This summary has been prepared to provide readers with information concerning the law of condominiums and community associations in Connecticut. It is not meant to be a substitute for competent professional advice. Readers are encouraged to consult with legal counsel before taking action.

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Some of the applicable provisions of the FCC orders and rulings are as follows:

- The FCC has specifically mentioned decks, porches and patios as places where the unit owners cannot be prevented from installing a satellite dish. However, the Association can still prohibit dish installation on common elements which are not under the exclusive control of the unit owner, such as roofs, exterior walls and lawns. The FCC has implied that if a deck, patio or balcony is a common element, instead of a limited common element, but the deck or balcony is only accessible to one unit owner, then the Association cannot prevent the unit owner from installing a satellite dish in that area.
- The FCC does not prohibit Association rules or document provisions which are designed to accomplish safety objectives. However, the Association cannot adopt safety rules or provisions which are really designed to prevent unit owners from installing dishes. The rule must have a legitimate safety objective.
- If the Association installs one central satellite dish which all unit owners have access to, then it may prohibit individual unit owners from installing their own dish anywhere on the common elements.
- The FCC will allow Associations to prohibit unit owners from drilling holes in walls or roofs. However, chimney straps or other non-invasive attachment methods can't be prohibited.
- The Association may adopt a rule which requires that the satellite dish be painted a certain color to conform with the overall color scheme of the condominium. However, if painting the dish will impair satellite reception, then the Association may not enforce the painting rule.

Please do not hesitate to contact us if you have any questions or concerns about drafting or enforcing rules concerning satellite dishes at your condominium.