
Pros and Cons on The Amateur Radio Parity Act of 2017 (H.R. 555/S. 1534)

Background

Radio amateurs who live in housing developments controlled by homeowners' associations (HOAs) or on property subject to Covenants, Conditions and Restrictions (CC&Rs or deed restrictions) are facing increasing restrictions on putting up outdoor antennas or even operating at all. In addition, a growing number of new housing developments fall into the HOA/CC&R category.

For the past several years, the ARRL has been working hard in Washington to persuade Congress to pass legislation directing the FCC to write rules that would provide amateurs with the same rights to operate and erect outdoor antennas that it provides to hams living elsewhere (so-called PRB-1 rights). The "Amateur Radio Parity Act" was first introduced in 2014 in an effort to achieve this goal.

The Amateur Radio Parity Act

The original bill was strongly opposed by the Community Associations Institute (CAI), the trade organization representing homeowners' associations. The ARRL worked with CAI to find compromise language that would satisfy major HOA concerns while still providing hams with the ability to set up reasonable outdoor antennas at HOA/CC&R-controlled homes. We applauded those efforts at the time. The revised bill passed the House of Representatives unanimously in 2016 but was not voted on by the Senate prior to the end of the last Congress.

The amended language was re-introduced in the current Congress as H.R. 555 in the House of Representatives <<http://bit.ly/2vOn8Jq>>, where it again passed unanimously; and is now being considered in the Senate as bill S. 1534. The ARRL is making a major push to encourage its members and other hams to contact their senators and urge support of the bill.

Concerns Arise

However, as some hams with legal and legislative backgrounds began reading the bill closely, they pointed up significant concerns that the bill's revised language may hurt hams as much as it might help them, including adding new requirements to seek permission to put up antennas and the possibility that new or existing "stealth" antennas might become violations of federal law.

We published a summary of those concerns, as set forth by former FCC attorney Jim Talens, N3JT, in a "Food for Thought" article in the August 2017 issue of CQ, titled "Why H.R. 555 is Not Good (Enough) for Hams." [Click here to view.](#)



Within a week of its publication, the ARRL responded (without specifically mentioning the Talens CQ article) with a "Frequently Asked Questions" document claiming to "debunk" the "myths" raised by Talens, titled "The Amateur Radio Parity Act: Setting the Record Straight." The League posted it online at <http://bit.ly/2upYEqA>, and ARRL President Rick Roderick, K5UR, e-mailed all League members, urging them to read the document and to contact their senators if they hadn't already done so.

Jim Talens quickly issued a rebuttal to the League's "FAQ," pointing out what he sees as the flaws in the ARRL's reasoning. [Click here to view](#) his complete rebuttal.

Talens was joined in rebutting the League's comments by communications attorney Fred Hopengarten, K1VR. Fred is the author of the ARRL book, Antenna Zoning for the Radio Amateur, and is considered by many to be today's leading authority on amateur radio antenna law. Fred says he is a strong supporter of the ARRL but opposes this bill. [Click here to view](#) his statement.

Your Turn . . .

We urge all amateurs to:

- a) Read the bill: <http://bit.ly/2vOn8Jq>
- b) Read N3JT's "Food for Thought" article: [Click here to view](#)
- c) Read the ARRL's response: <http://bit.ly/2upYEqA>
- d) Read N3JT's rebuttal: [Click here to view](#)
- e) Read K1VR's rebuttal: [Click here to view](#)
- f) Make up your own mind about whether you support this bill as written or whether it needs more work before final Congressional consideration.

This white paper provided as a service to the amateur community by CQ magazine (www.cq-amateur-radio.com) to assure that all valid concerns are heard on this issue of major importance to the future of amateur radio.

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