

# Installing Consumer-Owned Antennas and Satellite Dishes

## FCC Consumer Facts

### Background

In 1996, the Federal Communications Commission (FCC) adopted rules for Over-the-Air-Reception Devices ("OTARD" rules). The OTARD rules prohibit restrictions on a property owner or tenant's right to install, maintain, or use an antenna to receive video programming from direct broadcast satellites (DBS), broadband radio services (formerly referred to as multichannel multipoint distribution services or MMDS), and television broadcast stations (TVBS). However, there are exceptions to the OTARD rules, including provisions for safety and preservation of historic areas.

The FCC later amended the OTARD rules to apply to rental property where the renter has exclusive use of an area, and to customer-end antennas that receive and transmit fixed wireless signals.

### What Types of Antennas Are Covered Under the OTARD Rules?

The following antennas or dishes are covered by these rules:

- A "dish" antenna one meter (39.37 inches) or less in diameter (or any size dish if located in Alaska), designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- An antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite.
- An antenna that is designed to receive local television broadcast signals.

Antennas used for AM/FM radio, amateur ("ham") radio, CB radio, Digital Audio Radio Services ("DARS"), or antennas used as part of a hub to relay signals among multiple locations **are not** covered by these rules.

### What Types of Properties Are Covered?

Under the OTARD rules, an owner or a tenant has the right to install an antenna (that meets size limitations) on property that he owns or over which he has exclusive use or control. This includes single family homes, condominiums, cooperatives, town homes, and manufactured homes. In the case of condominiums, cooperatives, and rental properties, the rules apply to "exclusive use" areas, like terraces, balconies, or patios. "Exclusive use" refers to an area of the property that only the renter and people allowed by the renter may enter and use. If the area is shared with others or accessible without the renter's permission, it is not considered to be an exclusive use area.

OTARD rules **do not** apply to common areas that are owned by a landlord, a community association, or jointly by condominium owners. These common areas may include the roof or exterior walls of a multiple dwelling unit. Under certain conditions, if a common antenna is available for use by residents, then the community association or landlord may prohibit the installation of an individually-owned antenna or satellite dish, provided the signal quality from the central antenna is as good as the signal quality from an individually-owned antenna or dish, and the costs of using the central antenna are no greater than the costs of an individually-owned antenna or dish.

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## Are There Any Other Restrictions On Where I Can Install My Dish or Antenna?

Restrictions necessary to prevent damage to leased property are permissible, as long as the restrictions are reasonable. For example, a lease restriction that forbids tenants from drilling holes through exterior walls or through the roof is likely to be permissible.

An association, landlord, or local government may impose certain restrictions when safety is a concern or where a historic site is involved. An example of a safety restriction would be installing an antenna on a fire escape. Safety restrictions must be narrowly written so that they are no more burdensome than necessary to address a legitimate safety purpose.

If there is a conflict about a restriction's validity, the association, landlord, or local government trying to enforce the restriction must prove it is valid. This means that no matter who questions the validity of the restriction, the person or entity trying to enforce the restriction must prove that it is legitimate.

## Filing a Petition about an Antenna Restriction

If an association, landlord, or local government admits that its restriction impairs installation, maintenance, or use of an antenna covered by the OTARD rules, but believes it can show "highly specialized or unusual" concerns, it may apply for a waiver of the rules.

If you believe an antenna restriction is invalid, first try to resolve it with the restricting person or entity (the association, landlord, or local government). If you are unable to resolve it directly, you can file a Petition for Declaratory Ruling with the FCC or a court of competent jurisdiction.

There is no particular form used for filing a petition. Your petition, at a minimum, should include:

- a description of the facts, including the restriction you're disputing;

## Filing a Petition about an Antenna Restriction (cont'd.)

- contact information for all parties involved in the dispute;
- copies or the exact language of the restriction; and
- any relevant correspondence.

You must include a "proof of service" with your petition. A proof of service is a statement indicating that on the same day that you filed your petition with the FCC, you provided a copy of the petition and any attachments to the person or entity trying to enforce the antenna restriction. The proof of service should indicate the name and address of the parties served, the date they were served, and the method of service, such as regular mail, personal delivery service, or certified mail.

**Note:** All allegations of fact included in petitions must be supported by an affidavit signed by one or more people who have actual knowledge of the facts. You must send an original and four copies of the petition and all attachments to:

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554.

You may continue to use your antenna while the petition or waiver request is pending, unless the restriction is being challenged for concerns about safety or an historic site is involved.

## Installation Requirements for Fixed Wireless Antennas that Receive and Transmit

The FCC requires fixed wireless antennas capable of receiving and transmitting voice and data services to meet certain guidelines regarding radiation exposure limits and environmental standards. Because of these guidelines, fixed wireless providers can require that their equipment be professionally installed.

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### For More Information

For more information about the OTARD rules and guidance on filing a petition or requesting a waiver, visit the FCC's Media Bureau Web site at [www.fcc.gov/mb/facts/otard.html](http://www.fcc.gov/mb/facts/otard.html).

For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at [www.fcc.gov/cgb](http://www.fcc.gov/cgb), or contact the FCC's Consumer Center by e-mailing [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov); calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries and Complaints Division  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554.

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