



H.R. 4969, the Amateur Radio Communications Regulatory Parity Act *Commonsense Solution to Provide Equality in Land Use Regulation*

About ARRL

The American Radio Relay League (ARRL) is the representative of Amateur Radio in the United States, representing the more than 717,000 Amateur Radio operators licensed by the FCC.

Radio Amateurs (hams) provide, on a volunteer basis, public service, emergency, and disaster relief communications using radio stations located in their residences. Their services cost taxpayers nothing, and are provided at no cost to any served agency or to any government entity. Served agencies include the American Red Cross, the Salvation Army, the Federal Emergency Management Agency, and the Department of Defense. Disaster relief planning exercises and emergency communications certification courses guarantee trained operators throughout the United States.

Issue

The largest threat to Amateur Radio emergency and public service communications is land use restrictions that prohibit the installation of outdoor antenna systems. An outdoor antenna is critical to the efficiency of an Amateur Radio station. Private land use regulations are escalating quickly and exponentially, with even an unobtrusive, largely invisible length of wire in a tree or under the eave of a roof routinely prohibited in residential areas.

Background

In 1985, the FCC found that there was a “strong Federal interest” in supporting effective Amateur Radio communications, and that zoning ordinances often unreasonably restricted Amateur Radio antennas in residential areas. The FCC created a three-part test for municipal regulations affecting Amateur Radio antennas. State or local land use regulations: (A) cannot preclude Amateur Radio communications; (B) must make “reasonable accommodation” for Amateur Radio communications; and (C) must constitute the “minimum practicable restriction” in order to accomplish a legitimate municipal purpose.

The FCC did not extend this policy to private land use regulations at the time, and has repeatedly refused to do so saying that deed restrictions, covenants and homeowner’s association regulations were private agreements that did not normally concern the FCC. However, the *Telecommunications Act of 1996* ordered the FCC to enact regulations that preempted municipal and private land use regulation over small satellite dish antennas and television broadcast antennas in residences. The FCC acknowledged that it does have jurisdiction to preempt private land use regulations that conflict with Federal policy.

Upon ARRL’s repeated requests to FCC to revisit its decision and to apply policy equally to all types of land use regulations, FCC said that it requires guidance from Congress in this area. Pursuant to the *Middle Class Tax Relief and Job Creation Act of 2012*, the FCC conducted a study on “the uses and capabilities of Amateur Radio Service communications in emergencies and disaster relief” which demonstrated the severe and pervasive impact of private land use regulations on Amateur Radio emergency communications. The FCC said, in effect, that should Congress instruct FCC to do so, it would expeditiously extend the policy.

The Legislative Solution

Bipartisan legislation introduced in June by Reps. Adam Kinzinger (R-IL) and Joe Courtney (D-CT) would require the uniform application of FCC’s balanced, “reasonable accommodation” policy to all types of land use regulation for amateur radio antennas. H.R. 4969, *the Amateur Radio Communications Regulatory Parity Act*, will provide equality in land use regulations, protecting the strong Federal interest in amateur radio communications regardless of the type of land use regulation that applies to those communications, while preserving local land use authority.

ARRL strongly supports this commonsense legislation and respectfully requests cosponsorship.