

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0312.03 Jessica Herrera x4218

HOUSE BILL 24-1334

HOUSE SPONSORSHIP

Boesenecker,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORIZATION OF A BROADBAND PROVIDER'S
102 INSTALLATION OF NECESSARY BROADBAND INFRASTRUCTURE IN
103 MULTIUNIT BUILDINGS, AND, IN CONNECTION THEREWITH,
104 SPECIFYING LEGAL OBLIGATIONS AND RIGHTS RELATING TO THE
105 INSTALLATION OF BROADBAND INFRASTRUCTURE IN SUCH
106 BUILDINGS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a property owner (owner) of a multiunit building,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

including a multidwelling and multitenant building and a mobile home park, from denying a broadband provider (provider) access to the property to install the necessary infrastructure to provide high-speed broadband service. The bill specifies the legal obligations and rights of both broadband providers and owners regarding the deployment of broadband infrastructure.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
3 27 of title 29 as follows:

4 **PART 5**

5 **ACCESS TO MULTIUNIT BUILDINGS**

6 **29-27-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "BROADBAND FACILITY" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 29-27-402 (1.5).

10 (2) "BROADBAND INTERNET SERVICE" MEANS ANY TECHNOLOGY
11 IDENTIFIED BY THE UNITED STATES SECRETARY OF AGRICULTURE AS
12 HAVING THE CAPACITY TO TRANSMIT DATA TO ENABLE A SUBSCRIBER TO
13 THE SERVICE TO ORIGINATE AND RECEIVE HIGH-QUALITY VOICE, DATA,
14 GRAPHICS, AND VIDEO.

15 (3) "HIGH-SPEED BROADBAND" MEANS BROADBAND TECHNOLOGY
16 THAT RELIABLY DELIVERS A MINIMUM OF ONE HUNDRED MEGABITS PER
17 SECOND SYMMETRICAL SPEEDS.

18 (4) "MOBILE HOME PARK LANDLORD" HAS THE SAME MEANING AS
19 "MANAGEMENT" OR "LANDLORD", AS SET FORTH IN SECTION 38-12-201.5
20 (3).

21 (5) "MULTIUNIT BUILDING" MEANS A MULTIDWELLING BUILDING,
22 A MULTITENANT BUILDING, OR A MOBILE HOME PARK.

1 **29-27-502. Broadband internet service providers' access to a**
2 **multiunit building.** (1) A BROADBAND INTERNET SERVICE PROVIDER,
3 INCLUDING A PROVIDER THAT IS FINANCED BY A LOCAL GOVERNMENT AND
4 A PRIVATE PROVIDER, MAY ACCESS AND INSTALL ANY NECESSARY
5 BROADBAND FACILITIES TO PROVIDE HIGH-SPEED BROADBAND INTERNET
6 SERVICE TO A MULTIUNIT BUILDING IF:

7 (a) THE BROADBAND INTERNET SERVICE PROVIDER PROVIDES
8 ADEQUATE NOTICE OF INTENT TO ACCESS THE PROPERTY TO INSTALL THE
9 NECESSARY BROADBAND FACILITY TO PROVIDE BROADBAND INTERNET
10 SERVICE TO AN OWNER OF A MULTIUNIT BUILDING OR TO A MOBILE HOME
11 LANDLORD IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION. AN
12 OWNER'S FAILURE TO RESPOND TO THE NOTICE IS DEEMED TO BE AN
13 ACCEPTANCE OF THE TERMS OF THE ACCESS AGREEMENT IN ACCORDANCE
14 WITH SUBSECTION (1)(b) OF THIS SECTION.

15 (b) THE BROADBAND INTERNET SERVICE PROVIDER PROVIDES TO
16 A MULTIUNIT OWNER OR A MOBILE HOME LANDLORD AN ACCESS
17 AGREEMENT THAT:

18 (I) COMPLIES WITH ALL FEDERAL LAWS AND REGULATIONS, STATE
19 LAWS AND RULES, AND LOCAL ORDINANCES, RESOLUTIONS, AND
20 REGULATIONS, INCLUDING ANY DECLARATORY RULING FROM THE FEDERAL
21 COMMUNICATIONS COMMISSION BARRING EXCLUSIVE REVENUE SHARING
22 AGREEMENTS AND GRADUATED REVENUE SHARING AGREEMENTS AND ANY
23 SALE AND LEASEBACK AGREEMENTS UNDER WHICH A BROADBAND
24 INTERNET SERVICE PROVIDER TRANSFERS OWNERSHIP OF ANY INSIDE WIRE
25 ARRANGEMENTS TO THE OWNER OF A MULTIDWELLING RESIDENTIAL
26 BUILDING AND THEN LEASES THE WIRE BACK FROM THE PROPERTY OWNER;

27 (II) GRANTS THE BROADBAND INTERNET SERVICE PROVIDER A

1 NON-EXCLUSIVE LICENSE TO CONSTRUCT, REPLACE, MAINTAIN, REPAIR,
2 OPERATE, AND REMOVE, AT THE PROVIDER'S SOLE OPTION AND EXPENSE,
3 ANY BROADBAND FACILITY OR OTHER EQUIPMENT NECESSARY OR USEFUL
4 IN DISTRIBUTING ANY BROADBAND INTERNET SERVICE AND ANY
5 ACCOMPANYING SERVICE DISTRIBUTED OVER THE HIGH-SPEED
6 BROADBAND INTERNET INFRASTRUCTURE;

7 (III) GRANTS THE BROADBAND INTERNET SERVICE PROVIDER
8 ACCESS TO THE PROPERTY DURING NORMAL BUSINESS HOURS OR AT ANY
9 TIME DURING AN EMERGENCY TO INSTALL OR REPAIR ANY BROADBAND
10 FACILITY;

11 (IV) REQUIRES THE BROADBAND INTERNET SERVICE PROVIDER TO
12 OBTAIN CONSENT FROM ANY TENANT OF THE MULTIUNIT BUILDING OR
13 MOBILE HOME PARK PRIOR TO ENTERING THE TENANT'S PREMISES AND
14 INSTALLING OR REPAIRING ANY NECESSARY BROADBAND FACILITY;

15 (V) GRANTS THE BROADBAND INTERNET SERVICE PROVIDER ALL
16 OWNERSHIP INTEREST IN ANY BROADBAND FACILITY EXCEPT WHERE A
17 FACILITY MAY BE DEEMED TO BE AFFIXED TO THE REAL PROPERTY AND
18 CONSIDERED A FIXTURE OF THE PROPERTY IN WHICH THE OWNER OF THE
19 PROPERTY RETAINS OWNERSHIP INTEREST OF THE FIXTURE;

20 (VI) REQUIRES THE BROADBAND INTERNET SERVICE PROVIDER TO
21 BE RESPONSIBLE FOR MAINTAINING THE BROADBAND FACILITIES IN GOOD
22 ORDER AND PROMPTLY REPAIRING ANY DAMAGE TO THE PROPERTY
23 CAUSED BY THE BROADBAND INTERNET SERVICE PROVIDER, EXCEPT
24 DAMAGE CAUSED BY ORDINARY WEAR AND TEAR;

25 (VII) RELEASES THE OWNER OF A MULTIUNIT BUILDING FROM ANY
26 LIABILITY FOR ANY DAMAGE OR LOSS TO THE BROADBAND FACILITY
27 EXCEPT IN THE OWNER'S WILLFUL MISCONDUCT OR GROSS NEGLIGENCE;

1 (VIII) REQUIRES THE BROADBAND INTERNET SERVICE PROVIDER
2 TO MAINTAIN INSURANCE THAT WILL INSURE ITS OBLIGATIONS UNDER THE
3 ACCESS AGREEMENT;

4 (IX) RELEASES THE BROADBAND INTERNET SERVICE PROVIDER
5 AND THE OWNER OF A MULTIUNIT BUILDING FROM ANY INDIRECT,
6 INCIDENTAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES OF ANY FAILURE TO
7 PERFORM ITS OBLIGATION UNDER THE ACCESS AGREEMENT IF THE FAILURE
8 IS CAUSED BY AN ACT OF GOD, ACCIDENT, FIRE, ACT OF GOVERNMENT, OR
9 OTHER CAUSE OF SIMILAR NATURE BEYOND THE OBLIGOR'S REASONABLE
10 CONTROL; AND

11 (X) STIPULATES THAT THE BROADBAND INTERNET SERVICE
12 PROVIDER IS RESPONSIBLE FOR REMOVING THE BROADBAND FACILITY AND
13 REPAIRING ALL DAMAGE CAUSED BY SUCH REMOVAL, WITHIN NINETY DAYS
14 OF THE EXPIRATION OR TERMINATION OF THE ACCESS AGREEMENT, AT THE
15 SOLE COST AND EXPENSE OF THE PROVIDER. THE BROADBAND INTERNET
16 SERVICE PROVIDER MUST LEAVE THE BROADBAND FACILITY IN PLACE IF
17 THE FACILITY BECOMES THE PROPERTY OF THE MULTIUNIT BUILDING
18 OWNER IN ACCORDANCE WITH LAWS REGARDING FIXTURES.

19 (2) THE NOTICE REQUIRED BY SUBSECTION (1)(a) OF THIS SECTION
20 MUST:

21 (a) INCLUDE A FULL DESCRIPTION OF AREAS OF THE PROPERTY
22 THAT WILL BE ACCESSED AND THE TYPE OF BROADBAND FACILITY THAT
23 WILL BE NECESSARY, AND THE EXPECTED TIME FRAME NEEDED FOR THE
24 DEPLOYMENT OF INFRASTRUCTURE; AND

25 (b) INCLUDE AN EXPLANATION OF ALL THE LEGAL OBLIGATIONS
26 AND RIGHTS OF THE PROVIDER AND THE OWNER OF THE MULTIUNIT
27 BUILDING IN ACCORDANCE WITH SUBSECTION (1)(b) OF THIS SECTION.

1 (3) NOTHING IN THIS SECTION SHOULD BE CONSTRUED TO PERMIT
2 A BROADBAND INTERNET SERVICE PROVIDER TO IDENTIFY AND SEEK
3 REPAIR FOR ANY STRUCTURAL DEFICIENCIES NOT RELATED TO THE DIRECT
4 NEED FOR INSTALLING THE BROADBAND FACILITY.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 38-12-224 as
6 follows:

7 **38-12-224. Broadband internet service providers' access to**
8 **property.** A BROADBAND INTERNET SERVICE PROVIDER, INCLUDING A
9 BROADBAND INTERNET SERVICE PROVIDER THAT IS FINANCED BY A LOCAL
10 GOVERNMENT AND A PRIVATE BROADBAND INTERNET SERVICE PROVIDER,
11 MAY ACCESS AND INSTALL ANY NECESSARY BROADBAND FACILITIES TO
12 PROVIDE BROADBAND SERVICE TO ANY MOBILE HOME IN A MOBILE HOME
13 PARK PURSUANT TO PART 5 OF ARTICLE 27 OF TITLE 29.

14 **SECTION 3. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2024 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.