**Amateur Radio Communications; Equality in Land Use Regulation**

**ARRL, the national association for Amateur Radio**

**113th Congress, Second Session**

►The American Radio Relay League (ARRL) is the representative of Amateur Radio in the United States. There are more than 720,000 Amateur Radio operators licensed by the FCC. ARRL’s membership of 170,000 includes the most active and dedicated Amateur Radio operators.

►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 are at no cost to any served agency or to any government entity. FEMA has stated that when Amateur Radio operators are needed in an emergency or disaster, they are really needed.

►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.

►The largest threat to Amateur Radio emergency and public service communications (which is escalating quickly and exponentially) 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. Even an unobtrusive, largely invisible length of wire in a tree or under the eave of a roof are routinely prohibited in residential areas by private land use regulations.

►Twenty-nine years ago, 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 which unreasonably restrict or preclude volunteer, public service communications, 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” and submitted to the House and Senate a Report on the findings of such study. The docket proceeding created an impressive record demonstrating the severe and pervasive impact of private land use regulations on Amateur Radio emergency communications. The record in the docket proceeding justifies the even application of FCC’s balanced, limited preemption policy to all types of land use regulation of Amateur Radio antennas. The FCC said, in effect, that should Congress instruct FCC to do so, it would expeditiously extend the policy.

►Therefore, we seek cosponsors for a Bill that would provide for equality and uniformity in land use regulations as they pertain to Amateur Radio.