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Clarity on Amateur Radio Parity

Prepared by ARRL, the national association for Amateur Radio

Some objections and concerns have recently been raised about the Amateur Radio Parity Act, H.R. 1301 and S. 1685, by representatives of community associations. To address them, and to separate fact from fiction, let's look at the bill itself and what it would and would not do.

Why is it needed?

Thirty years ago the Federal Communications Commission, recognizing that there was a strong federal interest in effective Amateur Radio communication from residences, adopted a policy of limited preemption of state and local regulations of Amateur Radio station antennas. Those regulations:

- 1) Must not preclude Amateur Radio communications;
- 2) Must reasonably accommodate such communications; and
- 3) Must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose.

Since that time, private land-use restrictions have become increasingly common. Restrictions on antennas are now so pervasive that they prevent effective communication from residences in large areas of the country.

What would the Amateur Radio Parity Act do?

As introduced in both the House and Senate, the bill recognizes the fact that whether a residence is subject only to state and local regulations or also to private land-use restrictions, the federal interest in effective Amateur Radio communications is the same. The bill simply instructs the FCC to extend its time-tested limited preemption policy to private land-use restrictions.

What would it not do?

The Amateur Radio Parity Act does not create new federal policy regarding outdoor antennas. Congress and the FCC already have acted to prohibit restrictions that prevent the installation of direct-to-home satellite dishes, TV antennas, and customer-end wireless broadband antennas.

The bill does not prohibit community association review of proposed Amateur Radio antenna installations. It simply limits restrictions to what may be necessary to accomplish the association's legitimate purposes, such as safety and aesthetics. Prior approval still can be required, just as in the case of municipal land-use regulation.

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The bill does not mandate that a particular size of antenna be permitted. As long as a size and placement restriction does not constitute a prohibition, but reasonably accommodates Amateur Radio communication, and provided that the restriction is necessary to accomplish a legitimate purpose, it will be allowed.

Claims that the bill will do any of these things are simply wrong, and are either misunderstandings of the plain language of the bill or deliberate misrepresentations.

What is the current status of the bill?

As of August 28, 2015, H.R. 1301 had 94 cosponsors in addition to its sponsor, Rep. Adam Kinzinger of Illinois. It has been referred to the Subcommittee on Communications and Technology of the House Committee on Energy and Commerce. S. 1685 was introduced on June 25, 2015 by its sponsor, Senator Roger Wicker of Mississippi, and original cosponsor, Senator Richard Blumenthal of Connecticut. It has been referred to the Senate Committee on Commerce, Science, and Transportation.

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