



Mulcahy Memo - July 2015

Published for clients and friends of the Mulcahy Law Firm, P.C.

by Beth Mulcahy, Esq.

Dear Clients and Friends,

I hope you are having a great summer and staying cool in this record heat.

Over the past few months, our firm has received numerous questions from boards about the use of drones in associations. Can the board regulate drones? Are drones an invasion of privacy? Will cities and towns or the police do anything about drones that are causing a nuisance? We have the ANSWERS to all of these questions in this month's article! Scroll down to the bottom on this Memo to read this timely and important article.



Beth Mulcahy,
Esq.

Don't forget... the changes to the Arizona laws pertaining to community associations went into effect last week on Friday, July 3, 2015. Set forth below is a link to our firm's 2015 Legislative Update.

[2015 Legislative Update](#)

Don't Forget to Join us on Facebook!

Our firm is very active on Facebook. Please consider "liking" us on Facebook so that you can receive up-to-date information on a weekly basis about community association law and tips to run your association more effectively!

We are busy planning our fall education classes and Lunch with Mulcahy Schedule for 2016. Please continue to check our website throughout the summer for our upcoming classes. We look forward to seeing you at future events!

Sincerely,

Beth Mulcahy, Esq.

Beth Mulcahy, Founder and Senior Partner
Mulcahy Law Firm, P.C.

"Look! Up in the Sky! It's a Bird, It's a Plane... It's a DRONE in my Backyard!"

By: Beth Mulcahy, Esq. and Jennifer Rentschler, Esq.

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 recently to monitor and assess flood damage from the extensive and devastating Texas rainstorms. The Federal Aviation Administration also recently granted Amazon.com permission to test "delivery drones" that will bring packages straight your door, within hours of placing an order. However, drones have a dark side too. A man was arrested earlier this year trying to fly a drone over the White House fence. Further, several airports in Arizona have reported drones flying dangerously close to the airport runways (which could potentially cause an air accident and loss of life).

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 P.V. 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.

Our firm recently attended a "drone seminar" and a representative of one of the largest cities in Arizona agreed that the drone issue is a problem without answers right now. Representatives of that police department encouraged owners who feel that their privacy has been invaded by a drone to contact the police and file a complaint. However, everyone at the "drone seminar" agreed that it might be difficult to pinpoint who is actually operating the drone. It's clear that regulations on the federal, state and local levels will be coming soon regarding the private operation of drones.

What Should Community Associations Do?

Drones raise a number of issues for community associations. On one 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.

Clearer federal, state and even local regulations of drone use are sure to come, but what can an association do 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.

Please contact Mulcahy Law Firm, P.C. for additional information and help with this issue.