



COMMERCIAL USE OF DRONES

WHAT YOU NEED TO KNOW

By Erin Stackley

A common sight for many on Christmas morning was family members and neighbors venturing outside to test their newest toy – an unmanned aerial system (UAS) or “drone,” as they’re commonly referred to. Adults of all ages could be seen throughout the country testing one by remote or controlling it on their smart phone, making it go up, down, fly around in circles, test its camera, and possibly crash into a tree or get stuck in their gutters.

For a REALTOR®, such an inexpensive innovation seems to present vast possibilities for marketing properties; UAS can take dynamic photographs and videos of properties that are not well-suited to conventional photography, due to their size, height, or an unconventional shape. This is especially applicable to large industrial and office spaces, or large plots of land. They can allow the REALTOR® to create a robust listing for clients that showcases the entire property in one shot, previously unavailable unless they undertake the hassle and cost of using a helicopter to get the same vantage point.

So what’s the problem? The Federal Aviation Administration (FAA) currently prohibits the commercial use of drones, which includes taking photographs and videos for marketing purposes. What good is it then?

The good news is: the FAA is currently working through the process of creating a regulatory framework to integrate UAS into the national airspace, balancing the vast economic opportunities they present with the need to protect citizen safety and privacy. Additionally, people can apply for a “Section 333 waiver” from the FAA, which will allow them to use their drone for commercial purposes, within very strict parameters, until that framework is finalized.

SECTION 333 WAIVERS

The Section 333 waiver provides a limited-use permit to the applicant to use their UAS for commercial purposes. It has very strict parameters, including who can operate the UAS, where, when, and how high and how far up it can go. Currently the FAA has issued over 400 such waivers, including some to REALTORS® and professional photography companies. For more information on Section 333 waivers, see <http://www.realtor.org/articles/section-333-waivers>.

FAA PROPOSED RULEMAKING ON SMALL UAS

In February of 2015, the FAA released its proposed rule governing the commercial use of UAS. This rule would govern UAS weighing 55 pounds or less, and include operational limitations such as only allowing “visual line of sight” flights, daylight operations only, a maximum altitude of 500 feet off the ground, and of course limitations on where they can be used (no use over people not involved in the operation, or in areas near airports). A pilot’s certificate would not be required of the operator; they would need to simply get an “operator certification,” which would require, among other things, passing an FAA knowledge test, which would be renewed every two years.

WHAT IS NAR DOING?

NAR considers the FAA’s proposed rule for UAS to be the first, positive step in the process of integrating UAS into the national airspace. In light of that, NAR sent two comment letters in the spring of 2015 – one to the National Telecommunication and Information Administration, and one to the FAA – addressing privacy and safety concerns, respectively. NAR is also monitoring this issue in Congress, where several bills have been introduced and hearings held focused on citizen safety and privacy, as well as innovation in UAS technology.

REALTORS® are excited about the opportunities afforded by using UAS technology, and NAR supports the government’s efforts to create operational standards that allow for their use while still protecting citizen safety and privacy. NAR will continue to advocate for common-sense rulemaking on this issue. For more information on this, please visit <http://www.realtor.org/topics/drones>.

Disclaimer: Given the current FAA prohibition, the National Association of REALTORS® recommends that its members not use this technology for any purpose related to selling property.

The FAA is developing a regulatory framework that would integrate drones into the national airspace, while ensuring safety, privacy and national security. ■