



Legislative Update – Issue # 8 March 2015

ARRL - 225 Main Street – Newington, CT 06111

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The Amateur Radio Parity Act of 2015 – Introduced into the US House of Representatives

On March 4, 2015, Representative Adam Kinzinger (R-IL-16), along with lead co-sponsor Representative Joe Courtney (D-CT-02) and eleven additional co-sponsors from both parties (seven Republicans and five Democrats) introduced “The Amateur Radio Parity Act of 2015”. Assigned a bill number of HR 1301, the bill directs the Federal Communications Commission to extend to private land use restrictions its PRB-1 rule relating to reasonable accommodation of Amateur Service communications. The bill, which had been introduced in the previous Congress, was assigned to the House Energy and Commerce Committee. Representative Greg Walden, (R-OR-02), is Chairman of the Subcommittee on Communications and Technology that will consider the bill. Chairman Walden is an Amateur licensee, W7EQI.

If enacted, HR 1301 would direct the FCC to extend those reasonable accommodation protections to Amateurs who are living in deed-restricted communities. Known as "CC&Rs" (covenants, conditions and restrictions), these are the prohibitions and limitations placed on properties by builders or homeowner associations (HOAs) which prevent licensed Amateurs from erecting antennas. The act does not give Amateurs "carte blanche" to do whatever they wish. Rather, it requires HOAs and other private land use regulators to extend reasonable accommodation to Amateurs wishing to erect antennas.

Land use restrictions that prohibit the installation of outdoor antenna systems are the largest threat to Amateur Radio emergency and public service communications. They are escalating quickly and exponentially. An outdoor antenna is critical to the effectiveness of an Amateur Radio station. Typically, all Amateur Radio antennas are prohibited in residential areas by private land use regulations. In other instances, prior approval of the homeowners' association is required for any outdoor antenna installation. However, there are no standards to determine whether or not the homeowners' association will grant approval.

This issue of ARRL Legislative Update contains information on the key talking points for promoting HR 1301 as well as information on contacting your member of the US House of Representatives, asking for his or her support and co-sponsorship of this important legislation. For more information on visit www.arrl.org/hr-1301

The time to act is now: Let's get it done!



A Message from ARRL President Kay Craigie

Dear fellow ARRL members,

Private land use restrictions that prohibit antennas are growing at an alarming rate all over the country. In the part of the Virginia county where I live, municipal government regulates land use, and we negotiated a very satisfactory antenna ordinance. Not far away in the same county, a bright young electrical engineer who has recently returned to Amateur Radio lives in a newer development that has private land use regulations flatly prohibiting antennas. How does that make sense? In our rural and small-town county, every new development must have a homeowners association, and they all prohibit antennas with cookie-cutter language. This is not just a problem in cities, suburbs, and gated communities. It is everywhere.

H.R. 1301 seeks regulatory parity for my young, technically sophisticated friend – not a blank check, not the heavy hand of the federal government, but simply the same opportunity for him to negotiate reasonable accommodation that I had because of PRB-1. It seeks a level playing field for him and me. This legislation is simple and sensible. It is about fairness.

If private land use restrictions do not affect you, please stand up for your fellow amateurs. Please stand up for the youth we all want to attract into amateur radio. What is the point of helping youth get their licenses if they cannot go on to develop the skills of amateur radio because they cannot have antennas in their neighborhoods? Please stand up for the amateurs of the future, so they can have the experiences that have made such a difference in our lives.

Today, contact your member of Congress and ask him or her to become a co-sponsor of H.R. 1301. I did, and my Congressman said yes!

73,

Kay Craigie

Kay Craigie N3KN
President, ARRL



Legislative Update – Issue # 8 March 2015 - page 3

Have A Meeting with Your Congressperson or Staff? Planning and Preparation are the Keys!

Once you have an appointment with your member of Congress or a staff person, you have a lot to do in order to be ready. Here are a few bullet points to keep in mind as you prepare...

- Be professional but let your enthusiasm be evident. Dress appropriately and be prompt. After all, you are there to “sell our product:” Amateur Radio. Practice your presentation several times in advance...
- Make it personal. Let them know how you are active in the Amateur Radio Service, but do not slip into a long series of personal credentials or jargon. They probably will not understand what it means to have a specific class Amateur license, what your callsign means, or to what DXCC or ARES refers. What they will understand is that Amateur Radio is a service to a community, provided by volunteers with no cost attached to the organizations or agencies that you assist.
- Keep the size of the group small (no more than four people) and make certain everyone with you plays at least some small role in your presentation. Engaged participation by a smaller group works better than having a larger group with only one person doing all of the work.
- Stress that this is not a partisan political effort. HR 1301 has strong bipartisan support.
- Your job is to help them understand why supporting the Amateur Radio Parity Act is the right thing to do. Make certain that you and every member of your group is thoroughly familiar with the talking points the ARRL has provided for the bill. (These can be found in this newsletter and online at www.arrl.org/hr-1301)
- If they ask a question you cannot answer or that you are not certain about, be honest. Tell them you will get the answer and get it back to them quickly, and make certain you follow through.
- Ask them to support the bill, but also ask them to become a co-sponsor for HR-1301. After all, that is why you are meeting with them.
- Make certain that you thank them for their time and consideration. Do not demand an immediate answer (you probably will not receive one at the meeting). Tell them you look forward to hearing from them soon.
- After your meeting, take a moment to send them an email or note thanking them again.
- Convey any information you bring from the meeting back to the ARRL Regulatory Information Office (reginfo@arrl.org) This can then be used for any follow-up contact by the ARRL’s DC team.



Legislative Update – Issue # 8 March 2015 - page 4

Key Talking Points for HR 1301

- ▶ The American Radio Relay League, Incorporated (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 approximately 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. They are provided 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.
- ▶ Land use restrictions that prohibit the installation of outdoor antenna systems are the largest threat to Amateur Radio emergency and public service communications. They are escalating quickly and exponentially. An outdoor antenna is critical to the effectiveness of an Amateur Radio station. Typically, all Amateur Radio antennas are prohibited in residential areas by private land use regulations. In other instances, prior approval of the homeowners’ association is required for any outdoor antenna installation. However, there are no standards to determine whether or not the homeowners’ association will grant approval.
- ▶ Thirty years ago, the FCC found that there was a “strong Federal interest” in supporting effective Amateur Radio communications. FCC also found and that zoning ordinances often unreasonably restricted Amateur Radio antennas in residential areas. The FCC, in a docket proceeding referred to as “PRB-1” created a three-part test for municipal regulations affecting Amateur Radio communications. 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. 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 found that: (a) it does have jurisdiction to preempt private land use regulations that conflict with Federal policy; and (b) that private land use regulations are entitled to less deference than municipal regulations. This is because the former are premised exclusively on aesthetics considerations.
- ▶ ARRL repeatedly requested that FCC revisit its decision and apply its policy equally to all types of land use regulations that unreasonably restrict or preclude volunteer, public service communications. FCC said that it would do so upon receiving some guidance from Congress in this area.



Legislative Update – Issue # 8 March 2015 - page 5

Key Talking Points for HR 1301 (continued)

▶ The FCC’s Wireless Telecommunications Bureau, in an *Order* released November 19, 1999, stated that the Commission “strongly encourage(s)” homeowner’s associations to apply the “no prohibition, reasonable accommodation, and least practicable regulation” three-part test to private land use regulation of Amateur radio antennas:

“Notwithstanding the clear policy statement that was set forth in PRB-1 excluding restrictive covenants in private contractual agreements as being outside the reach of our limited preemption ... we nevertheless strongly encourage associations of homeowners and private contracting parties *to follow the principle of reasonable accommodation and to apply it to any and all instances of amateur service communications where they may be involved.*” Order, DA 99-2569 at ¶ 6.

▶ 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.” It submitted to the House and Senate a Report on the findings of its study. The FCC 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 H.R.1301, a Bill that would provide for regulatory parity and uniformity in land use regulations as they pertain to Amateur Radio communications. It would do so by applying the existing FCC “reasonable accommodation” policy formally to all types of land use regulation.

How to Contact Your Representative in the US House

The ARRL is requesting you to contact your member in the US House of Representatives. You can find your Congressperson's name and contact information on the ARRLWeb at:

<http://www.arrl.org/contacting-your-congressional-representatives>

Remember that regular US mail is extremely slow to reach Capitol Hill because of security screening that takes weeks. To expedite getting your signed letter to your Representative, you can send it to:

ARRL – Attn: HR 1301
225 Main St
Newington, CT 06111

Alternatively, send it as a signed scanned / PDF attachment to reginfo@arrl.org



Legislative Update – Issue # 8 March 2015 - page 6

Congressional Outreach: DOs & DON'Ts

By Frank McCarthy, The Keelen Group

Elected officials respond to the concerns of the constituents and voters in their communities. Therefore, because you are a constituent and a voter, there is no better advocate for amateur radio in your congressional district than YOU.

Follow these points below, as well as the legislative talking points supplied by ARRL, when conducting your congressional outreach.

R-E-S-P-E-C-T - Whether you are in person or on the phone, be polite and be professional. This applies whether you are meeting with a staff member or the elected officials themselves.

Don't be discouraged if you meet with or talk to a staff person. These young men and women are the gateway to your federally elected officials. Like the Members of Congress themselves, treat them with courtesy and respect.

Use "101-speak" - Most Members of Congress and their staffs are not licensed amateur radio operators. Use layman's terms when describing your vocation and how the legislation will help.

Don't Be Intimidated - There is no need to be intimidated when reaching out to your congressional representatives. Like you and me, they put their pants on one leg at a time. Treat them with courtesy and respect, but always remember: you are a constituent, you are a voter, and they serve YOU!

Make a Clear Ask - Be clear with your request: you would like their support, in the form of co-sponsorship, of H.R. 1301, the Amateur Radio Parity Act. Stick to the talking points. There is no need to get off topic.

Stress the Local Significance - All politics is local: stress how important this issue is to you and other constituents (voters) in the district. Be sure to outline your issue in terms of how it affects you and other constituents in the elected official's community.

DO -

- Be respectful, including thanking him/her for time and attention.
 - Stick to the topic.
 - Use layman's terms when discussing ham radio.
- Be clear with your request: you would like their co-sponsorship.
 - Stress local impact.

DON'T

- Be disrespectful.
 - Be bossy.
 - Be argumentative.
 - Use ham jargon.
- Be intimidated. You are a constituent and a voter. Your voice matters: USE IT!!!