

Department of Planning and Budget 2018 Fiscal Impact Statement

1. **Bill Number:** SB405

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** McDougle

3. **Committee:** Passed both Houses.

4. **Title:** Wireless communications infrastructure; zoning.

5. **Summary:** This bill establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

The bill also requires any publicly-owned or privately-owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth to, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing by county, city, and town enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless services. Notwithstanding any other provision of law, the Department shall maintain the confidentiality of company-specific data but may publicly release aggregate data.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Final. See item 8.

- 8. Fiscal Implications:** This bill requires public and private wireless service providers operating within the Commonwealth or serving residents of the Commonwealth to, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development (DHCD) a report detailing by county, city, and town enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless services. DHCD is required to maintain the confidentiality of company-specific data but may publicly release aggregate data.

The bill is silent on any enforcement responsibilities of the provisions of the legislation. If DHCD is to enforce the provisions of the bill, the bill may have an indeterminate expenditure impact to the agency. Additionally, there may be costs associated with storing the data provided by the wireless service providers in a format the agency could aggregate.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Housing and Community Development; localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.