

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 608 (Delegate Adams, *et al.*)
Environment and Transportation

Landlord and Tenant - Installation of Satellite Dish on Residential Rental
Property

This bill prohibits a satellite dish from being installed on the roof or exterior walls of residential rental property at the request of a tenant unless the landlord has given permission, in writing, before the installation. The bill requires the Department of Labor, Licensing, and Regulation (DLLR) to develop a form for a tenant to use to obtain permission from the landlord to install a satellite dish. DLLR has to make the form available on the department's website. The bill makes a person who installs a satellite dish on the roof or exterior of a residential rental property liable to the landlord for any damage to the property caused by the installation.

Fiscal Summary

State Effect: DLLR can produce the required form and post it on the department's website with existing resources. The Judiciary can likely handle any increase in cases with existing resources. Based on previous responses, it is assumed that the Office of the Attorney General, Consumer Protection Division, can handle the bill's requirements with existing resources, assuming 50 or fewer new complaints are generated by the bill.

Local Effect: The bill is not anticipated to materially affect the circuit courts or local finances or operations.

Small Business Effect: Minimal. The bill may expose small businesses that install satellite dishes to liability for damage caused by installing a satellite dish onto a rental property without proper consent. Landlords who operate as small businesses may be able to obtain reimbursement for damage caused by the installation of a satellite dish on property that they own or control.

Analysis

Current Law/Background: State law does not specifically address the right of a tenant to install a satellite dish on rental property. Provisions regarding installation of these structures are generally addressed through the contract that governs the lease of the property.

In 1996, the Federal Communications Commission (FCC) adopted rules for Over-the-Air Reception Devices. The rules protect the right of a property owner or a tenant to install specified antennas, including satellite dishes, and they apply to rental properties where the renter has exclusive use of an area. Generally, an antenna that is one meter (39.37 inches) or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable) is covered by the rules. There are exceptions to the rules, including provisions for safety and preservation of historic areas.

An owner or a tenant has the right to install an antenna that meets specified size limitations on property that he or she owns or over which he or she has exclusive use or control. This includes single-family homes, apartments, condominiums, cooperatives, townhomes, and manufactured homes. In the case of condominiums, cooperatives, and rental properties, the rules apply to “exclusive use” areas, like terraces, balconies, or patios. The rules do not apply to common areas that are owned by a landlord, a community association, or jointly owned by condominium owners, such as the roof or exterior walls of a multiple dwelling unit.

Restrictions that prevent or delay installation, maintenance, or use of antennas covered by the rule are prohibited. However, restrictions that prevent *damage to leased property* are permissible, as long as the restrictions are reasonable. The FCC notes that a lease restriction that forbids tenants from, for example, damaging the balcony floor when installing an antenna, or prohibits drilling holes through exterior walls, would likely be permissible.

If there is a conflict about a restriction’s validity, the association, landlord, or local government must prove it is valid. If a tenant or satellite dish installer believes an antenna restriction is invalid, he or she may file a Petition for Declaratory Ruling with the FCC or a court of competent jurisdiction. There is no specific form used for filing a petition with the FCC. 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Federal Communications Commission; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2016
min/kdm

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