

Where Is the Broadband Money?

Many players in the multifamily industry are interested in taking advantage of the broadband funds included in the Bipartisan Infrastructure Law, which are currently being disbursed. The National Multifamily Housing Council has mapped out what interested parties need to consider and what they can expect in the coming months.

By Kevin Donnelly / NMHC and Valerie M. Sargent / *Broadband Communities*

There has been significant, albeit slow, progress in Washington and throughout the country in establishing program rules and distribution protocols for the historic broadband deployment funding included as part of the Bipartisan Infrastructure Law.

In total, more than \$42 billion in federal funding will be distributed through state and local broadband offices to offer broadband service in places where it doesn't exist today or in locations considered underserved because of inadequate or obsolete service. Low-income multifamily communities or those with a high percentage of unserved residents are now eligible to receive broadband deployment funding from Congress, and the National Telecommunications and Information Administration (NTIA) reaffirmed this eligibility.

In addition, broadband providers are permitted to use Broadband Equity, Access, and Deployment (BEAD) Program funding to serve unserved locations within their own or within a different provider's service area if those areas are unserved or underserved. Broadband providers that receive funding to deploy under this program will need to ensure they offer at least one affordable service plan and must provide reliable network speeds of at least 100/20 Mbps via fiber optic technology, cable modem/hybrid fiber coaxial technology, digital subscriber line (DSL) technology, or terrestrial fixed wireless technology utilizing entirely licensed spectrum or a hybrid of licensed and unlicensed spectrum.

STATES HOLD THE POWER

Each state is now building out its programs and establishing criteria that build upon federal priorities and requirements. This is a critical next step in ensuring the total and efficient disbursement of these funds. Very important: The way each state chooses to stand up for its programs will make or break industry eligibility in that state.

The National Multifamily Housing Council (NMHC) doubled down on advocacy efforts in this space. Through its work as a founding member of the No Home Left Offline Coalition, the NMHC has pressed each governor and other

state officials to maintain the priority Congress set in ensuring multifamily communities remain eligible. With that effort underway, the industry should consider several moving pieces as it maps out potential participation in future programs.

THE FCC'S ROLE

Though much of the work to get the dollars out the door and broadband deployed happens at the state level and will take considerable time, the last federal piece of the puzzle rests with the FCC. The NTIA ultimately distributes the funding, but Congress requires using FCC broadband maps to determine where deployment is needed in unserved and underserved areas.

Historically, FCC broadband maps have been widely criticized for being inaccurate and ascribing broadband service to areas lacking any. Over the past several years, the FCC revamped its process, and the urgency surrounding BEAD grant determinations kicked its work into high gear.

The FCC released its first draft of new maps in November. Yet, despite some improvement, the maps are still profoundly flawed – especially when determining service at and within low-income multifamily communities. The new maps consider a building served if a business or leasing office on site has access, even if all the actual apartments are unserved or underserved with obsolete wiring and technology.

Even worse, the process of challenging the maps is deeply flawed and could potentially box out multifamily properties and residents from benefiting from this historic funding.

NMHC joined other No Home Left Offline Coalition members and state and local stakeholders in pushing back at the FCC over these issues and asked the FCC to suspend the current challenge process for multifamily properties and develop a strategy that supports the high priority status granted them.

The groups called for multifamily properties in high-poverty areas to be automatically designated as unserved unless a broadband provider can prove otherwise. This designation will enable such properties to receive deployment

funding under BEAD to install or update broadband infrastructure, install propertywide Wi-Fi, or even allow property owners to offer free or reduced-cost service to residents.

THE WAITING GAME

The FCC needs to act quickly to make these critical changes and support the priority status given to low-income multifamily properties in the Bipartisan Infrastructure Law.

Though the mapping process and related challenges will take some time to sort out, state officials are busy establishing their BEAD programs to deploy these dollars as quickly as possible. Even with all the progress made, it will likely be late 2023 or 2024 before the funds lead to any deployment.

For more timing information, owners of unserved/underserved properties and eligible broadband providers should monitor public notices

and communications from relevant agencies or broadband offices in the jurisdictions where they operate. Each will likely have a different application process and eligibility criteria, but developing relationships with local officials administering these funds, demonstrating need, and being able to move quickly will be vital to ensuring low-income multifamily properties and their residents aren't left behind. 🙌



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