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Massachusetts Law Reform Institute Issues Recommendations for Helping Low Income Communities During COVID19 Outbreak

Boston, Mass. – The [Massachusetts Law Reform Institute](#) (MLRI), a nonprofit statewide poverty law and policy center that advances laws and policies to secure economic, racial and social justice for low-income communities, today released policy recommendations to help low income people, the working poor and marginalized communities during the COVID19 pandemic crisis.

“The COVID19 crisis will be drastic, and it will have long-lasting impacts on the Commonwealth’s most vulnerable people and communities,” said Georgia Katsoulomitis, MLRI’s executive director. “It has unfortunately, but not surprisingly, quickly unveiled many of the shortcomings in our society. This crisis is not affecting all of us equally. It has sadly shone a bright light on the many issues poverty law, social justice, and civil rights advocates have been warning about for a very long time. For many years, but most profoundly during the Trump Administration, the United States has shredded the social safety net. What we are seeing now, and what we will inevitably see in months to come, is what happens to our community – indeed, our society – when that happens. *Everyone* and everything is impacted: our individual and collective health, safety, stability, economy - everything. We are -- and have always been -- in this together. COVID19 has only shined a light on that fact.”

MLRI has put together a set of immediate, urgent recommendations, ranging from addressing food security, housing, employment/Unemployment Insurance (UI) helping families in extreme poverty, and more. See below for the list of priority / immediate recommendations for action:

- **BENEFITS: CASH ASSISTANCE**

The Legislature should support and quickly pass HD 4951-Short Term Relief for Families in Deep Poverty. This bill provides one-time supplemental cash assistance to the Commonwealth’s lowest income and most vulnerable families and individuals who receive cash assistance – 30,000 families with children and 19,000 elders and persons with disabilities and individuals. With cash assistance payment levels at less than half of the federal poverty level, these families and individuals were already struggling to meet their basic needs. The disruption and added costs caused by pandemic are hitting them especially hard. The proposed short-term benefit can be implemented promptly after enactment – with very little overhead – because the state already has an electronic system to issue cash assistance to these households.

- **BENEFITS: FOOD SECURITY + SNAP**

1. The Legislature should provide sufficient administrative funding to the Department of Transitional Assistance (DTA) for increased staffing (overtime) and technology changes needed to fully and robustly implement all of the nutrition provisions included in the Families First Coronavirus Response Act (H.R. 6201), thereby maximizing federal nutrition dollars available to needy Massachusetts households impacted by the pandemic.
2. The Baker Administration should expeditiously and robustly implement H.R. 6201 to maximize supplemental SNAP for all current SNAP households including 1). suspending all adverse actions and renewals for current SNAP households and minimizing paperwork requirements; 2). ensuring all families whose children qualify for free or reduced-price meals receive EBT food-replacement benefits provided under the Act; 3). work with sister state agencies and school districts to identify, and provide EBT food replacement benefits to low-income families not currently receiving SNAP; 4). elect all federal options available under H.R. 6201 to ensure that WIC enrollment and food stocking requirements are liberalized and certification periods are extended. The Baker Administration should further explore all available USDA pilots or waivers to allow SNAP households to use EBT SNAP benefits for online and curbside purchases of food, and allow purchase of hot prepared foods with SNAP benefits.
3. The Legislature should support an increase in the Massachusetts Emergency Food Assistance Program (MEFAP), as determined by the Massachusetts food banks demand and capacity.
4. The Baker Administration should explore all possible state and federal options to maximize food delivery networks to low-income families, seniors and persons with disabilities who are unable to get to grocery stores and/or under quarantine.

- **CHILD WELFARE**

The Baker Administration should continue in-person parent-child visitation, family stabilization and support services, and reunification services for children in foster care whenever possible. In individual cases where in-person visits and service delivery is not possible due to health issues or state or provider directives, the Department of Children and Families (DCF) should continue visits or services uninterrupted by phone/video or alternative means. This is necessary to preserve family bonds and ensure that children are not unnecessarily removed from their parents or kept in foster care due to lack of access to services. When necessary, make available to families the technology and assistance they need to participate in visits and services by phone/video or alternative means.

- **EMPLOYMENT: UI / EARNED SICK LEAVE**

1. The Baker Administration should request additional federal funding, both for Unemployment Insurance (UI) administration and for needed income supports. The state should also request that Congress fund additional income supports (through regular UI, disaster UI or through a different program) for workers affected by the pandemic.
2. The Legislature should amend the earned sick leave program, at least for the duration of the COVID-19 emergency, to increase the amount of sick leave from one week to at least two weeks, to require that the leave provided by employers with 10 or fewer employees be paid, to eliminate the 90-day waiting period before employees can begin earning the leave, and to allow employees to use the leave if they have a reasonable belief that their workplaces are hazardous to their health.
3. Massachusetts should waive **all** UI work-search requirements for the duration of the Governor's emergency declaration. While much work-search can take place online, a significant amount of job-search activity takes place in person, especially for lower-wage work and in-person work search is contrary to guidelines for preventing the spread of disease. Legislation to waive the 7-day waiting period (the period of time between when a worker applies for UI and begins receiving benefits) was enacted this week, a welcome development.
5. The Baker Administration should help workers who may need UI to prepare in advance. The Department of Unemployment Assistance (DUA) should suggest that workers be sure they have their paystubs available now in case UI agencies are unable to verify pay (for example, due to workplace closure). A W-2 form should be sufficient for 2019 wages and paystubs can be printed for 2020 wages. DUA can also encourage workers to review the procedures for applying for UI and the general rules for the program.

- **HEALTH CARE**

1. The Baker Administration should make eligibility determinations for MassHealth and the Health Safety Net for new applicants based on self-declared financial information and allow any required proof of income or assets to be submitted post-eligibility. This was the system in place for all applicants under 65 until 2017; it should be reinstated and extended for applicants of all ages including the elderly. The elderly are among those most at risk from COVID-19 but currently face the most burdensome application process.
2. The Baker Administration should impose a moratorium on the involuntary termination or reduction in long term services and supports such as Personal Care Assistants and Home Health services based on decisions by the agency, its third party administrators, its agents or by MassHealth managed care entities. This is important to ensure that elderly and disabled individuals can remain safely at home or, if they are already in facilities, can remain there and are not forced to resort to hospital emergency rooms during this public health crisis.

3. As a condition of enhanced federal matching funds under the Families First Coronavirus Response Act signed on March 18, 2020, Medicaid agencies may not involuntarily terminate beneficiaries for any reason other than a move out of state. The Office of Medicaid should act quickly to extend this protection to everyone covered by it, including those who already received advance notice of termination but were still enrolled on March 18. In addition, MassHealth should alert its members facing paperwork deadlines, and the many organizations that provide them assistance, that their time, and that of state workers, can now more safely and productively be employed meeting the many remaining challenges ahead.

- **HOUSING & FAMILY HOMELESSNESS**

1. The Legislature should issue a moratorium on all aspects of housing evictions and mortgage foreclosures, including passing the Connelly/Crighton eviction/foreclosure moratorium bill - HD4935 (with proposed amendments). Families and individuals need to be able to recover in their homes. If evicted, they can spread coronavirus and further burden the health care system. While there is a state of emergency, no evictions or foreclosures should occur. This should be a full moratorium, including evictions without court involvement, e.g. issuing “notices to quit,” and levying on executions, etc. Sheriffs or other officials should be directed not to serve/levy on executions.
2. The Baker Administration should create an emergency assistance fund to help prevent evictions by providing short-term financial assistance and housing stabilization services. Providing short-term assistance to stabilize individuals, and pay rents to keep tenants housed and landlords able to pay their mortgages, is far cheaper than allowing households to become homeless, and essential to mitigate the spread of Covid-19.
3. The Baker Administration and all local Housing Authorities and subsidized owners should suspend any terminations of assistance, stop the clock on voucher holders searching for housing, and create flexible recertification requirements to support households facing a dramatic shift in income or unable to meet current requirements due to impact of pandemic.
4. The Baker Administration should remove barriers for homeless families to access Emergency Assistance (EA) shelter. The Department of Housing and Community Development (DHCD) should make presumptive placements immediately, increase staffing of phone lines (since no in-person intakes) and waive 12-month ban for prior EA use.
5. The Baker Administration should not terminate any family from EA shelter until COVID-19 statewide emergency declaration is lifted and not make shelter residents do things that would risk health (housing search, chores etc.) and allow Temporary Emergency Shelter Interruptions (TESIs) indefinitely.
6. The Baker Administration must make emergency space available for quarantining families who test positive for COVID-19 and are in EA shelter, especially those in

congregate shelter and proactively separate high-risk families to prevent spread among other families.

- **IMMIGRATION**

1. To mitigate immigrant fears of ICE enforcement that may otherwise obstruct seeking medical care during the national emergency, and to prevent/mitigate the spread of disease in detention facilities, the Baker Administration should work with county sheriffs to halt cooperation with ICE, urge the area ICE Director to halt routine local arrests and release detained immigrants or expedite bond hearings – and at a minimum provide safe quarantine areas in immigration detention pods.
2. To preserve access to the only safe means of transportation during this crisis, a personal vehicle, the RMV should allow temporary automatic license/ID renewals of expiring licenses for immigrants with authorized stay, not just U.S. citizens and limited categories of immigrants.
3. To protect the Commonwealth's diminishing yet essential workforce and ensure that immigrant workers and their families are not improvidently impoverished, the Baker Administration should collaborate with the Massachusetts Congressional delegation in urging the Department of Homeland Security (DHS) to auto-extend the employment authorization documents of immigrants with Employment Authorization Documents (EADS) that are scheduled to expire during the national emergency, either through publication in the Federal Register or the USCIS website.
4. To preserve meaningful access to legal rights and opportunities in immigration matters, the Baker Administration should collaborate with the Massachusetts Congressional delegation to urge that immigration application deadlines be relaxed during the national emergency, given the closure of many private immigration practices and legal services offices and consequent lack of access to effective assistance of counsel.
5. Offer an unemployment benefit and nutrition assistance benefit to those ineligible for Unemployment Insurance (UI) or SNAP benefits due to immigration restrictions. To protect vulnerable families impoverished by the sudden loss of wages during the national emergency, the Legislature should create a transitional state-funded program for these purposes.

- **COURT SYSTEM**

The court system in Massachusetts should immediately implement best practices for infection prevention in courts. It should allow litigants to appear by video/phone (with clear, easy-to-understand instructions on how this can be done) as well as provide assistance to low-income, pro se, and Limited English Proficient litigants so they can access the courts by video or phone.

- **LANGUAGE ACCESS**

The state should provide funding (and seek federal funding, if necessary) to state agencies to ensure that Limited English Proficient and Deaf and hard-of-hearing individuals' language access needs are being met in Massachusetts with regard to all state communications regarding COVID-19. Ensuring language access is always important but at this time it is also a public health issue of vital importance to further prevent the spread of the virus.

Additionally, MLRI endorse the four policy recommendations that the Emergency Task Force on Coronavirus & Equity, convened by the Massachusetts Public Health Association, publicly issued today. They are:

- **ENSURE IMMIGRANTS HAVE SAFE ACCESS TO TESTING & TREATMENT**

Draconian federal immigration policies, inflamed antipathy toward immigrants, and scapegoating of Asian Americans have sown fear and mistrust in many immigrant communities. We call on Governor Baker and the Attorney General to aggressively communicate that all residents will have access to testing and treatment regardless of immigration status, that medical and social service providers may not share patients' information with federal immigration enforcement authorities, and that testing and treatment will not negatively impact immigrants under the federal "Public Charge" rule. The Legislature should allocate funds for trusted community organizations and community media to lead outreach campaigns.

- **ENSURE EVERYONE HAS ACCESS TO SAFE QUARANTINE**

Homeless shelters and other congregate facilities are already at capacity and will be unable to implement physical distancing recommendations, dramatically increasing the risk of rapid transmission of COVID-19 among people experiencing homelessness and others without safe access to quarantine. We call on Governor Baker to direct the Massachusetts Emergency Management Agency and other state agencies to immediately identify alternative sites for safe, dignified quarantine for those without safe access. And we call on the Legislature to allocate the needed resources to support this response.

- **PASS EMERGENCY PAID SICK TIME**

As parents remain home to care for children out of school, workers face lengthy quarantines, and businesses lay off or reduce hours of their employees, we must ensure all residents have access to Emergency Paid Sick Time. We call on the legislature to guarantee all workers at least 15 additional days of job-protected paid sick time for immediate use during the outbreak or for any future public health emergency.

- **ENACT A MORATORIUM ON EVICTIONS, FORECLOSURES & TERMINATION OF PUBLIC BENEFITS**

The outbreak is putting tremendous economic strain on many residents. Without a safe place to call home or access to the basic necessities of life, residents will face far greater risk of infection, overall poorer health, and spiraling economic insecurity. We call on the Legislature and Governor Baker to enact a moratorium on all evictions and foreclosure

during and in the aftermath of this crisis, as well as a moratorium on termination of public benefits such as SNAP, MassHealth, disability benefits, and access to shelter.

“MLRI has been a nationally recognized poverty law and policy center for more than five decades,” said Katsoulomitis. “We work together with a large number of legal aid, advocacy and community partners to protect the rights of low income individuals and families. We believe these recommendations will help vulnerable people and households survive financially and with dignity during this very challenging time. We thank our partner legal aid providers, and the many community-based and social justice organizations that are on the front lines working with people and communities.

Strong societies are the ones that support their most vulnerable citizens. Although this is an unprecedented crisis, let us use this as an opportunity to examine the inequality and unfairness in our society. Beyond emergency measures, I hope this will open our collective eyes so that we can correct some of the wrongs and inequities, remove many barriers, and make sure everyone has the services they need to not only be safe and healthy, but also to live with the dignity and have the compassion every human deserves.”

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About the Massachusetts Law Reform Institute

Massachusetts Law Reform Institute (MLRI) is a nonprofit poverty law and policy center. It provides statewide advocacy and leadership in advancing laws, policies, and practices that secure economic, racial, and social justice for low-income people and communities. MLRI advances its mission through legal initiatives and policy reforms that address the root causes of poverty, remove barriers to opportunity, and create a path to economic stability for low-income individuals, families, and communities. For more information, please visit www.mlri.org or follow us on Twitter ([@MassLawReform](https://twitter.com/MassLawReform)) and [Facebook](https://www.facebook.com/mlri).