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Office of the Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

RE: WC Docket No. 21-450, Affordable Connectivity Program Implementation

To Whom It May Concern:

On behalf of [Stewards of Affordable Housing for the Future \(SAHF\)](#), we would like to thank the Federal Communications Commission (FCC) for the opportunity to comment on the Affordability Connectivity Program (ACP), authorized by the Infrastructure and Investment Jobs Act (IIJA), which became law on November 15, 2021. SAHF appreciates the significant funding Congress approved for the ACP and the FCC's efforts to incorporate lessons learned from the Emergency Broadband Benefit Program (EBB) into the ACP's rules and guidance.

SAHF draws on the experience of our members — thirteen exemplary multi-state nonprofits who collectively own, operate, and manage more than 149,000 affordable rental homes for persons of limited economic means in 2,000 properties across the country — to inform our work on broadband access. The digital divide has a profound impact on affordable housing residents, [who are nearly twice as likely to lack high-speed internet connections as the general population](#). The COVID-19 pandemic has only exacerbated this gap, particularly in communities of color, and made digital access an essential lifeline to sustain health and economic well-being. Though our members have engaged in some scalable solutions to bridge the digital divide for residents at their properties, the costs associated with broadband subscriptions present the greatest challenge in expanding digital accessibility and adoption rates in multifamily affordable rental housing.¹

SAHF was thankful for the creation of the EBB program to address access barriers for households and for the FCC's concerted efforts to create and implement rules quickly to get the program up and running. As of December 5, more than 8 million households have enrolled in EBB. However, given there is more than \$2.1 billion remaining in program appropriations, we believe the FCC must ease enrollment barriers for ACP and ensure a seamless transition for current EBB participants.

Given SAHF members' experience developing and operating affordable housing with the Low-Income Housing Tax Credit, Department of Housing and Urban Development (HUD) and Department of Agriculture (USDA) rental housing subsidies, our comments will focus on how to best do this for residents living in federally assisted multifamily housing (residents). We believe our comments on ACP will ensure more

¹ In February 2021, SAHF released our [digital access resource](#), outlining barriers and opportunities to bridging the digital divide in affordable housing communities.



households of limited economic means are able to benefit from this essential lifeline and help bridge the digital divide in affordable housing communities across the country.

Household Eligibility

Automatic Eligibility for Multifamily Assisted Housing: The EBB and Lifeline programs provide automatic eligibility for residents of Federal Public Housing, but that eligibility does not extend to residents of other HUD affordable housing programs that have comparable income limitations, income targeting and tenant populations. In our [comment letter](#) to the FCC during EBB rulemaking in January 2021, SAHF recommended the FCC collaborate with HUD and engage in data sharing to facilitate automatic eligibility for residents of all federally-assisted housing. Unfortunately, the FCC did not include this recommendation in its final EBB rules. SAHF has learned from members that many residents have declined to enroll into EBB due to the cumbersome eligibility process and lack of automatic eligibility. Moreover, service coordinators who act as navigators of these programs in many affordable housing properties, had limited time and capacity to undertake this burdensome process. The lack of automatic eligibility has hindered enrollment into EBB and results in inequitable internet access among residents of affordable housing.

To ease enrollment barriers for ACP, SAHF again urges the FCC to work with HUD to provide automatic eligibility for participants in federally assisted multifamily housing properties, such as those assisted under Project-Based Section 8 Rental Assistance and Section 202 Housing for the Elderly, where residents can be presumed income eligible based on eligibility requirements for the housing program. This could be verified through connections from the National Verifier to HUD databases such as the Tenant Rental Assistance Certification System (TRACS).

If the FCC and HUD established database connections, ISPs could also use households' information gleaned from this data sharing as an alternate verification process to make accurate eligibility determinations (q. 27). If providers were able to use a verified, HUD-approved list of addresses that meet ACP qualifications, there would be greater efficiencies gained in eligibility determinations while also protecting against waste, fraud, and abuse.

This type of automatic eligibility has precedent with the expansion of the Weatherization Assistance Program to multifamily housing through the American Recovery and Reinvestment Act (ARRA) and offers a helpful way to quickly facilitate the connection of more residents of affordable housing. Moreover, the ability to batch eligibility this way could help affordable housing providers leverage the ACP to gain stronger service provisions for residents, such as higher speeds and additional equipment.

Verification through Social Security Number: SAHF urges the FCC to continue its EBB practice of allowing eligible households to verify their identity by submitting alternative documentation rather than limiting verification to the last four digits of their social security number. Requiring social security numbers creates unnecessary barriers for participation and may disproportionately impact seniors living that may not have social security numbers or have difficulty accessing this data. SAHF strongly believes the more flexible approach used in EBB eased enrollment barriers faced by senior residents living in federally assisted housing.

Recertification: The FCC is proposing households recertify annually for the ACP which could be burdensome and should be replaced with a triennial recertification like some HUD programs. This prevents waste, fraud and abuse while also reducing burden on residents and program administrators. The FCC could greatly



reduce the burden and promote administrative efficiencies by establishing USAC-HUD database connections to recertify federally assisted households, similar to what the FCC proposes to do with households enrolled in Lifeline. Furthermore, if federally assisted households could be verified through the National Verifier, disenrollment and recertification errors are less likely to occur.

Covered Services & Devices

Bulk-billing: SAHF urges the FCC to adopt measures to make it easier for residents in multiple dwelling units with bulk broadband providers to participate in ACP which the FCC proposes in question #57. SAHF members are deeply committed to ensuring all residents have access to internet service and many provide it at no cost to residents. However, current EBB rules forbid SAHF members, as nonprofit affordable housing owners, from claiming EBB support to connect residents through bulk billing arrangements. FCC should further clarify that owners of federally assisted properties should be eligible to connect all units at ACP pricing and levels of service while residents would retain the option to enhance service if they desired.

Service Standards: SAHF urges the FCC to adopt minimum service standards to help ensure that households are receiving a competitive broadband service that is covered by the support amount. A critical part of the digital divide is between those who have high-speed internet access and those who have access at inadequate speeds. To meet the FCC's stated goal of closing this divide, SAHF urges the FCC to work with ISPs that are capable and committed to providing speeds above the current 25/3 Mbps standard. If internet speeds are too slow to support full functionality of activities, then the ACP will fall short in meeting its purpose. The Infrastructure and Investment Jobs Act recognizes the importance of high-speed broadband as it requires ISPs to build networks that can deliver 100/20 mbps². The FCC should consider this context when adopting minimum standards for ACP and acknowledge that standards may need to evolve during the program's duration.

Associated Equipment: SAHF encourages the FCC to maintain the broad definition of associated equipment used in the EBB that would qualify for reimbursement, including monthly rental costs for modems and/or routers. Households of limited economic means without existing internet service will have to purchase this equipment for the first time, which will cause an undue burden on their household budgets.

Devices: While SAHF appreciates that the ACP will continue to support coverage for devices, SAHF members reported that most residents did not receive a discounted device through the EBB. According to USAC, only 13% of households enrolled in EBB received a discounted device as of November 15. SAHF posits that much of the low uptake is due to the requirement of households contributing \$10-\$50 for a device which is prohibitive for enrollees, including affordable housing residents, and because only 10% of ISPs offered devices.

Thus, SAHF urges the FCC to consider how to incentivize ISPs to provide discounted devices to more participants, including prioritizing contracting with ISPs that charge the \$10 with the goal of imposing minimal costs on cost-burdened households. The FCC should also consider other strategic partnerships with organizations (such as PCs for People and Human I-T) to connect qualifying households with devices. Lastly, the FCC should impose minimum system requirements for connected devices, including fully supporting video conferencing and word processing/spreadsheet functions.

² [Infrastructure and Investment Jobs Act](#), p. 2044, Section 4(A), line 21



Disclosures and Consumer Consent

SAHF agrees with the FCC's proposal to require ISPs to notify enrollees of their ability to apply the benefit to any broadband service offering of the participating provider; file a complaint; that they may be disconnected by the ISP for non-payment; and that at the end of the program or at de-enrollment, the household would be subject to the undiscounted service rate. Additionally, the FCC should require ISPs to notify households at enrollment and at regular intervals during participation, what the most updated estimate is of the program length according to the USAC tracker. SAHF members reported that many households did not sign up for the EBB due to concerns over its temporary funding structure. Households should be provided with some assurances that IJA's \$14.2 billion allocation will adequately fund the ACP for at least a couple of years.

To provide for a more seamless customer experience and avoid service interruptions, SAHF believes the FCC should affirmatively require that providers immediately apply the discount to a household's broadband bill or consumer account upon enrollment in ACP.

Consumer Protections

Credit Check: SAHF appreciates the additional protection provided under IJA that prohibits a participating provider from requiring an eligible household to submit to a credit check as a condition for applying the ACP benefit to that provider's internet service offerings. SAHF encourages the FCC to rely on applicants' self-certification and require providers to certify under penalty of perjury that the households are not subject to credit checks as a condition of enrolling with the provider for the ACP and that this requirement apply to all households enrolled. Moreover, SAHF encourages the FCC to prohibit ISPs from using credit checks when offering devices to households and in determining which plans are available to households as this could deter households from accessing this resource.

Past/Current Debt: SAHF strongly supports the statutory requirement for both EBB and ACP that households are eligible even if they have a current or past debt with an ISP, which has been a barrier to participation in most internet service plans. However, IJA permits participating ISPs to terminate a household's ACP benefit after 90 days of non-payment which could threaten to permanently lock out households from the ACP. SAHF urges the FCC to ensure the non-payment provision apply only to new instances of non-payment associated with the ACP-supported service and allow households to transfer their service to another ISP. Furthermore, SAHF supports the FCC requiring ISPs to notify households at least 30 days before terminating service and to continue to provide notices on a weekly basis until the termination date.

SAHF also agrees with the FCC proposal that participating ISPs must pass the ACP benefit through to households immediately upon household enrollment, and before claiming reimbursement for the discount. Recent reports of households receiving a delayed benefit or not receiving benefits before being sent to collections or experiencing service interruptions is unacceptable and is harmful to households relying on this essential lifeline.

Promoting Awareness about and Participation in the Affordable Connectivity Program

To ensure the ACP reaches all eligible households and has a higher enrollment rate than EBB, the FCC should engage in a robust outreach and communications plan by taking the following actions:



- A public outreach campaign through various media distribution channels to educate eligible households on ACP including changes from EBB, eligibility requirements, and anticipated length of the program.
- Require participating ISPs to inform current customers of ACP (both EBB and non-EBB participants)
- Strategic Partnerships with local governments, affordable housing providers and others to encourage household participation.
- Collaborate with relevant Federal agencies including HUD, USDA, and the Department of Treasury to ensure households living in federally assisted housing and/or receiving Emergency Rental Assistance are provided with information about ACP, including enrollment information.

Data Reporting and Tracking of Available Funding

SAHF appreciates the development of the EBB disbursements and program enrollment tracker and believes the FCC should utilize the tracker for the ACP as well. However, SAHF urges the FCC to update the tracker on a timelier basis so that stakeholders and households have a clear understanding of the program's progress and expected duration.

Performance Measures: SAHF urges the FCC to consider using performance measures, especially in communities that have had a historically disproportionate gap in coverage, including residents of federally-assisted housing and communities of color.

Transition to the Affordable Connectivity Program

Given the nature of the transition from the EBB to ACP (program and name changes, reduced benefit amount), SAHF urges the FCC to take steps to minimize the potential for customer confusion, including:

- Require ISPs to issue notices to consumers with the same content as was contemplated for the 15-day and 30-day end of Emergency Broadband Benefit Program notices with modifications.
- Provide a 60-days' and 30-days' notice to EBB-enrolled households on the reduced benefit amount.
- Require ISPs to provide households with transition information (including the option to cancel their service before the rate change) through their billing notices, telephone, and online communication.
- Educate consumers on changes in eligibility from EBB (increase in income limits, loss of income due to COVID-19, high-cost area enhanced benefit).
- *High-cost areas:* The FCC should collaborate with NTIA to ensure high-cost areas are defined in a manner that aligns with other agencies, like HUD, and communicate the enhanced benefit amount to participants.

The FCC asks about EBB-enrolled households that are eligible for and intend to participate in the ACP (q. 123) affirmatively requesting enrollment after the end of the 60-day transition period. SAHF wants to ensure the ~8 million EBB-enrolled households can successfully transition to the ACP while also maintaining households' agency. A potential proposal the FCC could adopt that maintains this delicate balance would be to automatically enroll households that have no-cost plans into the ACP and offer an *opt-out* during the transition. For households that contribute to an internet service plan, the FCC should maintain the opt-in requirement at the end of the transition period.

Sunsetting of Affordable Connectivity Program

The FCC should use the same or similar distribution channels used during the start of the program to communicate about the end of the program. Robust communication is needed to ensure that households



understand that costs will increase at the end of the program, they can consider terminating their account before ACP funds are depleted, and are not saddled with unnecessary debt and fees. As part of this, the FCC should require ISPs to provide both a 60- and 90- day notice of the program's termination to participating households. This notice should include information on billing after the conclusion of the program, when the first bill at a higher rate will be due, an explanation of any partial month charges and information on any additional resources. The FCC and USAC should also develop a projection forecasting the termination of the ACP like the tracker used for EBB.

SAHF and its members appreciate FCC's public engagement as it transitions from EBB to the ACP. We hope that our comments, based on feedback from SAHF members' experiences in EBB, will help inform rulemaking for the ACP to ensure the program's success and ease enrollment barriers for federally assisted households and other communities in need. In particular, establishing automatic eligibility for federally assisted households and facilitating bulk-billing arrangements for housing providers are critical for the program's success. Please feel free to contact Lucas Asher, SAHF's Policy Associate for Housing Stability and Resident Well-Being (lasher@sahfnet.org) with any questions about our comments above.

Sincerely,

Althea Arnold
Senior Vice President, Policy

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Stewards of Affordable Housing for the Future