



It Seems to Us

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H.R. 4969: Cosponsors Needed!

“A bill has been introduced in the US House of Representatives to extend the principle of reasonable accommodation of Amateur Radio antennas to all types of land use regulations. Our challenge now is to find enough cosponsors that the bill will be taken seriously in the remaining days of the 113th Congress.”

Without an effective antenna, a radio station — amateur or otherwise — is just a collection of equipment. It was almost 30 years ago that the FCC, in response to the ARRL’s argument that there was a strong federal interest in effective Amateur Radio communication, adopted a policy of limited preemption of state and local land use regulations governing amateur station antennas. The policy is known as PRB-1, which refers to the Private Radio Bureau, the component of the FCC that at the time was responsible for Amateur Radio. PRB-1 established a three-part test for such regulations: they must not preclude Amateur Service communications, they must reasonably accommodate such communications, and they must constitute the minimum practicable regulation to accomplish the state or local authority’s legitimate purpose.

At the time the FCC was not persuaded to extend this policy to property that is subject to private land use regulations, usually called “covenants, conditions, and restrictions” (CC&Rs). Since then, CC&Rs have spread and now cover more than 25 million housing units — about five times as many as when PRB-1 was adopted. In parts of the country with rapid population growth, it is virtually impossible to find housing that is not subject to CC&Rs.

PRB-1 is a powerful tool that amateurs can use in dealing with local zoning boards. It does not guarantee that a particular antenna system will be deemed reasonable, but it does ensure that municipalities cannot act arbitrarily. Using the authority given to it by Congress, the FCC has said that public policy requires a good-faith effort to minimize the impact of local land use regulations on amateur communications, and that in any event the regulations may not have the effect of precluding amateur communications. Amateurs and would-be amateurs living under CC&Rs have no such protection. It’s time they did.

On June 25, Rep. Adam Kinzinger of Illinois (IL-16), with Rep. Joe Courtney of Connecticut (CT-2) as the original cosponsor, introduced “The Amateur Radio Parity Act of 2014” in the House of Representatives. If signed into law, the bill, H.R. 4969, would require the FCC to extend its PRB-1 policy to private land use restrictions. As a matter of public policy, this extension is both reasonable and necessary. At one time amateurs had alternatives to living under restrictive covenants; in many parts of the country that is no longer the case. The federal interest in effective amateur communications is just as strong in such areas as elsewhere. While amateurs sometimes can negotiate an acceptable arrangement with their homeowners’

association, that is the exception; arbitrary rules and decisions are all too common.

H.R. 4969 is bipartisan legislation, with a Republican sponsor and a Democratic cosponsor. That’s a good start, but for the bill to be taken seriously there must be a much broader base of support in Congress — in short, more cosponsors. How do we go about building that base in the few remaining months of the 113th Congress?

The most promising approach, and one that we ask all ARRL members who are in a position to do so to pursue, is to use an established relationship with your Congressman to ask for his or her cosponsorship. Asking him or her to support the legislation isn’t enough. Unless he or she is a member of the Committee on Energy and Commerce, even a promise that they will vote for the bill if it comes to the House floor isn’t enough. Cosponsors are what we need, and right now! At the very least, call your Congressman’s district or Washington office. Your request is simple: “Please cosponsor H.R. 4969. It’s very important to me as a constituent and an Amateur Radio operator.” The staff keeps a tally of incoming calls. It’s a small thing that could make a big difference.

Congressmen Kinzinger and Courtney have given us a window of opportunity. We are grateful to both of them and to their staffs. The next step, to demonstrate that Amateur Radio has broad support in Congress, is up to us.

If you are fortunate enough to live where there are no CC&Rs you may think this is not your fight. It is. Someday you may want to, or have to, move — and the odds are that if you then want to avoid CC&Rs your housing choices will at best be severely limited.

And then it will be too late.



See the Digital Edition of QST for a special video message from ARRL President Kay Craigie, N3KN, concerning H.R. 4969.

If you could protect the future of Amateur Radio with a phone call, would you pick up the phone? If your signature could end the encroaching prohibition of home-based Amateur Radio operations, would you sign? We are engaged in a battle for the future of Amateur Radio, and our weapons of necessity are phones and e-mail. Contact your congressperson and request that he or she cosponsor H.R. 4969. For more information about H.R. 4969, visit www.arri.org/hr-4969.