

HOUSE BILL 23

C8

9lr0310

(PRE-FILED)

By: **Delegate Carr**

Requested: August 1, 2018

Introduced and read first time: January 9, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Housing and Community Development – Rental Residential Buildings –**
3 **Prohibition on Exclusive Access Agreements**

4 FOR the purpose of declaring a certain policy of the State concerning certain rental
5 residential buildings; prohibiting the owner of a rental residential building from
6 entering into or renewing a certain exclusive access agreement under certain
7 circumstances; defining certain terms; providing for the application of this Act; and
8 generally relating to rental residential buildings and exclusive access agreements.

9 BY repealing and reenacting, without amendments,
10 Article – Housing and Community Development
11 Section 1–101(a) and (e) and 4–201(a) and (q)
12 Annotated Code of Maryland
13 (2006 Volume and 2018 Supplement)

14 BY adding to
15 Article – Housing and Community Development
16 Section 4–216.1
17 Annotated Code of Maryland
18 (2006 Volume and 2018 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Housing and Community Development**

22 1–101.

23 (a) In this Division I of this article the following words have the meanings
24 indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (1) "Financial assistance" means any form of assurance, guarantee, grant,
2 payment, or other assistance.

3 (2) "Financial assistance" includes a loan, loan guarantee, or reduction in
4 the principal obligations of or rate of interest payable on a loan or portion of a loan.

5 4-201.

6 (a) In this subtitle the following words have the meanings indicated.

7 (q) "Residential building" means a single family or multifamily structure that is
8 used primarily for human dwelling and that has a system for heating, cooling, or both.

9 4-216.1.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) "RENTAL RESIDENTIAL BUILDING" MEANS A RESIDENTIAL
13 BUILDING CONTAINING ONE OR MORE DWELLING UNITS AVAILABLE FOR RENT THAT
14 IS CONSTRUCTED OR REHABILITATED WITH FINANCIAL ASSISTANCE PROVIDED BY
15 THE DEPARTMENT.

16 (3) "TELEVISION PROVIDER" INCLUDES:

17 (I) A CABLE TELEVISION PROVIDER; AND

18 (II) A PROVIDER THAT PROVIDES TELEVISION THROUGH THE
19 INSTALLATION OF AN ANTENNA THAT IS DESIGNED TO RECEIVE:

20 1. SATELLITE SERVICE;

21 2. VIDEO PROGRAMMING; OR

22 3. FIXED WIRELESS SIGNALS OTHER THAN SATELLITE.

23 (B) THE GENERAL ASSEMBLY DECLARES THAT IT IS THE POLICY OF THE
24 STATE TO ENCOURAGE COMPETITION AMONG INTERNET PROVIDERS AND
25 TELEVISION PROVIDERS IN RENTAL RESIDENTIAL BUILDINGS THAT RECEIVE
26 FINANCIAL ASSISTANCE FROM THE STATE.

27 (C) IF THE DEPARTMENT PROVIDES FINANCIAL ASSISTANCE FOR THE
28 CONSTRUCTION OR REHABILITATION OF A RENTAL RESIDENTIAL BUILDING, THE

1 **OWNER OF THE RENTAL RESIDENTIAL BUILDING, OR THE OWNER'S AGENT, MAY NOT**
2 **ENTER INTO OR RENEW AN EXCLUSIVE ACCESS AGREEMENT WITH AN INTERNET**
3 **PROVIDER OR A TELEVISION PROVIDER FOR THE RENTAL RESIDENTIAL BUILDING.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
5 apply only prospectively and may not be applied or interpreted to have any effect on or
6 application to any rental residential building that received financial assistance for
7 construction or rehabilitation from the Department of Housing and Community
8 Development that was approved by the Department before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2019.