



Bill No: HB 918-- Montgomery County - Landlord and Tenant - Tenant Access to Cable Television Systems and Equipment MC 01-22

Committee: Environment and Transportation

Date: 3/1/2022

Position: Informational

The Apartment and Office Building Association of Metropolitan Washington (AOBA) is a non-profit trade association representing more than 133,000 apartment units and over 23 million square feet of office space in Montgomery and Prince George's Counties. In Montgomery County, AOBA members own/manage over 60,000 of the [County's estimated 83,769 rental units](#) and 20,000,000 square feet of office space. AOBA does not oppose this legislation because members feel the issue in the bill was addressed when the FCC prohibited exclusive access agreements in 2007. Further, housing providers in Montgomery County indicate that it is not their business practice to limit access to cable or cable choice.

House Bill 918 mandates that all cable providers have access to a rental community to install and maintain cable service. AOBA appreciates the bill sponsor addressing one of our serious concerns by drafting an amendment to strike the additional licensing requirement. As amended, this bill seeks to prohibit exclusive access agreements between multi-family housing providers and cable providers. As previously stated, the FCC prohibited such agreements in 2007 when the Commission declared it unlawful under Section 628 of the Communications Act. Also, the FCC is in the process of reviewing broadband competition in multi-family housing. The Commission solicited comments on September 7, 2021, as it seeks to update an earlier examination of the issue. The FCC reexamination may result in new prohibitions and regulations; it may be prudent to wait until the FCC has completed this examination.

Additionally, AOBA surveyed 21 property management companies operating in Montgomery County in December 2021 and January 2022. This survey revealed that housing providers are not blocking access to cable providers. Of survey respondents, 50% indicated that a second cable provider is hesitant to provide infrastructure for a variety of reasons. An additional 10% of respondents noted that no residents have sought a different provider. Of the remaining 40% of respondents the reasons for having a sole cable provider ranged from the installation is pending; residents are not utilizing cable at all in favor of streaming services; or all the communities they

manage have access to multiple cable providers. In short, the information we received from members demonstrates that housing providers are not limiting residents' access to cable options. Further, when contacting the AOBA members amongst the communities listed in Delegate Carr's spreadsheet that accompanies this legislation, we found that none of those communities have exclusive access agreements in place. The issue is not that housing providers restrict cable access or choice.

The process for installing cable infrastructure is complicated. One housing provider with 4,500 units across 10 communities in Montgomery County began working to get a second cable provider at all their communities in 2018. The multi-year installation and wiring is still on-going with portfolio wide completion anticipated in the first quarter of 2022. Another company reports that a second major provider is working with the management company and property owners to survey the properties and the cable company determined they plan to install infrastructure in 8 of 9 communities. A housing provider operating over 30 properties across the state has worked with a second cable provider and has installation projects pending. It is important to note that the housing provider and property owner are working collaboratively to increase cable access because it is a complex process involving drilling, digging, running wires, liability issues and oftentimes access to multiple units. As such, the fact that this bill seemingly allows *any* tenant to request cable service-- completely excluding both the management company and property owner, causes concerns for AOBA members. Additionally, as the bill does not require a company to remove old equipment when a new resident requests a different company, it seems plausible that some apartments may have 3 different sets of wires and holes from 3 different installations. There is also a question what would happen if a resident requested a different cable provider and moved out mid-installation.

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