

Raised Bill 1101 – Security Cameras on Condominiums – Peter Jones, March 25, 2013

Introduction:

I am the person who requested this Bill and I would like to thank Senators Witkos, Fonfara, and Doyle, Representatives Morin and Guerrero for supporting this effort. I am extremely happy that we've gotten this far. The current wording does not fully capture our original intent but will be clarified further below.

Objective, Summary:

Provide condo owners the right to enhance a unit owner's security by allowing the installation of security cameras anywhere on their exclusive use unit, affording an unencumbered view of the unit's surroundings and without prior consent. This right is already allowed by the general public homeowners, and would be similar to what is already allowed for satellite dishes under the FCC's Rules (see **Section A**) that allows installation and an unencumbered view to a satellite. My sincere hope is that the right to have a non-violent security system is more important than entertainment devices. For invasion of privacy issues, current regulations already apply to the general public and may be addressed by the local authorities individually as necessary.

Background, Discussion:

- a) We live in a free standing condo association. We own our entire home including roof, gutters, siding. There have been various security incidences. A break-in 2 homes up from us. Suspicious people were seen in the back yard of our neighbor. Someone tried to break into a 3rd home but was scared away by the owner. We felt the need to install security cameras on the front and back and were mounted on the second level of our home. The cameras were placed out of harm's way and viewed the surrounding area of our home. Please see the photos in **Section B**.
- b) Board members had expressed concern about an invasion of privacy. The Wethersfield Police stated that a violation of an invasion of privacy could only be where there is an expectation of privacy, as in locker rooms, restrooms, etc. and that our installation did not violate any of these regulations because it is in a public area. The impression that I got from our Board was because our Condo Rules do not have invasion of privacy language, the Board utilized an architectural alteration rule to identify our installation as a violation even though other units have spotlights similar in size to my cameras.
- c) The Board passed and enforced a rule that allowed the installation of cameras but only at their approved location. We were forced to remove the security cameras on the front and were allowed to keep them on the back. Reinstallation of these expensive cameras were allowed in the front on the first level under the eaves of the porch but they must not be visible from the street and were allowed to view no more than 4' from the foundation, thus rendering them ineffective and within reach of vandalism. I did not reinstall the cameras.
- d) Security cameras have 3 possibilities for thwarting a crime. Prevention – provides an opportunity to observe suspicious activity and prevent a crime before it may be committed. Caught in the act. And identification of the perpetrator after a crime has been committed. Security cameras have proven to be effective in capturing perpetrators.
- e) Satellite Dish: Our Condo Rules clearly prohibit the installation of satellite dishes. A Board member has subsequently installed a 3' large satellite dish on their home without the Condo Rules being changed because FCC regulations do not allow restrictions of satellite dish installations, see **Section A**.
- f) Cost, Expense: Condo associations have a responsibility to ensure the safety of the unit owners. Sidewalks cleared, sanded, etc. Some associations build fences around the property for security. Gates are put up at entrances. Security cameras are installed. All at a great expense to the unit owners. If unit owners want to, and are able to enhance security on their own, then the overall burden to the association is reduced. Why restrict this cost saving and security enhancing opportunity?
- g) Installations of satellite dishes (and security systems) that are affixed to a unit are not under the association's maintenance cost obligations. Expenses would be incurred by the unit owner.
- h) Comment: In the general public, home owners are allowed to own guns per the Constitution, have satellite dishes and security cameras mounted on their homes, but, condo unit owners are not allowed to have security cameras to protect themselves.
- i) Question: Could an association be liable if a home was broken into, which could have been prevented had a security camera installation been permitted?

Section A – FCC’s Information Sheet for Over-the-Air Reception Devices Rule (Excerpt)

<http://www.fcc.gov/guides/over-air-reception-devices-rule>

As directed by Congress in Section 207 of the Telecommunications Act of 1996, the Federal Communications Commission adopted the Over-the-Air Reception Devices (“OTARD”) rule concerning governmental and nongovernmental restrictions on viewers' ability to receive video programming signals from direct broadcast satellites (“DBS”), broadband radio service providers (formerly multichannel multipoint distribution service or MMDS), and television broadcast stations (“TVBS”).

The rule (47 C.F.R. Section 1.4000) has been in effect since October 1996, and it prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37”) in diameter (or of any size in Alaska), TV antennas, and wireless cable antennas. The rule prohibits most restrictions that: (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal.

Effective January 22, 1999, the Commission amended the rule so that it also applies to rental property where the renter has an exclusive use area, such as a balcony or patio.

The rule applies to individuals who place antennas that meet size limitations on property that they own or rent and that is within their exclusive use or control, including condominium owners and cooperative owners, and tenants who have an area where they have exclusive use, such as a balcony or patio, in which to install the antenna. The rule applies to townhomes and manufactured homes, as well as to single family homes.

The rule allows local governments, community associations and landlords to enforce restrictions that do not impair the installation, maintenance or use of the types of antennas described above, as well as restrictions needed for safety or historic preservation. Under some circumstances where a central or common antenna is available, a community association or landlord may restrict the installation of individual antennas. The rule does not apply to common areas that are owned by a landlord, a community association, or jointly by condominium or cooperative owners where the antenna user does not have an exclusive use area. Such common areas may include the roof or exterior wall of a multiple dwelling unit. Therefore, restrictions on antennas installed in or on such common areas are enforceable.

This Information Sheet provides general answers to questions concerning implementation of the rule, but is not a substitute for the actual rule. This document is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues. For further information or a copy of the rule, contact the Federal Communications Commission at 1-888-CALL FCC (1-888-225-5322), which is a toll-free number, or 202-418-2120.

FAQ’s: What types of restrictions are prohibited?

A: The rule prohibits restrictions that impair a person's ability to install, maintain, or use an antenna covered by the rule. The rule applies to state or local laws or regulations, including zoning, land-use or building regulations, private covenants, homeowners' association rules, condominium or cooperative association restrictions, lease restrictions, or similar restrictions on property within the exclusive use or control of the antenna user where the user has an ownership or leasehold interest in the property. A restriction impairs if it: (1) unreasonably delays or prevents use of; (2) unreasonably increases the cost of; or (3) precludes a person from receiving or transmitting an acceptable quality signal from an antenna covered under the rule. The rule does not prohibit legitimate safety restrictions or restrictions designed to preserve designated or eligible historic or prehistoric properties, provided the restriction is no more burdensome than necessary to accomplish the safety or preservation purpose.

Section B – Photos

Following are photos showing the three surveillance cameras we installed on the front of our unit before we were ordered by our condominium association's Board to remove them.

