

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Bridging the Digital Divide for Low-Income Consumers	)	WC Docket No. 17-287
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
Affordable Connectivity Program	)	WC Docket No. 21-450
	)	
Emergency Broadband Benefit Program	)	WC Docket No. 20-445
	)	

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**COMMENTS OF  
THE NATIONAL MULTIFAMILY HOUSING COUNCIL,  
THE NATIONAL APARTMENT ASSOCIATION,  
AND THE REAL ESTATE TECHNOLOGY & TRANSFORMATION CENTER**

Matthew C. Ames  
HUBACHER AMES & TAYLOR, P.L.L.C.  
10505 Judicial Drive  
Suite 300  
Fairfax, Virginia 22030

*Counsel for:  
the National Multifamily Housing Council,  
the National Apartment Association, and the  
Real Estate Technology & Transformation Center*

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## SUMMARY

The National Multifamily Housing Council (“NMHC”), the National Apartment Association (“NAA”), and the Real Estate Technology & Transformation Center (RETTC) submit these Comments in response to the Commission’s Notice of Proposed Rulemaking released on February 23, 2026 (the “*NPRM*”). The apartment industry provides rental homes for 41.2 million Americans from every walk of life, including seniors, teachers, firefighters, healthcare workers, families with children, and many others who enrich our communities. Rental housing owners understand how critical high-quality communications services are for their residents.

Every rental community is different, and meeting resident needs requires property owners and managers to be attuned to both resident desires and the options available in the market. In many rental communities, owners and service providers have found that bulk service arrangements offer residents substantially reduced rates and improved broadband service. In addition, managed WiFi networks offering ubiquitous service at a property on a bulk basis enable the introduction of advanced services not feasible under a traditional retail service contract. Consequently, NMHC, NAA, and RETTC urge the Commission to consider amending its existing Lifeline rules to take advantage of the benefits of bulk service arrangements.

**Bulk Agreements Improve Broadband Access for Low-Income Residents.** There is no doubt that many low-income Americans do not have access to affordable broadband service. The overall cost of service over existing networks, and the need for providers to earn a reasonable return after investing scarce capital in system upgrades in older communities, often put access to broadband service out-of-reach without a substantial subsidy.

The current Lifeline program does not fully accommodate this need, in large part because of statutory limitations. NMHC, NAA, and RETTC are working with the Congressional Universal Service Working Group on this problem and hope to assist the Commission as well.

**NMHC, NAA, and RETTC Urge the Commission to Support Bulk Billing and Managed WiFi in Amending the Lifeline Rules.** As currently structured, the Lifeline program makes funding available to eligible telecommunications carriers that provide services to qualifying low-income Americans only on an individual or subscription basis. The Commission is rightly concerned with ensuring that Lifeline funding is used only to benefit the intended recipients, but current Commission rules do not provide a clear mechanism for low-income residents to receive the benefit of the Lifeline subsidy if they are obtaining service through a bulk-billing arrangement. NMHC, NAA, and RETTC urge the Commission to consider rule changes that would allow subsidies to be made available in some fashion under bulk billing arrangements entered into by eligible telecommunications carriers, as currently defined. If Congress acts to expand eligibility, the Commission should then permit competitive providers also to enter into bulk billing agreements.

Bulk billing offers numerous benefits to subscribers, property owners, and service providers. Bulk internet service is typically faster, more reliable, and more affordable than that available in the broader consumer market. Bulk internet can also remove barriers to affordability and adoption of broadband service by providing immediate, always-on-service, and – because the resident is not paying a separate fee to the broadband provider -- removing the need for credit checks, security deposits and equipment rentals, all of which can disproportionately harm low-income Americans.

Managed WiFi requires a bulk service arrangement for effective implementation. Multifamily residents benefit from managed WiFi because it creates a ubiquitous broadband environment the instant their devices are within range of the network, at or near the property line, and from there all the way up to and within their individual homes. Property owners and managers benefit because they can pay for additional bandwidth they can then use to run all of the automated features that are being built into modern apartment properties, such as utility management and security functions. The same kind of smart apartment technology is made available to the residents over the resident network. These capabilities have been built into numerous new properties, as managed WiFi has come to be seen as a very effective way to roll out new technology in the multifamily arena.

Managed WiFi permits the following:

- Addressing WiFi interference in crowded multifamily environments.
- Delivering ubiquitous, property-wide service.
- Solving the mobile access problem.
- Providing frictionless move-in, move-out for residents, owners, and providers.
- Enhancing access to smart tech, IoT implementation.

**Some Localities and States Have Adopted Requirements That Undercut the Benefits of the Bulk Model.** When the Commission was considering the possibility of regulating bulk service agreements in 2024, NMHC, NAA, and RETTC demonstrated that such regulation would be misguided because regulation would increase the cost of broadband service to the most vulnerable and price-sensitive subscribers, and because of the harm regulation would cause to the deployment of the many new applications made possible by managed service arrangements. Unfortunately, the State of California and several other state and local governments have

proceeded to adopt their own restrictions on bulk service agreements. Legislation like California's will prevent some proportion of low-income Americans from getting access to good quality broadband service entirely, because competitive providers will not be able to justify the cost of investment; or it will condemn some of those residents of receiving low-quality service over existing networks that an incumbent has chosen not to upgrade. We urge the Commission to discourage the adoption of such legislation.

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**COMMENTS OF THE  
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**INTRODUCTION**

The National Multifamily Housing Council (“NMHC”)<sup>1</sup>, the National Apartment

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<sup>1</sup> Based in Washington, D.C., the National Multifamily Housing Council is where rental housing providers and suppliers come together to help meet America’s housing needs by creating inclusive and resilient communities where people build their lives. NMHC advocates for solutions to America’s housing challenges, conducts rental-related research and promotes the desirability of rental living. Over one-third of American households rent, and over 21 million U.S. households live in an apartment home (buildings with five or more units).

Association (“NAA”),<sup>2</sup> and the Real Estate Technology & Transformation Center (“RETTTC”)<sup>3</sup> respectfully submit these Comments in response to the Commission’s Notice of Proposed Rulemaking released on February 23, 2026 (the “NPRM”).

The rental housing industry provides apartment homes for 41.2 million Americans from every walk of life, including seniors, teachers, firefighters, healthcare workers, families with children, and many others who enrich our communities.<sup>4</sup> The members of NMHC, NAA, and RETTTC serve residents of every income level, race, ethnicity, color, religion and national origin, and owners of rental housing communities are dedicated to meeting the housing-related needs of all of their residents. One of those critical needs, for every class of multifamily resident, is adequate broadband internet access service.

The rental housing industry has repeatedly demonstrated its desire to work with the Commission as a stakeholder in advancing national policy for the deployment of high-quality communications services and facilities that will serve all Americans. NMHC, NAA, and RETTTC wish to maintain a productive relationship with the Commission, so that the three associations

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<sup>2</sup> The National Apartment Association serves as the leading voice and preeminent resource through advocacy, education, and collaboration on behalf of the rental housing industry. As a federation of 141 state, local and global affiliates, NAA encompasses over 92,000 members representing more than 11 million apartment homes globally. NAA believes that rental housing is a valuable partner in every community that emphasizes integrity, accountability, collaboration, community responsibility, inclusivity and innovation.

<sup>3</sup> The Real Estate Technology & Transformation Center (RETTTC), strategically aligned with the National Multifamily Housing Council (NMHC), brings together real estate companies and technology providers to blaze a path forward for digital transformation in America. The Center serves as the preeminent advocacy, resource and networking platform for real estate and tech leaders as they navigate a long-term and complex technology-enabled transformation. This evolution will impact the renters and communities we serve, help address our nation’s long-term housing challenges, improve business operations and enhance our ability to drive innovation across the economy.

<sup>4</sup> 2024 American Community Survey, 1-Year Estimates, U.S. Census Bureau, “Total Population in Occupied Housing Units by Tenure by Units in Structure.”

may continue to give the Commission accurate and useful information as the agency performs its functions.

In this instance, NMHC, NAA, and RETTC wish to urge the Commission to consider ways to make the Lifeline subsidy available to a more low-income Americans by incorporating bulk billing and managed WiFi into the Lifeline subsidy structure. To the extent that this may not be possible because of limits on the scope of the Commission's authority, the three organizations respectfully request that the Commission remains aware of the importance of these issues in the event that Congress revises the Commission's authority over universal service.

#### **I. MANY LOW-INCOME APARTMENT RESIDENTS LACK ACCESS TO AFFORDABLE BROADBAND SERVICE.**

There is no doubt that many low-income Americans do not have access to affordable broadband service. NMHC, NAA, and RETTC have addressed this issue in detail in filings in the Digital Discrimination and Multiple Tenant Environment proceedings.<sup>5</sup> In addition, the market has demonstrated the need for support for low-income residents, because of the overall cost of service over existing networks, and because of the need for providers investing in upgraded facilities to recover the cost of those investments and to earn a reasonable return on them. Without a substantial subsidy, it is not financially feasible for providers to profitably serve renters living in many low-income multifamily communities.

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<sup>5</sup> See, e.g., Reply Comments of NMHC and NAA, GN Docket No. 22-69 (filed April 20, 2023), pp. 7-9; Comments of NMHC and NAA, GN Docket No. 22-69 (filed Feb. 21, 2023), pp. 17-24; Further Joint Reply Comments of the Real Estate Associations, GN Docket No. 17-142 (filed Nov. 19, 2021), pp. 15-20.

A substantial share of the population of the United States resides in multifamily housing that is eligible for some form of government financial support.<sup>6</sup> Many of these households include individuals who are eligible for Lifeline support, as defined in 47 U.S.C. § 54.409. The Department of Housing and Urban Development (“HUD”) defines “affordable housing” as housing for which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities. The term “low-income housing” refers to housing occupied by households earning less than 80% of the area median income (“AMI”) in their region, while households earning less than 50% of AMI are categorized as “very-low income”. 42 U.S.C. § 12704(10). A household occupying affordable housing may also qualify as low-income, but the two definitions are not related, and neither is technically a subset of the other. There are approximately 2.3 million government-subsidized, affordable multifamily housing units in the United States. While there is no count of senior households in affordable multifamily specific units, but seniors constitute a large portion (21% of all assisted renters) of the overall subsidized rental units.<sup>7</sup> Beyond the assisted rental universe, there were also 2.3 million very-low-income households nationwide as of 2023 (11% of all apartment households) and an even greater number of low-income households.

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<sup>6</sup> There are currently about 22.0 million apartment households in the country, according to the 2024 American Community Survey; of these, nearly a fifth receive rent reductions through government subsidy (6.7%), living in a unit owned by a public housing authority (8.0%), or through some other program that requires income verification (4.8%), according to the 2023 American Housing Survey. More than 11% of apartment households are considered very-low-income (earning under 50% of AMI), while an additional 11% earn between 50% and 99% of AMI.

<sup>7</sup> Center on Budget and Policy Priorities, *United States Federal Rental Assistance Fact Sheet* (Jan. 23, 2025) available at <https://www.cbpp.org/research/federal-rental-assistance-fact-sheets#US> (last visited May 4, 2026).

There is no doubt that the existing Lifeline subsidy is generally insufficient to meet the broadband needs of most potential beneficiaries of the program. The typical retail rate for broadband service ranges from \$50 to 80 per month.<sup>8</sup> The monthly Lifeline subsidy of \$9.25 can lower those rates by roughly 12% to 18%; while this is substantial, it is often not enough to matter to a multifamily resident on a tight budget. Low-cost plans, which are available in some places for as little as \$10, can address this problem, but they are not available from every provider in every community.

Unfortunately, the termination of the Affordable Connectivity Program (the “ACP”) has created a significant affordability issue. Multifamily owners had strongly supported the ACP when it was still authorized, although the structure of the program made it difficult for both renters and property managers in bulk-billed or managed WiFi communities to obtain access to the benefits of the ACP. Before the program was terminated, NMHC, NAA, and RETTC had hoped to work with the Commission to address some of the administrative problems that had complicated making the ACP available in the full range of multifamily contexts.

In an effort to improve affordability and access, NMHC, NAA, and RETTC are working with Congressional leaders. Attached as Exhibit A is a letter from the leadership of the three organizations to the Senate and House leaders of the bipartisan Congressional Universal Service Working Group. As stated in the letter, NMHC, NAA, and RETTC have offered to serve as a

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<sup>8</sup> R. Downer, “How much does internet cost in 2025? A complete guide to monthly prices, speeds and fees,” USA TODAY (Aug. 5, 2025), available at <https://www.usatoday.com/story/tech/internet/cost-of-internet/85517217007/>; *Communications Marketplace Report*, GN Docket 24-119 (rel. Dec. 31, 2024), ¶¶ 30-33 (showing prices of major broadband providers ranging from \$30-90 per month for speeds between 100 and 1000 mbps).

resource to the Working Group as it continues its work. In particular, NMHC, NAA and RETTC have urged the legislators to recognize that bulk billing and managed WiFi solutions are critical tools for ensuring affordability and that any new or restructured assistance programs should be designed to be compatible with bulk billing and managed WiFi. As discussed in the next section of these Comments, NMHC, NAA and RETTC, urge the Commission to also take into account the value and importance of bulk billing and managed services in extending broadband access to Lifeline-eligible multifamily residents.

## **II. NMHC, NAA, AND RETTC URGE THE COMMISSION TO SUPPORT BULK BROADBAND AND MANAGED WiFi IN ANY FUTURE RULINGS REGARDING LIFELINE, SUPPORT FOR LOW-INCOME CONSUMERS, OR IMPLEMENTATION OF THE COMMISSION’S AUTHORITY OVER UNIVERSAL SERVICE.**

As currently structured, the Lifeline program makes funding available to eligible telecommunications carriers that provide services to qualifying low-income Americans, on an individual or subscription basis. The *NPRM* is rightly concerned with ensuring that Lifeline funding is used only to benefit the intended recipients. On the other hand, current Commission rules do not provide a clear mechanism for low-income residents to receive the benefit of the Lifeline subsidy if they are obtaining service through a bulk-billing arrangement. This is true whether the individual subscriber resides in a market-rate multifamily property, or in affordable housing.

In addition, the Commission’s statutory authority limits the scope of the Lifeline program. Competitive broadband providers are not eligible to provide Lifeline service because they do not meet the definition of “eligible telecommunications carrier.”<sup>9</sup> This limitation

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<sup>9</sup> 47 U.S.C. § 214(e); 47 C.F.R. § 54.201(a)(1).

regrettably undercuts the goal of the program, because it prevents otherwise eligible low-income multifamily residents from obtaining the Lifeline benefit merely because of the identity of the provider.

NMHC, NAA, and RETTC urge the Commission to consider rule changes that would allow subsidies to be made available in some fashion under bulk billing arrangements entered into by eligible telecommunications carriers, as currently defined. In this regard, we emphasize that bulk agreements typically ensure the delivery of high-quality service that more than meets the Commission's minimum service standards.<sup>10</sup>

One of the limitations of the ACP that was most frustrating for potential subscribers, broadband providers, and property owners was the lack of a mechanism for making the discounts available in a bulk service setting. The application and verification procedures assumed that applicants were individual retail customers of the provider, and made no allowance for other delivery models, even when the cost of service to the subscriber would have been substantially lower. NMHC, NAA, and RETTC fully appreciate the Commission's concerns regarding verification of Lifeline eligibility, but it would be highly regrettable if the Commission's subscriber consent requirements inadvertently precluded participation in Lifeline by residents of properties served under bulk agreements. We believe there may be ways for property owners to assist in the verification process, especially in the case of operators of low-income and affordable housing, where a very large proportion, if not all, of the residents would typically qualify for the Lifeline benefit.

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<sup>10</sup> See *NPRM* ¶¶ 43-56.

The failure of the ACP application process to accommodate bulk billing and managed WiFi arrangements also deprived low-income Americans of other benefits, beyond lower prices. These included reliable high-speed broadband service in older public housing communities and improved access to health care for residents of senior housing.<sup>11</sup> The Lifeline program makes the same assumption and has the same deficiencies.

Finally, in the event that Congress expands the scope of the Commission’s authority, we also urge the Commission to allow additional classes of providers to participate in the future.

**A. Bulk Internet Agreements Are Advantageous for Renters, ISPs, and Rental Housing Operators.**

Apartment residents view broadband connectivity as a critical amenity, essential to their quality of life. In surveys conducted by NMHC and other organizations, high quality broadband service is always at or near the top of the list of resident needs. Ninety percent of respondents to the NMHC and Grace Hill 2024 Renter Preferences Survey said they were interested in or would not rent without high-speed internet access, trailing only air conditioning (93% of respondents) and a washer/dryer in unit (93%).<sup>12</sup> Furthermore, renters are a highly mobile population; they may stay for one year, until their lease is up, and move on. On a national basis, roughly a quarter (25.8%) of apartment households in 2024 reported moving.<sup>13</sup> Consequently, limiting resident turnover is a major concern for property managers.

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<sup>11</sup> M. Norris, *Community-Based WiFi Solutions Critical in Affordable Housing To Increase Access*, NMHC White Paper (Aug. 2024), pp. 4-5, 7-8, available at <https://rettc.org/hubfs/Public-Resources/Community-Based-Wi-Fi-Solutions-in-Affordable-Housing-White-Paper.pdf?hsLang=en> (last visited May 4, 2026).

<sup>12</sup> National Multifamily Housing Council and Grace Hill, “2024 Renter Preferences Survey Report.”

<sup>13</sup> NMHC tabulations of 2024 American Community Survey microdata.

Because resident satisfaction is paramount to a rental housing community's success, rental housing providers must make connectivity a priority. Property owners and managers enter into bulk agreements with Internet service providers when they determine that the bulk model makes sense for meeting the needs of a particular apartment community.

Bulk agreements enable customized services tailored to a community's specific needs, such as dedicated bandwidth and service level agreements ("SLAs") that specify the provider's obligations for reliability, performance, and priority customer support. Additionally, as property owners deploy more resident-demanded smart technology and IoT/smart building technologies, such as improved security access controls, smart thermostats, leak detection sensors, and automated or voice-activated lights and window coverings, the bulk internet model supports the always-on needs of these systems.

For renters, bulk internet service is typically faster, more reliable, and more affordable than what is available in the broader consumer market. Not only does bulk Internet service meet resident needs for broadband connectivity, but many current bulk arrangements also satisfy the desire of renters to have seamless connectivity throughout the apartment community. Bulk internet can also remove barriers to affordability and adoption of broadband service by providing immediate, always on service, and – because the resident is not paying a separate fee to the broadband provider -- removing the need for credit checks, security deposits, and equipment rentals, all of which can disproportionately harm low-income Americans.

For ISPs, especially for smaller, independent providers that enable competition in the connectivity space, bulk agreements ensure a steady revenue stream, because the owner of the rental community is contractually obligated to pay the bulk fee for service throughout the community. This model offers smaller ISPs three benefits. First, by guaranteeing a known rate

of return, a bulk contract justifies the substantial initial investment needed to build out a modern broadband network. This is especially important in serving the existing stock of affordable housing, where low take rates and high turnover under a traditional retail subscriber model can quickly make a project unprofitable for the ISP. The second benefit to the smaller ISP is that the investors and lenders who finance these networks much prefer the predictability of a bulk arrangement when evaluating risk. Finally, bulk internet models can reduce an ISP's costs by optimizing network capacity utilization.

**B. Bulk Agreements Are the Most Effective Market-Based Tool for Addressing Affordability and Lowering Rates in the Multifamily Broadband Market.**

When multifamily owners decide that a bulk agreement is a suitable mechanism for providing broadband service in a rental community, they typically request several providers to submit proposals. Bidders routinely offer low rates, on average roughly half of those available on a retail basis.<sup>14</sup> Service providers also often install new infrastructure, or upgrade existing facilities to the state-of-the-art, thus improving the quality of service. The result is better, faster, cheaper, and more reliable broadband for residents. The typical package includes high-speed

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<sup>14</sup> See, e.g., Letter from Matthew S. DelNero, Counsel for Summit Broadband, to Marlene H. Dortch, GN Docket No 17-142 (filed May 20, 2024), at 2 (prices are often roughly half of retail rates); Letter from Gary Resnick, Counsel for Coalition of Independent Broadband Bulk Providers, to Marlene H. Dortch, GN Docket No 17-142 (filed May 8, 2024), Encl. 1, at 3 (bulk rates generally between 35% and 80% below retail, with average rate 48% lower than retail); Letter from Thomas Cohen, Counsel for Hotwire Communications, to Marlene H. Dortch, GN Docket No 17-142 (filed Mar. 22, 2024), at 2 (estimating approximately 50% reduction in rates); In addition, respondents to a survey conducted by NMHC in 2021 who stated that at least some of their units were subject to a bulk service agreement, almost all (26 of 28) said that the bulk service provider discounts the cost of the bulk service when compared to the standard fee in the local area. This group reported an average discount of 47%.

internet with speeds averaging 510 Mbps, Wi-Fi, streaming content, smart home access, and community area Wi-Fi along with various other technology amenities. Another benefit of bulk billing is the ability to establish superior service quality standards that providers otherwise are not obligated to offer to individual subscribers.

Property owners often market the resulting package of capabilities as an amenity because potential renters want seamless access to reliable and high-speed internet, entertainment, and smart technologies. The discounted fee for this service is identified in the quotes provided to prospective tenants. Camden Property Trust, one of the largest publicly-traded multifamily owners in the United States, makes broadband service available on a bulk basis in nearly all of its communities. Camden conducts annual surveys to determine why prospects choose not to move in and residents choose to move out, and has found that the bulk broadband service is very rarely a factor. In 2023, less than 0.24% of potential residents did not lease due to Camden's "Technology Package," and over the years 2016-2020, Camden lost fewer than 55 residents annually for that reason.<sup>15</sup>

Bulk service is especially beneficial to residents of affordable housing, including senior affordable housing. Broadband connectivity is critical in providing health services to older Americans, but it is often difficult to obtain adequate broadband service in communities serving that population. Existing broadband service in the older buildings that typically house lower income seniors is often inadequate for modern applications, and when service is available, residents simply cannot afford to pay standard retail rates. Bulk agreements offering upgraded

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<sup>15</sup> Letter from Matthew C. Ames, Counsel for NMHC, NAA, and RETTC, to Marlene H. Dortch, GN Docket No 17-142 (filed July 11, 2024), at 2.

infrastructure and sharply discounted rates are the only effective means of delivering service to this market sector. In addition, while these problems are most acute in communities serving lower-income seniors, they also arise in affordable housing serving all demographic groups.<sup>16</sup>

**C. Bulk Agreements Are Critical to the Success of Managed WiFi Offered by Competitive Providers.**

Bulk agreements originally provided only video service (both satellite and cable); their use was then expanded to include wireline broadband, as that technology came into its own. Over the past 6-8 years, bulk agreements have become more important as renters, property owners, and ISPs have learned of the benefits of managed WiFi as a method of delivering a broad range of advanced services in the multifamily environment. Because of the ubiquitous property-wide nature of a managed WiFi network, bulk agreements are critical for deployment of the technology.

Multifamily residents benefit from managed WiFi because it creates a ubiquitous broadband environment the instant their devices are within range of the network, at or near the property line, and from there all the way up to and within their individual homes. Property owners and managers benefit because they can pay for additional bandwidth they can then use to run all of the modern automated features that are being built into modern apartment properties, such as utility management and security functions. The same kind of smart apartment technology is made available to the residents over the resident network. These capabilities have been built into numerous new properties, as managed WiFi has come to be seen as a very effective way to roll out new technology in the multifamily arena.

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<sup>16</sup> *Id.*, p. 3.

The numerous benefits of managed WiFi include:

- Addresses WiFi interference. In many apartment communities, the presence of numerous resident-owned WiFi routers in close proximity creates harmful radio frequency interference. While FCC rules require unlicensed WiFi users to accept such interference, this interference impedes their use of the technology. Managed WiFi allows residents to take full advantage of the capabilities of their wireless devices.
- Ubiquitous, property-wide service. Managed WiFi networks are designed to ensure an adequate signal is available everywhere within the community. Younger residents and others who move frequently strongly prefer the convenience of a network that gives them ubiquitous access to all of their devices. Managed WiFi systems are an efficient way to do this, but they are rarely practical to implement on other than a bulk basis
- Solves the mobile access problem. Wireless customers often have trouble receiving an adequate signal inside buildings, even where 5G service is available. Managed WiFi networks eliminate this problem by transmitting wireless signals to and from the Internet, over the ubiquitous WiFi network. This solution is much more cost-effective than older DAS technology.
- Frictionless move in, move out for residents, owners, and providers. When renters move to a new apartment, they want immediate, easy access to the internet. The 2024 NMHC/Grace Hill Renter Preferences Survey of over 172,000 renters living in 4,220 communities nationwide reports that 87% of renter respondents view availability of internet immediately on move-in as “very important” or “absolutely essential.” Once a new resident is given access to the managed WiFi network, the resident can log on to any other services available in the community by means of that network. The provider does not need to deliver or install additional equipment, and the property manager does not need to coordinate access to the property.
- Enhances access to smart tech implementation. Managed WiFi makes it possible to deploy smart tech everywhere on a property, for the benefit of both residents and the owner. This includes applications within the units and throughout the community, such as: door locks, guest access, HVAC and other environmental controls; property security (access control and CCTV); fire and other safety sensors; and more. It is not possible to deploy most IOT/smart tech functions effectively without a property-wide system.

These examples illustrate how important and beneficial it would be for Lifeline subsidies to be available in the bulk context. Many low-income Americans rely entirely on mobile phones for their Internet access. Furthermore, wireline broadband within many low-income properties is often of poor quality. If connectivity within a building is poor, many residents will have substandard access to broadband service. Even if they are eligible for a Lifeline subsidy, it may be of little use to them. On the other hand, if the subsidy could be used to fund access to service through a managed WiFi network under a bulk-billing arrangement, access to broadband for all residents could be ensured.

To obtain the full benefit of managed WiFi and bulk billing arrangements, the Lifeline program would have to be amended to allow competitive broadband providers to participate. We understand that this would require statutory changes, and this is an issue NHC, NAA, and RETTC will take up with the Congressional Working Group. Nevertheless, we urge the Commission to allow for flexibility even under existing law, because legacy carriers do enter into bulk billing agreements and such arrangements can lower costs for residents while ensuring an adequate revenue stream for the provider.

### **III. SOME LOCALITIES AND STATES HAVE ADOPTED REQUIREMENTS THAT RESTRICT OR UNDERCUT THE BENEFITS OF THE BULK MODEL.**

When the Commission was considering the possibility of regulating bulk service agreements in 2024, NMHC, NAA, and RETTC demonstrated that such regulation would be misguided because regulation would increase the cost of broadband service to the most vulnerable and price-sensitive subscribers, and because of the harm regulation would cause to the deployment of the many new applications made possible by managed service arrangements. Unfortunately, a number of state and local governments have proceeded to adopt their own

restrictions on bulk service agreements.<sup>17</sup> For example, in 2025, the state of California adopted Assembly Bill 1414, which added Section 1942.8 to the California Civil Code.<sup>18</sup> This statute allows multifamily residents to refuse to pay for any broadband service provided through a bulk billing arrangement.

The new California law will harm broadband subscribers and hinder deployment of new technology in at least four ways.

First, Section 1942.8 will reduce overall investment in the broadband facilities needed to serve low-income Americans, whether by incumbents or competitive broadband providers. All providers rely on the certainty provided by bulk agreements to justify the cost of deployment; the bulk pricing assumes and guarantees a consistent revenue stream over the life of the agreement. Section 1942.8 will create uncertainty because a potential provider will need to assume that a

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<sup>17</sup> See, e.g., Cal. Civil Code § 1942.8 (tenant has right to opt out of bulk-billing arrangement); Col. Rev. Stat, § 32-12-801(3)(a) (caps amount of charge for bulk-billed service); San Francisco Police Code, § 5201 (right to obtain service from provider of tenant’s choice); Code of Montgomery Co. Reg. § 29.601.01.01(a)(7)(resident may opt-out of bulk-billed service).

<sup>18</sup> Section 1942.8 reads as follows:

- (a) For any residential tenancy commenced, renewed, or continuing on a month-to-month or other periodic basis, on or after January 1, 2026, a landlord or their agent shall allow the tenant to opt out of paying for any subscription from a third-party internet service provider, such as through a bulk-billing arrangement, to provide service for wired internet, cellular, or satellite service that is offered in connection with the tenancy.
- (b) A landlord or their agent shall not retaliate against a tenant for exercising the tenant’s rights under this section, consistent with the protections provided in Section 1942.5.
- (c) If the landlord or their agent violates subdivision (a), the tenant may deduct the cost of the subscription to the third-party internet service provider from the rent.
- (d) This section does not prevent a landlord or their agent from offering bulk-billing arrangements to their tenants.
- (e) For the purposes of this section, “internet service provider” has the same meaning as that term is defined in Section 3100.

certain proportion of residents may reject the service. At this point, that figure may be hard to estimate. Furthermore, margins matter. When evaluating a potential project, a broadband provider must be confident that the revenue from serving a multifamily property will exceed its costs, including any financing costs, and yield a satisfactory return on its total investment. If the projected ROI after accounting for the potential complications created by the new opt-out right falls below a certain level, providers will not be willing to undertake the project. Although the reduced ROI may be acceptable in some cases, other projects will be marginal from the beginning, and bulk service will not be viable for those properties. Consequently, renters will lose the benefit of a suite of advanced services, as discussed earlier, or they will lose the benefit of a substantially reduced rate for the service, or both.

Second, the new law increases the risk to property owners. Property owners will be less willing to enter into bulk agreements because if residents refuse to pay for the service, it will be the owner that must absorb the cost, unless the bulk agreement permits the owner to pass through the reduced payments from residents. If the provider is unwilling to accept the risk that its revenues will be reduced, the risk shifts to the owner, who must then try to determine whether the benefits of the bulk mechanism are outweighed by the increased administrative costs of managing requests from residents to opt out and obtain service from a different provider. These costs are very difficult to assess in advance, and some unknown proportion of owners will decide against implementing a bulk model. In those instances, residents will again lose the benefits of reduced rates and access to advanced services.

There are contractual mechanisms that can help mitigate the risks of the resident opt-out right to providers and owners, but the risks still remain.

The third problem created by Section 1942.8 is that it will reduce competition to the large incumbent providers. The competitive providers are smaller and by definition have no existing large customer base in any given locality. Each project must be individually evaluated and financed. The incumbents, on the other hand, are typically already serving a property, or are the leading alternative. Any government action that reduces the margin of profitability of a project inevitably reduces competition.

Finally, the uncertainty created by Section 1942.8 is especially harmful to low-income residents because affordable housing, senior housing, and other environments in which Lifeline-eligible households live are less likely to generate additional revenue through the delivery of additional services than properties that serve more affluent customers. In other words, the revenue calculation for those buildings is much less flexible, even though the cost of installing or upgrading facilities in two different properties may be roughly the same.

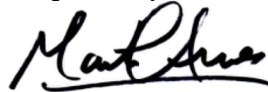
The harms caused by Section 1942.8 will affect the Lifeline program because viable bulk service agreements increase the number and range of properties that are occupied by low-income, Lifeline-eligible residents.

In short, California's legislation will prevent some proportion of low-income Californians from getting access to good quality broadband service entirely, because competitive providers will not be able to justify the cost of investment; or it will condemn some of those residents of receiving low quality service over existing networks that an incumbent has chosen not to upgrade.

## CONCLUSION

For the foregoing reasons, NMHC, NAA, and RETTC respectfully request that the Commission take into consideration the benefits of bulk service agreement and managed WiFi technology in the course of its pending examination of the Lifeline regulations, and any future changes made possible by Congressional action.

Respectfully submitted,



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Matthew C. Ames  
HUBACHER AMES & TAYLOR, P.L.L.C.  
10505 Judicial Drive  
Suite 300  
Fairfax, Virginia 22030

*Counsel for:  
the National Multifamily Housing Council,  
the National Apartment Association, and the  
Real Estate Technology & Transformation Center*

May 4, 2026

## **EXHIBIT A**

February 4, 2026

Senator Deb Fischer  
448 Russell Senate Office Building  
Washington, DC 20510

Senator Ben Ray Luján  
498 Russell Senate Office Building  
Washington, DC 20510

Representative Richard Hudson  
2112 Rayburn House Office Building  
Washington, DC 20515

Representative Doris Matsui  
2311 Rayburn House Office Building  
Washington, DC 20215

Dear Sen. Fischer, Sen. Luján, Rep. Hudson and Rep. Matsui:

On behalf of the members of the National Multifamily Housing Council (NMHC), the National Apartment Association (NAA), and the Real Estate Technology and Transformation Center (RETTC), thank you for your bipartisan, bicameral leadership in examining reforms to the Universal Service Fund (USF) and its role in ensuring that all Americans have access to affordable, reliable connectivity.

NMHC, NAA and RETTC partner on behalf of America's rental housing providers and technology suppliers that are driving innovation and helping assist in addressing our long-term housing challenges. NMHC, NAA and RETTC provide a single voice for rental housing developers, owners and operators and the technology suppliers that are driving innovation and helping assist in addressing our long-term housing challenges. One-third of all Americans call a rental property home—where, increasingly, technology solutions are being leveraged to modernize property operations, improve housing affordability and enhance the resident experience.

Connectivity is foundational to that mission. Broadband is no longer a luxury for renters—it is essential infrastructure for education, employment, healthcare, civic engagement, and daily life. NMHC, NAA and RETTC members play a direct role in supporting broadband deployment, access, and affordability across rental housing communities nationwide. In particular, bulk billing and managed Wi-Fi solutions have emerged as powerful tools for breaking down long-standing barriers to broadband adoption and affordability in multifamily housing. These models enable scalable deployment, consistent and reliable service, and lower overall costs—benefits that flow directly to renters while also reducing friction for providers and communities.

Bulk billing and managed Wi-Fi arrangements also eliminate many of the practical barriers consumers often face when attempting to access broadband, including equipment rental fees, credit checks, security deposits, and complex sign-up processes. Costs for service are typically incorporated into rent or charged as a transparent technology or amenity fee that is disclosed throughout the leasing process. As a result, these models have been particularly effective in expanding broadband access in affordable, senior, student, and workforce housing, where ease of access and predictable, pro-consumer pricing are critical.

In addition to improving affordability and access, bulk and managed Wi-Fi solutions support the deployment of smart technologies that residents increasingly expect in modern housing, as well as systems that improve building resilience, energy efficiency, and sustainability.

Despite this progress, a meaningful segment of renters in communities of all types still require targeted support to overcome affordability barriers to broadband adoption. For this reason, RETTC has long supported federal broadband affordability initiatives such as the COVID-era Emergency Broadband Benefit (EBB) and the Affordable Connectivity Program (ACP), both of which successfully

connected millions of low-income Americans—many of them renters—to essential broadband services.

As Congress considers reforms to modernize the USF and reestablish sustainable connectivity support, it is critical that policymakers recognize bulk billing and managed Wi-Fi as key affordability tools and ensure they remain fully compatible with any new or restructured assistance programs. Too often, renters living in communities served by these models are unintentionally excluded from affordability benefits due to eligibility rules or administrative structures that fail to reflect how broadband is delivered in modern rental housing.

The ACP experience underscores this challenge. In many cases, renters and property managers in bulk-billed or managed Wi-Fi communities faced obstacles accessing the benefit—even where support could have directly reduced monthly rent or technology fees. A reformed USF framework should ensure that affordability assistance reaches renters equitably, regardless of whether connectivity is provided through individual retail subscriptions or community-wide solutions.

Bulk billing and managed Wi-Fi are not obstacles to affordability—they are enablers. When paired with modern, flexible federal affordability support, these models can further reduce renter costs, expand broadband adoption, and help bridge the digital divide across urban, suburban, and rural rental housing communities nationwide—while simultaneously supporting housing affordability.

NMHC, NAA and RETTC stand ready to serve as a resource to the Working Group as you continue this important work. We welcome the opportunity to share data, practical insights, and real-world experience from the rental housing sector to help inform durable, technology-neutral policies that expand broadband access and affordability for renters across the country.

Thank you for your leadership and continued commitment to connecting all Americans.

Sincerely,



Sharon Wilson Géno  
President  
National Multifamily Housing Council



Bob Pinnegar  
President and Chief Executive Officer  
National Apartment Association



Kevin Donnelly  
Executive Director and Chief Advocacy Officer  
Real Estate Technology & Transformation Center

CC: Members of the Universal Service Fund Working Group