

Drones in Community Associations

Drones are Everywhere!

If you haven't seen a drone yet, chances are you soon will. Drones were originally used for military purposes, but newer technology and falling prices have put drones – many with cameras attached - in the hands of private citizens. For about \$100 on Amazon.com, you, too, can own a drone!

Drones in the News

Drones have been in the news recently for a variety of reasons. They were used last summer to monitor and assess flood damage from the extensive and devastating Texas rainstorms. A man was arrested earlier last year trying to fly a drone over the White House fence. And, the FAA recently granted Amazon.com permission to test “delivery drones” that will bring packages straight your door, within hours of placing an order.

Neighborhoods are seeing the effects of the increase in drones, as well. In one New Jersey town, a man was recently arrested after shooting down his neighbor's drone -- he thought it was taking photos of his home. Closer to home, the proliferation of drones recently led the Town of Paradise Valley to propose a drone ordinance, violations of which would cost drone operators up to \$2,500 in fines or up 6 months in jail. The PV ordinance has since been put on hold to allow for further research, but as drafted, it would have required drone operators to apply for a limited use permit, for a specific time and place in which the drone can be operated.

The Federal Aviation Administration (FAA) has responded to the growing concerns over drone usage by enacting drone registration regulations. Effective December 21, 2015, owners of drones of a certain weight¹ must register with the Federal Aviation Administration's Unmanned Aircraft System (UAS) registry. The deadline for drone owners to register with the FAA is February 19, 2016, and drone owners who fail to register could face civil or criminal penalties. More information regarding the drone registry can be found at: <https://registermyuas.faa.gov/>

What Should Community Associations Do?

Drones raise a number of issues for community associations. One on hand, they can be helpful to associations in surveying their property – inspecting for any necessary repairs, for example, or for seeking out CC&Rs violations. But on the flip side, they raise privacy and liability issues. Associations are best served by thinking about these issues now to stay ahead of this growing trend.

To address the issue of drones before it becomes a problem, we recommend that associations pass a rule regarding drone use within their community. And to best protect the Association, we recommend that the Board consider drone regulations the next time it amends its CC&Rs.

The FAA has required owners to register their drones, and it's likely that further regulation at the federal, state and local level is forthcoming. But what can an association do now about neighbors flying drones over each other's yards? A good place to start would be to create a rule limiting a person's ability to use a drone equipped with an imaging device to record an image of privately owned property – without that property owner's written consent. If the association would like to consider use of drones to monitor the community, specific details about the timing and scope of such monitoring should be included. And while delivery drones, like those envisioned by Amazon.com, are still a long way off, associations may want to consider designating a drone landing site on common area. Finally, whether or not an association decides to make rules about drone use, it should check with its insurance carrier to ensure that it is covered in event of accidents and lawsuits. Associations can stay a step ahead of the skyrocketing interest and use of drones by taking time to consider these issues now.

¹ Drones ranging from 0.55 lbs. to 55 lbs. can be registered online with the FAA; drones larger than 55 lbs. must be registered via a paper application.