

**Testimony of Zenia Laws  
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**Before the Committee on Government Operations and Facilities  
Council of the District of Columbia**

**Public Hearing Regarding:**

**Bill 24-0200  
“Internet Equity Amendment Act”**

**October 20, 2021**

The Legal Aid Society of the District of Columbia<sup>1</sup> submits this testimony to express our strong support for Bill 22-0220, the Internet Equity Amendment Act. This bill would create a Digital Equity Division within the Office of the Chief Technology Officer (OCTO), require reporting on District residents’ access to high-speed internet service, and require that all District residents have equitable access to high-speed internet services. Notably, this bill would work toward closing the digital divide, which is most prominent in low-income households and households of color.

We urge the Council and the Mayor to prioritize expanding the availability of affordable, reliable in-home high-speed internet services to District households who have been left behind, including through local legislation like this bill, the budget process, and making use of any federal funds that become available as Congress continues to tackle digital divide-related issues.

Our testimony focuses on how Legal Aid’s clients have experienced the digital divide during the COVID-19 pandemic and highlights specific ways in which the digital divide is deepening inequities in access to justice, government benefits, and services.

**The Digital Divide Impacts District Residents, Especially Low-Income Households,  
and Households of Color**

The pandemic has underscored the fact that access to high-speed internet service is essential for equal participation in modern-day society. As participation in digital spaces increasingly becomes the norm and expectation, low-income people and communities of color are left out.

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<sup>1</sup> The Legal Aid Society of the District of Columbia is the oldest and largest general civil legal services program in the District of Columbia. Over the last 89 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

Black households are the least likely to own or use a desktop or laptop, own or use a smartphone or tablet, or to have a broadband subscription.<sup>2</sup> In Wards 7 and 8, where Black residents account for more than 90% of the population, fewer than 65% of residents have high-speed internet access, compared with 85% in more affluent wards.<sup>3</sup> Low-income internet users are significantly more likely to access the internet somewhere other than at home, are more likely to use dial-up services, and are significantly less likely to use broadband at home.<sup>4</sup> When Black and Latinx households do have broadband, they are more likely than White users to experience problems with the speed, reliability or quality of their high-speed internet connection at home.<sup>5</sup>

Reliance on smartphones to access the internet also underscores issues with the digital divide – households relying only on a smartphone are more likely to be low-income or have a Black or Latinx householder.<sup>6</sup> In Legal Aid’s experience, many of our clients rely on smartphones to access the internet and regularly encounter challenges such as readability issues with small screens, issues uploading documents, restricted data plans, and service suspensions. And what may seem like mere technological challenges have major substantive impacts, particularly when experienced in the context of trying to participate in remote court hearings, applying for benefits, or otherwise accessing critical government services.

### **Inequities in Internet Access Can Impact the Legal Rights of District Residents, Who Must Now Depend on Technology to Interact with the Court System and Attend Remote Hearings**

Unfortunately, most low- and moderate-income DC residents navigate the court system without counsel.<sup>7</sup> In what is already a daunting experience, these same individuals, many of whom have little or no access to internet, are now expected to engage in the court process in a virtual setting due to the ongoing pandemic.

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<sup>2</sup> U.S. Census Bureau, *Computer and Internet Use in the United States: 2018* (2021), available at: <https://www.census.gov/content/dam/Census/library/publications/2021/acs/acs-49.pdf>.

<sup>3</sup> Connect.DC, *Digital Inclusion Initiative, Fact Sheet*, available at: <https://connect.dc.gov/page/fact-sheet>; DC Health Matters, Demographic Data -Households/Income, available at: <https://www.dchealthmatters.org/demographicdata>.

<sup>4</sup> Id.

<sup>5</sup> Pew Research Center, *The Internet and the Pandemic, Navigating Technological Challenges* (2021), available at: <https://www.pewresearch.org/internet/2021/09/01/navigating-technological-challenges/>.

<sup>6</sup> U.S. Census Bureau, *Computer and Internet Use in the United States: 2018* (2021), available at: <https://www.census.gov/content/dam/Census/library/publications/2021/acs/acs-49.pdf>.

<sup>7</sup> For example, 97% of respondents in paternity and child support cases, 75% of Plaintiffs in Housing Conditions cases, 91% of appellants in unemployment appeals, and 86% of appellants who file appeals related to public benefits are not represented by counsel. See DC Access to Justice Commission, *Delivering Justice: Addressing Civil Legal Needs in the District of Columbia* (2019), available at: [https://dcaccesstojustice.org/assets/pdf/Executive\\_Summary-Delivering\\_Justice\\_2019.pdf](https://dcaccesstojustice.org/assets/pdf/Executive_Summary-Delivering_Justice_2019.pdf).

Technological glitches impact the fairness of remote court proceedings. A legal study commissioned by the Department of Justice recognized that issues associated with poor video and sound quality can disrupt proceedings to the point that due process issues may arise.<sup>8</sup> Many of Legal Aid’s clients use their cell phones to call in to remote hearings, some with smart phones and some with lower-tech devices. It is not unusual for them to join by phone but not video (including because of poor internet connection or low data allotments), to have the call dropped because of connectivity issues, to have trouble muting and unmuting their device, and to express confusion about or a misunderstanding of what is happening in the hearing. At times, parties join by phone and cannot be heard even to state their name, much less participate in their cases. For tenants who speak a language other than English, the process is particularly daunting.

While the courts largely remain closed for in-person hearings, the D.C. Superior Court and the District have set up remote hearing sites for individuals without internet or computers at home, noting that participation from a computer can be more advantageous than participation by smartphone. While the establishment of remote hearing sites is an important step, it is wholly insufficient to address the inequities created by the digital divide. These sites are not staffed with Court personnel on site. Residents must receive meaningful support services for remote hearing sites to be effective – as one Legal Aid client unfortunately learned when he traveled to a remote site, only to still miss his virtual hearing because he was unable to connect to the hearing using the technology at the remote hearing site.

Providing equitable access to high-speed internet service at home is critical to addressing technological barriers that can have a substantive impact on District residents’ legal rights when those barriers impact their ability to effectively access and participate in court hearings.

**Unequal access to high-speed internet also impacts access to critical District programs and benefits, as low-income District residents are increasingly expected to access government services, programs, and public benefits through online platforms**

In the last year and a half, many applications for District programs and benefits were optimized for completion through online platforms. While stay-at-home orders were in effect, this helped District residents avoid potential health risks by giving them the option to apply for benefits through online portals. These online platforms make applications for government services, programs and public benefits more streamlined, but the District’s most vulnerable residents do not experience these conveniences.

Low-income District residents with limited or no access to internet encounter problems completing online applications, uploading digital copies of required documents, and getting critical updates about their applications through email or online portals. As a result, they either miss out or are at the end of the line for these programs that are intended to help lift them out of poverty. As paper applications are no longer the default option, they remain less efficient, more

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<sup>8</sup> Department of Justice Executive Office for Immigration Review, *Legal Case Study Summary Report* (2017), available at: <https://www.aila.org/casestudy>.

time consuming, and carry additional expenses associated with traveling or taking time off from work for an in-person appointment.

Examples of District programs and services designed primarily for online access include:

- The District’s launch of the rental assistance program Stronger Together by Assisting You (STAY DC), which helps prevent evictions by providing financial assistance to tenants who have experienced financial hardship during the COVID-19 pandemic. To apply, tenants need access to a smartphone or computer, reliable internet, an email address, and an understanding of how to navigate digital technology. Tenants without access to technology can complete the application by calling the STAY DC hotline or attending a clinic or pop-up event for more assistance. All applicants must open an account in the online portal and have an email address. Notably, 81% of District renters behind on their rent payments are Black.<sup>9</sup>
- The Homeowner Assistance Fund (HAF) Pilot Program<sup>10</sup> (which launched earlier this month) provides grant money to income-qualified District homeowners, primarily in Wards 7 and 8, who have experienced a COVID-19-related hardship and are behind on their mortgage, condo fees, or other housing-related expenses. Applicants must complete the application in the online portal or schedule a virtual or in-person appointment with a housing counselor. Follow-up correspondence is by email or the online portal. When the full Homeowner Assistance Fund program is able to open in the District, it is similarly expected to operate primarily through an online portal. Of the District homeowners who report being behind on their mortgage, 94% are Black or Latinx and 2% are White.<sup>11</sup>
- Unemployment programs accessible largely or solely online also raise concerns about the digital divide and the unfair impacts on unemployed workers without computers, as Legal Aid has raised in prior testimony.<sup>12</sup> At the start of the public health emergency,

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<sup>9</sup> U.S. Census Bureau Household Pulse Survey, Week 38, Table 1b, available at <https://www.census.gov/data/tables/2021/demo/hhp/hhp38.html>.

<sup>10</sup> The District of Columbia has implemented a small pilot program (HAF-Pilot) funded with a portion of the initial \$5 million (10%) in HAF funds previously allocated to the District by the US Department of the Treasury. The HAF-pilot program targets condominium owner occupants in Zip Codes, 20019, 20020, 20024 and 20032 primarily in Wards 7 and 8 that have been pre-identified for inclusion and invited to participate in the pilot through DHCD mortgage records. The HAF-Pilot is a limited enrollment and duration program intended to reach some of the most vulnerable District homeowners in a timely way and provide valuable insight to guide the implementation of the regular HAF program. See Department of Housing and Community Development, *Draft Homeowner Assistance Fund (HAF) Plan*, September 17, 2021, available online at: <https://dhcd.dc.gov/sites/default/files/dc/sites/dhcd/publication/attachments/District%20of%20Columbia%20Draft%20HAF%20OCCO%20CLEAN.pdf>.

<sup>11</sup> U.S. Census Bureau Household Pulse Survey, Week 38, Table 1a, available at <https://www.census.gov/data/tables/2021/demo/hhp/hhp38.html>.

<sup>12</sup> Joint Testimony of Legal Aid and the Claimant Advocacy Program, Performance Oversight Hearing on the Department of Employment Services’ Unemployment Compensation program, March 3, 2021, available at: <https://www.legalaiddc.org/wp-content/uploads/2021/03/Joint-Testimony-DOES-performance-3.3.2021-FINAL.pdf>.

applications for standard unemployment insurance were only available by phone and online. The application for Pandemic Unemployment Assistance, or PUA, was only available online. Claimants with home computers and secure internet service had easier access to the claims system and were at the front of the line for benefit payments. The online unemployment claims portal was incompatible with mobile devices, even though many lower-income families rely solely on smartphones for internet access at home. Due to high claims volumes, trying to reach DOES by phone was an arduous process in the first few months of the public health emergency. Trying to file an initial or weekly claim required multiple calls to DOES and multiple hours on hold – sometimes surpassing our clients’ monthly allotment of cell phone minutes.

- In response to the public health emergency, the Department of Human Services (DHS) created an online portal and mobile app for District residents to submit applications for food, cash, and medical assistance. Residents can receive electronic copies of notices, upload documents, and verify their benefit amounts. Reliable high-speed internet is vital in ensuring that District residents can apply for and quickly receive the benefits they need.

In light of the clear need for affordable, reliable high-speed internet service that will enable vulnerable District residents to effectively access the Court and the District’s safety net programs, we are pleased by the introduction of this bill. By tasking the OCTO with assessing the need for and devising a plan to ensure availability of high-speed internet service, the bill will ultimately equip policymakers with the guidance needed to close the District’s digital divide. If this bill reaches its objective, we are hopeful that substantive improvements to access to justice, benefits, programs, and services or those most in need will follow.

### **Conclusion**

Thank you to the Committee for the opportunity to submit this testimony. We look forward to working with members of the Committee on continuing efforts to bridge the digital divide in the District.