

To: Joint Committee on Coronavirus Response
From: Alicia Temple, Oregon Law Center
Date: March 17, 2020
Re: Low Income Communities during COVID-19

Co-Chairs Roblan and Holvey and Members of the Committee:

Oregon Law Center is a non-profit law firm whose mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. Thank you for the opportunity to submit testimony to this committee on behalf of our client community in support of necessary policies and resources to mitigate the impact of the COVID-19 virus (“Coronavirus”) on low-income Oregonians.

This is a time of crisis for many Oregonians. There are vast immediate and potential long-term effects on people’s health, economic and housing stability that we are only beginning to understand. It is more important than ever that Oregonians can rely on safety-net services. However, we are concerned that the disruption caused by COVID-19 could result in recipients losing or going without a wide range of benefits when they are most needed.

Below are the Oregon Law Center’s recommendations to ensure that low-income Oregonians have what they need to get through this crisis.

Housing

The economic shutdown caused by the virus means that many low-income people will lose all or part of their income from work and will not be able to pay rent and utilities. People who are evicted often become homeless, causing them to double up with friends or relatives, live in a congregate shelter, or at worst, try to survive on the streets. During a public health emergency, those outcomes will likely worsen the health emergency and place more burden on our health systems. **We ask that, at this time of health and housing insecurity, you provide rent assistance resources to Oregonians at risk of homelessness because of the Coronavirus.**

- We commend recent action from Chief Justice Walters to postpone all eviction cases until March 27, 2020¹ and we recognize the several local jurisdictions in Oregon that are seeking ways to help limit evictions. **Deferring evictions at this time is critical.** However, it will only delay the eviction crisis unless we can help people make up their unpaid rent. We also recognize the risk of harm to landlords from their loss of income.
- Revise certain landlord-tenant laws to help address the crisis. We offer to work with the Legislature and others to develop such legislation.

¹ Chief Justice Order No. 20-006

- Provide immediate resources for homeless service providers to continue to provide emergency shelter, increase shelter capacity including for people experiencing illness, and increase staff support.

Public Benefits

The medical, nutrition, and income support benefits that low-income people depend on will be especially critical during this uncertain time. As so many workers are forced to go without pay, and school closings force parents to stay home to care for children, there will be an increased need for the benefits. **The focus now should be on helping individuals and families access important safety net services. Thus, we urge you to put a moratorium on all benefit terminations during this time.**

We encourage DHS and OHA to institute the following temporary policies that limit in-person interaction while continuing to provide essential benefits without interruption.

- Put a moratorium on all OHP, SNAP, TANF, and other public benefit terminations during the state of emergency. Benefit renewals and re-certifications that are designed to review eligibility and terminate are too fraught with the potential for delays, mistakes, or an inability to complete the processes for Covid-19 related reasons to be relied on in this time.
- Postpone implementation of the new Integrated Eligibility system. The implementation of a new and expansive computer based eligibility system is rarely accomplished without significant unanticipated operational disruptions. This is a moment when such disruptions will have amplified and potentially severe impacts on the people who need OHA and DHS services the most.
- Provide express instruction to all OHA and DHS staff that they should not dissuade applicants for any public benefit from accessing the benefits out of fear of public charge/immigration concerns.
- Ease processes and requirements to increase flexibility in this time of uncertainty, including helping individuals gain access to OHP (see Appendix A)

Employment

Low-wage jobs are often impossible to do remotely and as businesses are temporarily closing and workers must stay home, they must rely on paid sick leave or the safety-net to pay for basic necessities.

- Create flexibility in Unemployment Insurance benefits and extend it to be a source of income for those experiencing quarantine or reduced incomes during the state of emergency.

- Expand Paid Sick Days to cover all workers with paid leave regardless of employer size, and provide 14 days of paid leave during public health emergencies.
- Ensure that all workers who cannot work from home have the proper equipment for necessary hygiene, including in worker housing around the state.

Fines and Fees

In the midst of this crisis, paying fines and fees or accumulating additional court debt should be the last thing a family worries about. In light of this ongoing national emergency, state and local governments and courts should make immediate changes to their criminal, traffic and municipal ordinance fines and fees policies.

- For the duration of this crisis, state and local courts should end all collection of fines, fees, and court debt, including wage garnishment, off-sets of tax refunds, unemployment insurance and other benefits; and stop sending delinquent cases to private collection companies.
- Stop imposing penalties for late or missed payments of fines, fees, and court debt, and suspend interest and all late fees on unpaid fines, fees, and court debt.
- State and local jurisdictions should place a moratorium on driver's license suspensions for unpaid fines and fees or for not appearing in court.

We urge your support of these recommendations when considering legislation and working with federal partners and state agencies on providing the safety net needed now for Oregonians to make it through this crisis.

APPENDIX A

Medical Assistance

- Request an 1135 waiver from CMS to suspend all OHP renewals and terminations for all programs;
- Permit fast track approval for applications for medical assistance programs;
- Suspend/continue all hearings that have already been requested, with provision of continuing benefits for everyone, even those who did not initially request it;
- Allow application for medical benefits with attestations for eligibility factors, without the verification requirements generally required;
- Relax or suspend the Prior Authorization requirements for all testing and treatment related to Covid- 19;
- Clarify and publicize OHA's position on Covid-19 testing and treatment being considered an "emergency" per the definition of emergency in the CAWEM program;
- Halt all involuntary move outs from Long Term Care facilities and all Long Term Care In-Home Hours reductions;
- Expand the presumptive eligibility program;
- Allow continuous eligibility for adults as well as children for all OHP programs;
- Increase flexibility around and availability of telehealth for OHP enrollees;
- Relax the standards for OHP provider payments so that the OHPlan can pay providers to treat Oregon residents (who happen to be out of state when they need treatment) if those providers aren't signed up as OHP providers, but are signed up as Medicaid providers in another state.

SNAP

- Request a waiver to extend SNAP certification periods running out in the next 3-6 months to avoid terminating SNAP benefits.
- Implement ABAWD injunction and, as soon as available, implement the federal FFCRA that will lift the ABAWD time limit in the counties where it is in effect.
- Affirmatively reach out to all former SNAP recipients who were terminated for ABAWD time limit reasons and let them know they can reapply and that the ABAWD rules are not in effect;
- Request federal permission to provide emergency SNAP assistance to households with children who would otherwise receive free or reduced priced meals if not for their schools being closed due to Covid-19 concerns;
- Facilitate supermarkets delivering food to SNAP households by promoting the use of manual vouchers or allowing for on-line purchases.
- Suspend or continue all SNAP related hearings, granting continuing benefits to all, whether or not they requested them in the correct time period;
- Fast track reports of income changes so that benefit amounts can increase quickly as people's income goes down;
- Allow attestation for eligibility factors in lieu of verification;

- Provide special support (additional linguistically and culturally specific staff or additional document translations) for non-English speaking SNAP recipients.

TANF

- Waive the work requirements for TANF (as permitted by the new federal law) and publicize the “TANF diversion” program waiving work requirements to encourage people to apply;
- Immediately issue up to three months of TANF benefits to families whose return to work is indefinite as a result of covid-19, and require minimal documentation to qualify;
- Suspend or continue all TANF hearings that are already requested, and issue continuing benefits even in cases where they weren't requested in time;
- Grant “good cause” exemptions for anyone who fails to attend JOBS program or other work substitute requirements;
- Allow TANF interviews via telephone and accept alternative forms of signatures for application forms when people apply for TANF;
- Allow expedited updating of TANF benefits when recipients report reductions in wages or income;
- Allow additional flexibility in the TA-DVS program to allow TA-DVS grants to be used to protect health as well as physical safety of individuals fleeing domestic violence or sexual assault;
- Create a state-only funded program to provide support to families who meet all eligibility requirements for TANF except the immigration status requirement; and