

HB918_Carr_Fav(Senate)

Uploaded by: Al Carr

Position: FAV

AL CARR
Legislative District 18
Montgomery County

Health and Government Operations
Committee

Subcommittees

Insurance and Pharmaceuticals
Health Occupations and
Long-Term Care

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

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Sponsor Testimony on House Bill 918
Montgomery County - Landlord and Tenant - Tenant Access to Cable
Television Systems and Equipment (Broadband Equity)
March 31, 2022

HB918 is intended to benefit Montgomery County renters by ensuring equitable access to multiple wired broadband providers.

Most Montgomery County residents who live in single family homes or townhomes are fortunate to have access to two or even three wired broadband providers. But tens of thousands of apartment dwellers receive inferior service and are paying higher prices because their landlord has cut a deal limiting them to a single broadband provider.

HB918 addresses this problem by guaranteeing tenants a right to access to all franchisees (who are also broadband providers). It is modeled after legislation that has been on the books in the District of Columbia for over 20 years. Other jurisdictions that have addressed this issue include Anne Arundel County, San Francisco, Oakland and New York.

The advantage of enacting this policy in state law instead of County law is that only a state law would cover the entire County, including municipalities. The Montgomery County House Delegation voted unanimously in favor and we await a vote in the Senate Delegation.

The issue of broadband equity was highlighted in [President Biden's July 9, 2021 executive order](#). It was also the subject of a [Wired Magazine](#) article.

The [FCC recently ruled on this issue](#), cracking down on anti-competitive landlord practices. HB918 is still needed because the FCC order could be overturned in court or reversed in the future after a change in administration.

I ask for your favorable report.

Partial List of Apartment Buildings in District 20 Lacking Broadband Competition

Customer Last Name	Street No	Street Name	City	Unit Cc	Master	ownershi	note
WHITE OAK TOWERS	11700	OLD COLUMBIA PK	SILVER SPRING	410	410	apartment	Unable to reach local office
FAIRLAND GARDENS APARTMNT	12301-13	TREETOP DR	SILVER SPRING	400	400	apartment	Bad phone number
OAK HILL APTS	11411	OLD COLUMBIA PK	SILVER SPRING	275	275	apartment	
MONTG PAINT BRANCH APTS	11503-56	FEBRUARY CIR	SILVER SPRING	243	243	apartment	Unable to find telephone
AHC WOODLEAF LLC	1500-36	HEATHER HOLLOW CIR	SILVER SPRING	228	228	apartment	The Birches apartments
MONG. WHITE OAKS APTS.	11500-50	LOCKWOOD DR	SILVER SPRING	210	210	apartment	left msg; 7/28/21
MONTG WHITE OAK APTS	11510-50	STEWART LN	SILVER SPRING	194	194	apartment	Duplicate; left msg
MONTG WHITE OAK APTS	11400-58	STEWART LN	SILVER SPRING	188	188	apartment	Duplicate
YORKSHIRE APARTMENTS	11401-17	JULY DR	SILVER SPRING	100	100	apartment	lft msg 8/2
NORTHWEST PARK APTS	224	SOUTHAMPTON DR	SILVER SPRING	54	54	apartment	Answering Service

Partial List of Apartment Buildings in District 16 Lacking Broadband Competition

Customer Last Name	Street No	Street Name	City	Unit Cc	Master	ownershi	note
423001 FOREST CITY, MS #9	5801	NICHOLSON LN	ROCKVILLE	546	546	apartment	The Grand; lft msg
THE RESIDENT AT WISCONSIN PLACE	4440	WILLARD AVE	CHEVY CHASE	411	411	apartment	VM
SUMNER HIGHLANDS APTS	4507-25	SANGAMORE RD	BETHESDA	125	125	apartment	Doesn't accept msgs

Partial List of Apartment Buildings in District 16 Lacking Broadband Competition

Customer Last Name	Street No	Street Name	City	Unit Cc	Master	ownershi	note
HOME PROPERTIES, LP	14100	WEeping WILLOW DR	SILVER SPRING	604	604	apartment	Cinnamon Run
CRYSTAL SPRINGS	14201-31	GEORGIA AVE	SILVER SPRING	413	413	apartment	
GLENMONT FOREST APTS	00	GEORGIA AVE	SILVER SPRING	382	382	apartment	2386 Glenmont Cir
WINEXBURG MANOR APT	2201-2319	GLENALLAN AVE	SILVER SPRING	311	311	apartment	
HOME PROPERTIES, LP	3600-26	PEARTREE CT	SILVER SPRING	240	240	apartment	
HOME PROPERTIES, LP	14200-29	PEARTREE LN	SILVER SPRING	233	233	apartment	
WINEXBURG MANOR APTS	2001-25	RANDOLPH RD	SILVER SPRING	216	216	apartment	
STRATHMORE HOUSE	2920-3068	BEL PRE RD	SILVER SPRING	211	211	apartment	left msg; 7/28/21
ASPEN HILL APTS	13515-43	GEORGIA AVE	SILVER SPRING	202	202	apartment	May try DirecTV or get
MONTGOMERY TRACE APTS JV LLC	14110-40	GRAND PRE RD	SILVER SPRING	192	192	apartment	No Answer
MILL CREEK GARDEN APT	17650-54	AMITY DR	GAITHERSBURG	148	148	apartment	Busy Signal

Bill No HB918 Astound Broadband Support 033122.pdf

Uploaded by: Arwen Bain-Cosby

Position: FAV



Bill No: House Bill 918 – Montgomery County – Landlord and Tenant –
Access to Cable Television Systems and Equipment

Committee: Environment and Transportation

Date: 03/31/22

Position: Support

Astound Broadband maintains and operates its own fiber-rich network, offering competitively priced high-speed internet, streaming TV, and phone. We have been a part of the Montgomery County community for years – providing award-winning service and 24/7 customer support. Astound Broadband is committed to three fundamental tenets: Partnership, Choice, and Technology, whereby we partner with property owners and developers in order to provide a choice of services for commercial and residential use. We welcome the opportunity to serve more Montgomery County citizens who are currently not able to access our services due to restrictions imposed by some landlords.

Astound Broadband supports HB918 for the following reasons:

First - Creating an environment of choice will foster a competitive market for quality products, pricing, and overall service.

Second - HB918 provides an incentive for multifamily landlords to remain engaged, invested, and active in the action required to address barriers to equitable access and choice.

Finally - The Federal Trade Commission (FCC) rulings do not go far enough to address the gap between inaction and purposefully entering exclusive agreements.

Multifamily residents may have access to some level of connectivity, but choice of service provider along with products and pricing options that meet their needs are likely limited. A competitive market, with the representation of a full suite of providers, is what allows equitable access for every multifamily subscriber to have a say in what type of service they receive. Having the *choice* to disconnect and find something different, something better, something more affordable, is only possible when there are multiple providers available who are each competing to earn customers by providing the best quality service.

Concerns about protecting the physical integrity of a property make it understandable that landlords may have questions regarding timeframes for construction and methods to install telecommunications infrastructure and equipment, but the terms governing this work are



commonly negotiated and addressed within the language of any standard access agreement between the landlord and service provider. The rights of tenants to access competitive information, options, and service offers should not be restricted by indifference or countering priorities and goals.

The FCC rulings against entering into exclusive access agreements, or restrictive marketing continue to be silent on a landlord's decision to NOT engage with competitors. This scenario creates a default preferred provider and denies the intention of ensuring that tenants have a choice of service.

Astound Broadband encourages support for tenants' rights to access competitive service and supports HB918.

Thank you –

Arwen Bain-Cosby
Astound Broadband – Washington DC Metro Area
Sr. Manager MDU Access and Sales
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301-512-5772

HB0918- MCPS - FAV.pdf

Uploaded by: Danielle Suskind

Position: FAV



MONTGOMERY COUNTY BOARD OF EDUCATION

Expanding Opportunity and Unleashing Potential

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

BILL: HB0918
TITLE: Montgomery County - Landlord and Tenant - Tenant Access to Cable Television Systems and Equipment MC 01-22
DATE: 3/31/22
POSITION: Support
COMMITTEE: Judicial Proceedings/Montgomery County Senate Delegation
CONTACT: Danielle M. Susskind, Coordinator, Legislative Affairs
[Danielle M. Susskind @mcpsmd.org](mailto:Danielle.M.Susskind@mcpsmd.org)

The Montgomery County Board of Education (Board) **supports** HB0918.

This bill would provide greater opportunities for individuals living in apartment buildings to determine their own internet providers. The Montgomery County Board of Education supports this bill as it will increase access to broadband for all families in Montgomery County. Due to the pandemic, MCPS had to move learning online for over a year. We quickly learned about the discrepancies in broadband and internet access in the county. This falls under the Board's priority of equity: The Montgomery County Board of Education supports providing equitable opportunities and ensuring equitable access for all students.

For these reasons, the Board **supports** this legislation and urges a favorable report.

Takoma Park 2022 - HB 918 FAV - Internet Choice -

Uploaded by: Kate Stewart

Position: FAV



CITY OF TAKOMA PARK, MARYLAND

**HB 918
Support**

Senate Judicial Proceedings Committee March 31, 2022

**HB 918 Montgomery County - Landlord and Tenant - Tenant Access to Cable Television
Systems and Equipment MC 01-22**

City Contact: Jamal Fox, City Manager

Jamal.Fox@takomaparkmd.gov

The City of Takoma Park supports House Bill 918 which would allow and promote competition in the cable television market and accompanying broadband Internet service to residents throughout Montgomery County.

Just as businesses have choice when it comes to their internet service provider tenants living in apartments should also have choice. Exclusive arrangements between internet service providers and apartment management companies put renters at a disadvantage, especially those with low incomes who would otherwise be able to look for a better deal.

It's time that all multi-family communities had a choice on internet service providers.

We urge a favorable report on House Bill 918.

HB 918 - MoCo_Elrich_FAV (Senate)(GA 22).pdf

Uploaded by: Marc Elrich

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

March 31, 2022

TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Marc Elrich
County Executive

RE: House Bill 918, *Montgomery County – Landlord and Tenant – Tenant Access to Cable Television Systems and Equipment MC 01-22*
Support

House Bill 918 would prohibit a landlord from preventing a cable TV company from accessing a rental unit to install new equipment if a tenant has requested it. The bill would also prohibit a landlord from imbedding in rental or other charges discriminatory fees based on a cable TV subscription. The proposal includes other requirements pertaining to compensation, indemnification, and enforcement through the court system and local legislation.

I support this legislation. It establishes an even playing field for all the stakeholders, particularly tenants who may find themselves with few cable TV provider options, because there were incentives for landlords or cable TV companies to restrict broader access, or the hurdles, financial or otherwise, were too great to overcome.

Passage of this legislation would allow Montgomery County to join Anne Arundel County and the District of Columbia, both of which have put local laws in place establishing frameworks meeting similar objectives to House Bill 918. I urge the committee to vote favorably on this legislation.

cc: Members of the Judicial Proceedings Committee

Testimony In Support of HB0918.docx Senate Version

Uploaded by: Matthew Losak

Position: FAV



Testimony In Support of HB0918
- Montgomery County – Business Regulation – Landlord License
Environment and Transportation Committee
March 31, 2022
Chris Perry, Vice Chair, Renters Alliance Board of Directors

Good afternoon, Chair Smith and Vice Chair Stein.

I deliver this testimony on behalf of Chris Perry who serves as the Vice Chair of the Renters Alliance Board of Directors—the first and only regional nonprofit dedicated exclusively to renter outreach, education, organization and advocacy.

Tonight, the Renters Alliance speaks in support of HB918, which would allow and promote competition in the cable television market and accompanying broadband Internet service for renters in Montgomery County, and we thank Delegate Carr for his sponsorship of this legislation.

First, some facts. According to a recent Wikipedia article, the United States lags the Peoples Republic of China in total number of fixed broadband Internet subscriptions. And in terms of the number of subscriptions per 100 citizens, we're #24, behind Gibraltar, Switzerland, France, South Korea and Iceland. According to a 2018 report to Montgomery County government, "Because of the importance of broadband Internet access, it is becoming common place for businesses to purchase Internet service from at least two broadband service providers." HB918 states that, what is good for Montgomery County business is good for renters in apartments as well.

Now a story. During the 12 years I've lived in my apartment in downtown Silver Spring, I've only had access to one Internet service provider, and that is Comcast, also known as XFINITY. I have inquired about Verizon fiber optic service (FIOS) but never been able to get the service in my building. During that same time, I have tried unsuccessfully to interest my apartment management in two different service

providers who used innovative high-speed radio-based technology that competed directly with Comcast.

You can understand I'm very interested in Del. Carr's proposal to ease competition among broadband service providers. My wife and I are retirees who live on a fixed income. If I buy gasoline, bread, orange juice, or any other commodity, I have dozens of places offering the same product or equivalent at competitive prices. All I have to do is shop around to get the best deal.

But because apartment management companies get a cut from service providers for exclusive access to renters, we have to pay whatever Comcast feels like charging. And by the way, I have no alternative to sudden, unannounced failures in Comcast service, which can occasionally last for hours at a time. Verizon fiber optics would be more reliable and could be offered at or below the rate Comcast charges.

As a renter and a voter, I'm asking you to please support Del. Carr's measure, HB918. I believe it will make Comcast, Verizon, RCN and other service providers more competitive, and it will add my community to others in Montgomery County and the District that already offer both Comcast and Verizon FIOS to their tenants. It's time to break the monopoly and open Internet access to more families throughout Montgomery County.

References: Broadband Infrastructure for Developers: A Fiber Optic Connectivity Guidebook. October 2018. Prepared by CTC Energy & Technology for Montgomery County, Maryland, Montgomery County Office of Broadband Programs. WikiList of countries by number of broadband Internet subscriptions. https://en.wikipedia.org/wiki/List_of_countries_by_number_of_broadband_Internet_subscriptions

MMHA - 2022 - HB 918 exclusive access - Senate - J

Uploaded by: Aaron Greenfield

Position: UNF



Bill Title: House Bill 918, Montgomery County – Landlord and Tenant – Tenant Access to Cable Television Systems and Equipment

Committee: Judicial Proceedings Committee

Date: March 31, 2022

Position: Unfavorable

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

This bill prohibits landlords in Montgomery County from (1) preventing a cable television company from accessing a dwelling unit for the purpose of constructing, installing, or servicing cable television system equipment if a tenant has requested cable television system service or (2) discriminating in rental or other charges based on a cable television system subscription. The bill authorizes a landlord to require certain compensation in exchange for allowing the installation of cable television system equipment on the property, along with indemnification for any damage that results from the installation or removal of cable television system equipment, as specified. A cable television company may not charge a landlord for the installation of cable television equipment or install a cable television system in an individual dwelling unit without permission from a tenant, as specified. The bill applies only to residential rental property in Montgomery County with more than five residential dwelling units for rent on a single parcel of property or at a single location.

This legislation threatens residents’ access to high-quality, affordable cable services by dissuading and disincentivizing the partnership-based models enjoyed by housing providers and cable service providers. These commercial arrangements promote greater investment in building infrastructure, which improves the quality of service and cost for the renter. Furthermore, mandatory access does not guarantee mandatory service. Efforts to spur competition should have the end goal of increasing services for rural and low-income renters. It is a business decision of the service provider to determine who, where, and what is worth the investment. Quite frankly, mandatory access legislation does nothing more than grant smaller providers unfettered access to Class A properties.

MMHA has the following specific objections and concerns with the legislation:

1. Recent FCC Action: On February 15, 2022, the Federal Communications Commission (FCC) announced that it adopted rules to unlock broadband competition for those living and working in apartments, public housing, office buildings, and

other multi-tenant buildings. This follows FCC's invitation for comments in September 2021. These new rules prohibit broadband providers from entering into certain revenue sharing agreements with a building owner that keep competitive providers out of buildings. The rules also require providers to inform tenants about the existence of exclusive marketing arrangements in simple, easy-to-understand language that is readily accessible. Finally, in a Declaratory Ruling, the Commission clarifies that existing Commission rules regarding cable inside wiring prohibit so-called sale-and-leaseback arrangements that block competitive access to alternative providers. The FCC recently and continuously reviews the rules related to the installation and removal of cable systems in multi-family dwellings. Rather than legislating these requirements for one county in one state, the FCC is best suited to regulate the industry.

2. Role of Tenant: The bill allows any tenant to request cable service without approval from the owner of the property (page 2, lines 15-18). This provides a platform for the tenant to allow any contractor into their premise to perform whatever work they may request without owner's approval. Installation of cable service in a specific unit will require access to adjoining units to run cables and hardware. Those tenants may oppose access or their identity could be unknown to the tenant desiring the service. This could potentially lead to chaos and, in effect, gives the tenant control of the leased premises and even various areas of the property and removes that right of control from the housing provider. A housing provider's standard lease grants no such control or waiver of control.
3. Property Disruption: Pursuant to the language on page 2, lines 15-18, there is no limit on the amount of construction that could occur in any given community. To wire both exterior and interior of the complexes demands additional work and costs to the property. A staff member must act as project manager. These projects take weeks or months depending on the size and complexity of the project. The property owner must have the right to approve the method of installment, cable routes, drilling, visible components to units and exterior of buildings that effect the aesthetics of the building.
4. Compensation: The bill provides that a landlord may require "compensation that is competitively neutral and nondiscriminatory" in exchange for allowing the installation of cable services at the property location (on page 2, line 22-24). It is unclear who determines what "compensation is competitively neutral and nondiscriminatory." This language could effectively prohibit the landlord from collecting reasonable compensation as a result of a unilateral decision by a tenant who requests cable service.

Given MMHA's concerns, along with the history, breadth and depth of work by the FCC on these issues, we respectfully request an unfavorable report on House Bill 918.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

hb918amend.pdf

Uploaded by: Suzanne Pelz

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne Pelz
(410)260-1523
RE: House Bill 918
Montgomery County – Landlord and Tenant – Tenant Access to
Cable Television Systems and Equipment MC 01-22
DATE: March 23, 2022
(3/31)
POSITION: Oppose

The Maryland Judiciary continues to oppose House Bill 918 as amended.

This bill modifies landlord-tenant law in only one jurisdiction, which the Judiciary generally opposes. The District Court is a statewide system designed to provide the uniform application of law to all who come before it. This bill would contribute to landlord-tenant law applying differently in one jurisdiction than the others, resulting in an inequitable application of the law across the State. The Judiciary believes there should be statewide consistency in landlord-tenant cases.

cc. Montgomery County Delegation
Judicial Council
Legislative Committee
Kelley O'Connor