



May 25, 2016

The Honorable Greg Walden  
Chairman  
Subcommittee on Communications &  
Technology  
Committee on Energy & Commerce  
2125 Rayburn House Office Building  
Washington DC 20515

The Honorable Anna Eshoo  
Ranking Member  
Subcommittee on Communications &  
Technology  
Committee on Energy & Commerce  
2125 Rayburn House Office Building  
Washington DC 20515

**RE: H.R. 1301, the Amateur Radio Parity Act of 2015, as proposed to be amended**

Dear Chairman Walden and Ranking Member Eshoo:

On behalf of the 68 million Americans who live in community associations and members of the Community Associations Institute (CAI),<sup>1</sup> we express support for H.R. 1301, the Amateur Radio Parity Act, as proposed to be amended.

In general, CAI members do not support federal legislation to preempt the private contracts and agreements that bind property owners who have voluntarily opted to purchase a home in a community association. This view is consistent with the verified, long-term views of the overwhelming majority of community association homeowners who have responded in multiple national surveys they do not believe their community association should be subjected to additional government regulation or intervention.<sup>2</sup>

Your commitment to understanding and accommodating the concerns of the majority of community association homeowners who may be affected by this special legislation allowing amateur radio operators to install station antennas is commendable. The agreement by interested parties on a revised H.R. 1301 is a direct result of the good faith, even-handed dialogue facilitated by your good offices.

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<sup>1</sup> CAI is the only national organization dedicated to fostering competent, well-governed community associations (condominiums, cooperatives and planned communities) that are home to approximately one in every five American households. For more than 40 years, CAI has been the leader in providing education and resources to the volunteer homeowners who govern community

<sup>2</sup> In a March 2016 national survey of community association residents conducted by Zogby Analytics, 74 percent of respondents answered that there should be less government regulation or no change in government regulation of their community association. Visit [www.caionline.org/validation](http://www.caionline.org/validation) for full survey results.

As proposed in the amended H.R. 1301, the federal preemption of community association covenants, conditions and restrictions is adequately balanced. This balanced approach preserves a community association's authority to adopt and enforce reasonable written rules concerning the installation, placement, and aesthetic impact of external amateur service station antennas; requires notification and prior approval of antenna installations; and prohibits installation of antennas on general common property.

Fundamental to CAI's support for H.R. 1301, as amended, are provisions directing the Federal Communications Commission to craft a separate preemption policy from the current Commission preemption policy applicable to State and local governments. CAI members strongly support this key distinction: the rights and responsibilities of community associations and association residents are materially different from those of municipal zoning boards and property owners who choose not to be subject to private land use restrictions.

Application of the Commission's existing State and local government preemption standard (PRB-1 or "reasonable accommodation") to community associations would have resulted in an unwarranted and unbalanced subordination of the contractual rights of community residents, generally, to those of resident amateur service operators. As amended, H.R. 1301 expressly provides that a new, balanced Commission policy concerning amateur service communications in community associations, separate and distinct from PRB-1, will apply.

Thank you again for your strong leadership and for your determination to achieve an equitable and balanced compromise on H.R. 1301.

Sincerely,



Thomas M. Skiba, CAE  
Chief Executive Officer  
Community Associations Institute



Ronald Perl, Esquire  
Chair, Federal Legislative Committee  
Community Associations Institute