



fyi: from Dallas trip

July 16, 2014

The Honorable Adam Kinzinger
1218 Longworth Hob
Washington, DC 20515

Dear Congressman Kinzinger:

It was a pleasure meeting you while you were in Dallas last month. As a former GOP Congressional staffer, it was refreshing to hear of your efforts to find common ground on the issues facing our nation as well as your advocacy for a more accountable, limited government. Your views are very much aligned with those of Associa, which works to empower residents of HOA's and Condos to govern their own communities, and thus be less reliant on government. Based on your views, we were surprised to learn that you have introduced HB 4969 which would have Congress interject itself into the private, contractual arrangements regulating radio antennas. We hope the information below will assist you in reconsidering your position on this matter.

As drafted, HB 4969 is an unwarranted and unneeded intrusion into the contractual rights of residents of community associations. We are not alone in this position. At the request of the American Radio Relay League (ARRL) the Federal Communication Commission (FCC) studied this matter in 1985, 1999, 2000, 2001 and most recently in 2012. In each of these reviews, the FCC found no compelling reason to override private neighborhood covenants on radio antennas.

Most recently the FCC produced a study mandated by the Middle Class Tax and Job Creation Act of 2012. Section 6414 of the Act required that the FCC study the impact of "unreasonable and unnecessary" private land use restrictions on antenna installations and make recommendations regarding the removal of such impediments.



The FCC study released on August 20, 2012 and it noted, in relation to private agreements regulating antennas, that:

- There was no consensus among HAM operators on a negative impact of CC&Rs;
- Amateur radio operators are able to operate radios and engage in communications in community associations;
- There was no need to revisit the previous determinations by the FCC no to expand preemption to the CC&Rs of private communities.

At a time when the federal government is widely perceived as needlessly expanding its authority, and based of the numerous FCC studies indicating that such intervention in private contracts is unnecessary, I would hope you would reconsider HB 4969 in light of the record presented. If you have any questions I can be reached at 214-716-3818.

Sincerely,

A handwritten signature in black ink, appearing to read "AS Fortin", with a long horizontal flourish extending to the right.

Andrew S. Fortin
Senior Vice President, External Affairs
Associa, Inc.