



June 26, 2019

Speaker Nancy Pelosi  
House of Representatives  
H-232, the Capitol  
Washington, DC 20515

Republican Leader Kevin McCarthy  
House of Representatives  
H-222, the Capitol  
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy:

The National Multifamily Housing Council (NMHC) and National Apartment Association (NAA) write to express opposition to Amendment #36, offered by Rep. Katie Porter, to H.R. 3351, the Financial Services and General Government Appropriations Act, 2020. The Amendment being offered by Rep. Porter runs counter to its stated goal of boosting broadband deployment and protecting consumers and we urge the House of Representatives to oppose it.

The Amendment aims to prevent the Federal Communications Commission (FCC) from issuing a Declaratory Ruling to pre-empt a very narrow piece of a recently enacted local ordinance that mandates access to private property by internet service providers and the shared use of wiring. The FCC bases its pre-emption on the ordinance requiring the sharing of in-use wiring in multi-tenant environments, which has several key technical limitations and ultimately deters broadband deployment by both property owners and internet service providers. The FCC should maintain its ability to do so.

It is important to note that the ordinance in question was adopted, in part, to address underserved residents and bridge the digital divide, yet in reality does nothing to encourage broadband access in underserved areas including in low-income or mixed-income housing. The ordinance simply serves as a pathway for some internet providers to further carve up the high-end of the housing market which provides them the greatest revenue opportunity while not deploying these same efforts in affordable or smaller properties that don't promise the same economic return.

The apartment industry remains deeply committed to working in partnership with both policymakers and internet service providers to deploy broadband services and bridge the digital divide. Regretfully, we must urge the House to oppose the Porter Amendment which prevents the FCC from upholding existing federal rules that govern inside wiring in rental housing communities.

Sincerely,

Douglas M. Bibby  
President  
National Multifamily Housing Council

Robert Pinnegar  
President & CEO  
National Apartment Association

cc: Members, House of Representatives