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H.390

Introduced by Representatives Savage of Swanton, Batchelor of Derby,
Gamache of Swanton, Graham of Williamstown, Mattos of
Milton, McFaun of Barre Town, Morgan of Milton, Myers of
Essex, Page of Newport City, Palasik of Milton, and Rosenquist
of Georgia

Referred to Committee on

Date:

Subject: Housing; landlord and tenant; reception devices

Statement of purpose of bill as introduced: This bill proposes to require
landlord approval to install an antenna.

An act relating to rental housing and installation of antennas

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. REDESIGNATION

(a) 9 V.S.A. chapter 138 (campgrounds) is redesignated as 9 V.S.A.
chapter 142.

(b) 9 V.S.A. § 4470 (campgrounds; removal) is redesignated as 9 V.S.A.
§ 4570.

1 Sec. 2. 9 V.S.A. § 4470 is added to read:

2 § 4470. INSTALLATION OF ANTENNAS

3 (a) Definitions. As used in this section:

4 (1) “Antenna” means a device, and any mast used to support the device,
5 that is designed to receive a broadcast or fixed wireless signal transmitted over
6 the air, and includes a dish antenna, a television antenna, and a wireless cable
7 antenna.

8 (2) “Operator” means a person who owns, controls, operates, manages,
9 or leases a cable television system, satellite system, wireless cable system, or
10 any other system involving the transmission and reception of a broadcast or
11 fixed wireless signal.

12 (3) “Owner” means a person who possesses legal title to real property,
13 some or all of which is leased to a tenant.

14 (b) Installation. Subject to subsection (c) of this section:

15 (1) An operator who agrees to install an antenna on real property
16 pursuant to an agreement with a tenant of the property shall not install the
17 antenna without the owner’s prior written consent.

18 (2) An owner may refuse his or her consent for good cause only.

19 (3) For purposes of this subsection, good cause includes:

20 (A) The operator failed to honor a previous written contractual
21 commitment.

1 (B) The operator failed to maintain or remove an antenna or repair
2 damage arising from a prior installation.

3 (C) The installation raises a reasonable safety concern.

4 (D) The installation adversely impacts a significant historic feature of
5 the property.

6 (c) Installation without owner's prior consent. An operator may install an
7 antenna without the owner's prior written consent if prior to the installation the
8 operator delivers to the owner, in person or by certified mail, return receipt
9 requested by the addressee, the following:

10 (1) a copy of this section;

11 (2) a signed statement that the operator is bound by the terms of this
12 section to the owner of the property;

13 (3) notice to the owner in clear, plain language that describes the
14 owner's rights and responsibilities; and

15 (4) a work plan, including possible dates and specifications for the
16 installation.

17 (d) Requirements. An operator who installs an antenna on an owner's
18 property is subject to the following requirements:

19 (1) Unless waived in writing by the owner, the operator, prior to
20 installation, shall provide the owner with a certificate of insurance covering all
21 the employees or agents of the installer or operator, as well as all equipment of

1 the operator, and the operator shall indemnify the owner from all liability
2 arising from the operator's installation, maintenance, and operation of an
3 antenna.

4 (2) The operator shall install the antenna at no cost to the owner.

5 (3)(A) The operator shall abide by reasonable installation requests made
6 by the owner.

7 (B) In a legal action, the burden of proof relative to the reasonable
8 nature of the owner's request is on the operator.

9 (4) Upon the owner's request, the operator shall inspect the premises
10 with the owner after the installation to ensure conformance with the work plan.

11 (5) The operator is responsible for maintaining and removing any
12 equipment installed on the owner's premises and is entitled to reasonable
13 access for those purposes.

14 (6) The operator shall not interfere with the safety, functioning,
15 appearance, or use of the property or with the rules of the owner dealing with
16 the day-to-day operations of the property, including the owner's reasonable
17 access rules for soliciting business.

18 (e) Prohibition. An operator shall not enter into an agreement with a
19 person who owns, leases, controls, or manages a building, or perform any act
20 that would directly or indirectly diminish or interfere with the rights of any
21 tenant to use a master or individual antenna system.

1 (f) Nondiscrimination. A person who owns, leases, controls, or manages a
2 property may not discriminate in rental or other charges between tenants who
3 subscribe to services that require an antenna and those who do not, or demand
4 or accept payment in any form to affix an antenna on the property, except that
5 an owner may require reasonable payment from an operator in exchange for
6 permitting the installation of an antenna.

7 Sec. 3. EFFECTIVE DATE

8 This act shall take effect on July 1, 2019.