



February 4, 2022

United States Department of Commerce
National Telecommunications and Information Administration (NTIA)
1401 Constitution Ave. NW
Washington, DC 20230

RE: Docket No. 220105–0002 Infrastructure Investment and Jobs Act Implementation

Thank you for the opportunity to provide comments to the National Telecommunications and Information Administration (NTIA) on the establishment of the Bipartisan Infrastructure Law’s broadband programs, including both middle- and last-mile connectivity initiatives.

As the leading voice for aging, we value our ongoing partnership with NTIA and with state broadband offices to expand connectivity for older adults with low incomes. In establishing the rules, safe harbors, and guardrails for the internet infrastructure investments in the Infrastructure Investment and Jobs Act, we urge NTIA to implement specific targeting of affordable housing communities serving older adults with low incomes, to streamline the process and remove barriers to entry, and to heavily emphasize equity in the distribution of these funds.

About LeadingAge

LeadingAge represents more than 5,000 aging services providers, including non-profit owners and managers of federally-subsidized senior housing properties. Alongside our members and 38 state partners, we use applied research, advocacy, education, and community-building to make America a better place to grow old. Our membership encompasses the continuum of services for people as they age, including those with disabilities. We bring together the most inventive minds in the field to lead and innovate solutions that support older adults wherever they call home.

Internet Connectivity in HUD-Assisted Senior Housing

Through project-based rental assistance programs, HUD and other federal agencies partner with private housing communities to provide affordable housing for millions of older adults. Currently, most HUD-assisted senior housing communities lack wall-to-wall internet, impacting both property operations and more importantly, resident well-being. In establishing the rules for the new broadband programs, we request that NTIA emphasize improvements to digital inclusion among federally-subsidized senior housing communities.

Our nationwide membership of senior housing providers has been on the frontlines of COVID-19 and have witnessed the physical and mental health effects of the crisis on the more than 1.6 million older adults living in HUD-subsidized housing. With limited options for accessing the internet, older adults with low incomes have been left out of common solutions during the crisis, including telemedicine and remote options for staying socially connected.

Connectivity is a critical determinant of health; older adults need access to affordable internet service in their homes for telehealth services and to combat social isolation. Further, connectivity remains a

critical equity issue, in particular among African American and Latinx households that are both overrepresented among HUD housing and have been impacted the hardest by the ongoing pandemic.

Bringing Reliable, Affordable, High Speed Broadband to All Americans

1. What are the most important steps NTIA can take to ensure that the Bipartisan Infrastructure Law's broadband programs meet their goals with respect to access, adoption, affordability, digital equity, and digital inclusion?

While we support flexibility for each state to identify preferences in beneficiary targeting for the funding, NTIA has a key role to play in ensuring equity and digital inclusion nationwide.

In order to meet access, adoption, affordability, equity, and inclusion goals for the new broadband programs, we recommend that NTIA establish targeting thresholds for downstream beneficiaries of the infrastructure funds and leverage existing benefits and eligibility verification systems to reduce barriers to entry.

Specifically, we urge NTIA to require state broadband offices to designate a minimum level of the funding allotment that should reach affordable housing communities, including Project-Based Section 8 and other federally-subsidized multifamily housing properties, in a whole building approach to connectivity. We also recommend that NTIA develop thresholds or incentives for additional beneficiary targeting, such as for rural households and households headed by an adult aged 62 or older.

NTIA should establish various guardrails, safe harbors, and reporting requirements that heavily emphasize digital equity throughout the state distribution. In particular, all spending plans should incorporate stakeholder engagement, subgrantee, and end user targeting of historically marginalized communities.

4. NTIA has an interest in ensuring that the Bipartisan Infrastructure Law is implemented in a way that promotes the efficient use of federal funds. How should NTIA and grant recipients verify that funding is used in a way that complements other federal and state broadband programs?

Infrastructure is just one part of internet connectivity; the NTIA infrastructure funding should be paired with the FCC's new Affordable Connectivity Program (ACP) to enable ongoing services and digital literacy programming issues among older adult households with low incomes. NTIA funds should also be allowed to fill gaps within the ACP.

Further, because of the lack of wall-to-wall internet in most HUD-assisted senior housing communities, operations at federal-subsidized housing assets can be inefficient. Outfitting existing and new properties receiving federal housing subsidies maximizes federal investment from both NTIA and from HUD, and offers a scalable approach to connecting millions of households nationwide.

States should be required to report on streamlining components leveraged in their spending plans (when targeting low income beneficiaries, utilizing existing systems of verification through HUD or SNAP, as well as magnifying impact by providing service to a whole multifamily residential building or to a home care provider serving multiple disconnected individuals at home).

One method of streamlining could be for a state to establish a cost benchmark or standard payment amount for proposals to serve ranges of end users. Utilizing the standard payment amount based on

benchmarked costs for the area will streamline the application, approval, and review process. Proposals at higher costs due to a variety of accepted factors could submit an increased cost justification.

Supporting States, Territories, and Subgrantees To Achieve the Goal

6. The Bipartisan Infrastructure Law requires states and territories to competitively select subgrantees to deploy broadband, carry out digital equity programs, and accomplish other tasks. How should NTIA assess a particular state or territory's subgrant award process? What criteria, if any, should NTIA apply to evaluate such processes? What process steps, if any, should NTIA require (e.g., Request for Proposal)? Are there specific types of competitive subgrant processes that should be presumed eligible (e.g., publicly released requests for proposals and reverse auctions)?

In order to reach households with low incomes efficiently, NTIA should require state spending plans to address how they are targeting households receiving federal assistance, including SNAP benefits and federal rental assistance.

Specifically, we encourage NTIA to set minimum benchmarks for states in terms of the infrastructure end user. In terms of assessing state plans and award processes, NTIA could direct states to establish structures under which subgrantees are required or incentivized to reach federally-assisted senior housing communities. This could include a preference or point system that awards grants to the highest scoring bidder, with the point score determined by targeted population paired with high cost or difficult development areas.

NTIA should discourage the use of reverse auctions by states selecting subgrantees, as other federal processes have shown reverse auctions to be ineffective at selecting quality bidders. Instead, NTIA could allow states to utilize a variety of application processes, but automatically approve the use by states of point system application processes and RFPs.

Lastly, any state-level reporting required by NTIA should be broken out by age, as well as the usual metrics that highlight trends and discrepancies by race, ethnicity, income, and more.

7. NTIA views the participation of a variety of provider types as important to achieving the overall goals of the Bipartisan Infrastructure Law broadband programs. How can NTIA ensure that all potential subrecipients, including small and medium providers, cooperatives, non-profits, municipalities, electric utilities, and larger for-profit companies alike have meaningful and robust opportunities to partner and compete for funding under the programs?

In order to emphasize equity, states should be required to report on plans for engaging with, and distributing funds to, non-profits and similar entities already established to work in underserved areas. This includes local groups and those serving older adults, as well as associations and cooperatives supporting aging services providers, such as an affordable housing provider or their parent organization or association, which could then “pass through” the award.

States should be allowed to exempt certain applicants from submitting a full RFP, and provide technical assistance for smaller or non-profit applicants. In addition, the need for a full network engineering plan should be waived, or the pre-application costs covered, to encourage entities with fewer resources to apply.

9. Several Bipartisan Infrastructure Law broadband programs provide that, absent a waiver, a grant or subgrant recipient must contribute its own funding, or funding obtained from a non-federal source, to “match” funding provided by the BIL program. Under what circumstances, if any, should NTIA agree to waive these matching fund requirements, and what criteria should it assess (in accordance with any criteria established by the statute) when considering waiver requests?

Requiring matching funds presents a significant barrier for small and medium non-profits applying for broadband installation funds. An across the board matching waiver should be applied for small applicants.

A similar barrier exists for federally-subsidized communities who intend to leverage other federal funding sources to install broadband. For example, HUD-assisted communities should receive a waiver or should be allowed to utilize other federal funds to supplement broadband projects, including the use of CARES Act or ARPA funds, and tax credit financing.

14. NTIA is committed to ensuring that networks constructed using taxpayer funds are designed to provide robust and sustainable service at affordable prices over the long term. What criteria should NTIA require states to consider to ensure that projects will provide sustainable service, will best serve unserved and underserved communities, will provide accessible and affordable broadband in historically disconnected communities, and will benefit from ongoing investment from the network provider over time?

NTIA should clearly emphasize service to both un- and underserved households in terms of connectivity; previous internet funding has been limited to *establishing* new internet access for a household, but would not allow improvements to existing broadband infrastructure that was so out of date that it effectively resulted in no internet access.

NTIA should encourage states to incentivize ongoing affordability in internet services and programming as part of the subgrantee process by requiring over-time reporting, future proofed network cabling, and neutral network installation that residents can opt into at reduced rates.

18. The Infrastructure Investment and Jobs Act provides that BEAD funding can be used in a variety of specific ways, including the provision of service to unserved and underserved areas, connection of community anchor institutions, data collection, installation of service within multi-family residential buildings, and broadband adoption programs. The law also permits the Assistant Secretary to designate other eligible uses that facilitate the program’s goals. What additional uses, if any, should NTIA deem eligible for BEAD funding?

NTIA should deem a variety of settings serving low income older adult households as eligible uses that facilitate the BEAD program’s goals. For example, home care and hospice organizations visit many individuals in their homes on a daily basis and can assess their access to the internet. These providers should have financial support in assisting the households they serve with digital inclusion.

Similarly, as discussed, federally-subsidized properties serve millions of households with low incomes across the country. Reaching federally-assisted households is best achieved by outfitting entire multifamily residential properties receiving federal housing assistance for broadband and WIFI access. The whole property approach leverages existing infrastructure to quickly improve connectivity for millions of households nationwide, and it streamlines ongoing services, adoption, and programming efforts following infrastructure installation. The funds should be able to improve connectivity options in

existing structures while also enabling internet connectivity elements in new construction or substantial rehabilitation of properties.

In making funds available to subgrantees installing internet infrastructure throughout multifamily housing properties, states should encourage choice and competition by preserving the right to neutral cabling, rather than allowing internet service providers to impose exclusive wiring and exclusive marketing agreements on the residential properties.

Establishing Strong Partnerships Between State, Local, and Tribal Governments

20. When formulating state broadband plans, what state agencies or stakeholder groups should be considered in the development of those plans?

States should be required to submit plans for engagement with stakeholders for affordable housing and aging services throughout their jurisdictions, including Housing Finance Agencies, HUD tenant associations, federally-qualified health centers, HUD housing counseling agencies, home care and PACE sites, and similar entities.

Low-Cost Broadband Service Option and Other Ways To Address Affordability

22. The Bipartisan Infrastructure Law requires that BEAD funding recipients offer at least one low-cost broadband option and directs NTIA to determine which subscribers are eligible for that low-cost option. BIL § 60102(h)(5)(A). How should NTIA define the term “eligible subscriber?” In other words, what factors should qualify an individual or household for a low-cost broadband option?

NTIA should utilize existing definitions based on other federal means-tested benefits (including receiving federal rental assistance) or poverty line calculations. Above all, NTIA should avoid a duplication of verification, where an eligible subscriber verifies their income for federal housing assistance purposes, food benefit purposes, and internet service.

The pandemic has made the country’s digital divide painfully clear. We value the NTIA’s efforts to engage affordable housing stakeholders in internet investment, and we appreciate the opportunity to help shape more equitable and effective connectivity nationwide. Please direct questions to Juliana Bilowich at jbilowich@leadingage.org.

Sincerely,

Juliana Bilowich
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