



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2711

antenna use; private property

Purpose

Prohibits a city, town, special district or political subdivision (public authority) from unreasonably delaying, preventing or increasing the cost of the installation, maintenance or use of an antenna or from preventing reception of acceptable signal quality of an antenna on private property that meets specified requirements.

Background

Statute outlines requirements for the use of rights-of-way by wireless providers, including the placement, approval and regulation of small wireless facilities, antennas and utility poles on rights-of-way. A public authority may exercise zoning, land use, planning and permitting authority and the public authority's police power within the public authority's boundaries, including for the installation, modification and replacement of wireless support structures of utility poles. A public authority does not have any jurisdiction or authority over the design, engineering, construction, installation or operation of any small wireless facility located in an interior structure or on the site of any campus, stadium or athletic facility that is not owned or controlled by the authority, other than to require compliance with applicable codes. Statutory requirements relating to the regulation of wireless facilities on rights-of-way do not authorize a public authority to require small wireless facility deployment or to regulate wireless service ([A.R.S. § 9-596](#)).

An *antenna* is communications equipment that transmits or receives electromagnetic radio frequency signals and that is used in providing wireless services ([A.R.S. § 9-591](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a public authority, if an antenna is installed on property within the exclusive use or control of the antenna user and regardless of whether the user has direct or indirect ownership or leasehold interest in the property, from:
 - a) unreasonably delaying or preventing installation, maintenance or use of the antenna;
 - b) unreasonably increasing the cost of installation, maintenance or use of the antenna; or
 - c) preventing reception of acceptable signal quality.
2. Applies the prohibition to antennas that are:
 - a) not larger than one meter in diameter;
 - b) installed on private property; and
 - c) designed to receive video programming services via broadband radio service or to receive or transmit wireless signals other than via satellite.

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3. Specifies that the prohibition does not apply to antennas used to transmit signals to and or receive signals from multiple customer locations.
4. Makes technical changes.
5. Becomes effective on the general effective date.

House Action

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|----------------------|---------|-----|---------|
| COM | 2/16/21 | DPA | 8-2-0-0 |
| 3 rd Read | 3/3/21 | | 31-28-1 |

Prepared by Senate Research

March 18, 2021

MH/gs