



July 18, 2016

Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410

Re: Docket No. FR 5890-P-01; Docket No. FR 5891-P-01

Dear Sir or Madam:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, and the undersigned organizations, we are pleased to submit our comments in response to HUD's proposed rules.ⁱ We believe the Department's policies must encourage connection to modern, advanced communications networks and services for all members of society. As discussed below, we strongly support the Department's proposed rules to narrow the digital divide by requiring broadband infrastructure installation in HUD-funded construction and modernizing HUD's Consolidated Plan process.

Access to broadband is vital for full economic and social participation, and thus, The Leadership Conference has long encouraged the federal government to incorporate policies to stimulate broadband access and adoption into existing programs.ⁱⁱ The Department's proposed rules are an important step to ensure that every American regardless of income or place of residence has access to the internet, the critical infrastructure for the 21st century.

The gap between broadband adoption goals and reality

As the National Broadband Plan stated six years ago: "Broadband is a platform for social and economic opportunity. It can lower geographic barriers and help minimize socioeconomic disparities – connecting people from otherwise disconnected communities to job opportunities, avenues for educational advancement and channels for communication."ⁱⁱⁱ Yet, for too many, broadband internet remains inaccessible. While 90 percent of households with income above \$100,000 have broadband service, the adoption rate is only 41 percent for households with income below \$20,000 – and the home broadband adoption rate has dropped since 2013.^{iv} Moreover, 54 percent of low-income renters – those with incomes below 30 percent of area median income – do not have high-speed internet access, and 74 percent of low-income senior renters do not have high-speed internet access.^v

The Federal Communications Commission (FCC) recently voted to modernize the Lifeline program, a subsidy program to help low-income households connect to modern

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communications service, to include broadband service. As the FCC wrote in its Order: “There are still 64.5 million people without a connection to the internet and that figure hits hardest on those with the lowest incomes.”^{vi} Updating Lifeline to support broadband was an important change that will help close the digital divide, but a broadband subsidy is useless without access to a high-speed internet network. HUD’s proposed rule complements the FCC’s recent action, and will help realize the promise of the new Lifeline program.

The requirement to install modern communications infrastructure will facilitate broadband adoption

The proposed rule would require installation of broadband infrastructure at the time of new construction or substantial rehabilitation of multifamily rental housing that is funded or supported by HUD. Installing broadband at the time of new construction or substantial rehabilitation in HUD-financed multifamily rental housing will promote broadband access with minimal installation costs. Residents of public housing, who are most in need of additional leverage to succeed economically and socially, need broadband access to improve their economic and social well-being. Communities with high broadband adoption experience higher income growth, while those with lower adoption rates experience lower income growth.^{vii} And broadband access at home means that students can complete homework assignments at home, instead of walking to the nearest fast-food restaurant because it is one of the few places with free Wi-Fi service after the local libraries close.^{viii}

We support HUD’s proposal to define broadband service speed consistent with the FCC’s 25/3 Mbps definition. As the FCC explains, 25/3 Mbps connectivity is necessary today to enable family members to go online simultaneously, to apply for a job, access digital health resources and civic materials, complete academic assignments, and access the video- and data-intensive applications on the internet.

Modernizing HUD’s Consolidated Plan process will help narrow the digital divide

The Leadership Conference also supports HUD’s proposed Consolidated Plan rule that would require state and local governments to include in their Consolidated Plan an evaluation of the availability of broadband access. Those assessments will encourage state and local governments to identify robust sources of data about broadband deployment and develop community development priorities. Further, we support HUD’s proposal that state and local governments consider ways to bring broadband access to unserved low-income residents, including outreach to internet service providers and the use of HUD funds to narrow the digital divide for low- and moderate-income households.

HUD’s proposed rules to require installation of broadband infrastructure and inclusion of broadband access in state and local governments’ community planning processes are prime examples of federal agency policies that will promote equitable broadband access to low-income households. We stand ready to work with you to ensure that all people in the U.S. are able to benefit from the most advanced technologies. Please contact Leadership Conference Media/Telecommunications Co-Chairs Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at 202-904-2168, or Michael Macleod-



Ball, American Civil Liberties Union, at (202) 675-2309, or Corrine Yu, Leadership Conference Managing Policy Director, at 202-466-5670, if you would like to discuss the above issues.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Civil Liberties Union
Center for Media Justice
Common Cause
Communications Workers of America
NAACP
National Consumer Law Center, on behalf of its low-income clients
National Hispanic Media Coalition
OCA – Asian Pacific American Advocates
United Church of Christ, OC Inc.

ⁱ Department of Housing and Urban Development, Docket No. FR-5890–P–01, Proposed Rule and Request for Comment, 81 Fed. Reg. 31181 (May 18, 2016); Docket No. FR-5891–P–01, Proposed Rule and Request for Comment, 81 Fed. Reg. 31192 (May 18, 2016).

ⁱⁱ See Letter from The Leadership Conference to the Broadband Opportunity Council (June 11, 2015).

ⁱⁱⁱ Federal Communications Commission, Omnibus Broadband Initiative, *Connecting America: The National Broadband Plan* at 169 (rel. March 16, 2010), available at: <http://download.broadband.gov/plan/national-broadband-plan.pdf>

^{iv} John B. Horrigan and Maeve Duggan, “Home Broadband 2015,” Pew Research Center (Dec. 21, 2015), available at: <http://www.pewinternet.org/2015/12/21/2015/Home-Broadband-2015/>

^v Lisa Sturtevant, “The Connectivity Gap: The Internet is Still Out of Reach for Many Low-Income Renters,” National Housing Conference (April 2015), available at: <http://www.nhc.org/#!2015-the-connectivity-gap/yts2k>

^{vi} Federal Communications Commission, *Third Report and Order, Further Report and Order, and Order on Reconsideration*, WC Docket Nos. 11-42, 09-197, 10-90 (Rel. Apr. 22, 2016).

^{vii} Brian Whitacre et al., Nat’l Agric. & Rural Policy Ctr., *Rural Broadband Availability & Adoption* (Mar. 18, 2013), available at: <http://www.nardep.info/uploads/BroadbandWhitePaper.pdf>

^{viii} Anton Troianovski, “The Web-Deprived Study at McDonald’s,” *The Wall Street Journal* (Jan. 28, 2013): <http://www.wsj.com/articles/SB10001424127887324731304578189794161056954>