



Testimony in Support of COVID-19 Response Legislative Concepts

Kelly Simon, Interim Legal Director of ACLU of Oregon

Joint Interim Committee on the First Special Session of 2020

June 23, 2020

Chair Courtney, Kotek, and Members of the Committee,

In the midst of a public health emergency, the American Civil Liberties Union of Oregon¹ believes it is more critical than ever to protect the rights of people in our society who are most vulnerable. We commend recent legislative actions to provide important protections and financial relief for Oregon's agricultural workers and immigrant communities and encourage the Legislature to continue protecting vulnerable Oregonians by supporting the legislative concepts laid out below.

LC 45 COVID-19 Response Omnibus Bill: The ACLU of Oregon strongly supports key sections of the bill outlined below.

- **Evictions Moratorium, Emergency Shelter, Low Income Utility Bill Assistance:** People without stable housing and facing financial hardship are among the most vulnerable during the COVID-19 pandemic. Today, households across Oregon are making impossible choices with limited resources to pay their rent, utilities, and meet basic needs during this public health crisis. Today, in Oregon, renters are disproportionately Black, Indigenous, and people of color. We urge you to extend the eviction moratorium and take legislative action to provide tenants with at least 6 months to repay unpaid rent, address emergency shelter capacity statewide, and increase financial assistance to individuals struggling to meet their basic needs like utility payments.
- **Race and Ethnicity Data Collection and Reporting:** Data collection and standardization of demographic data is an important public health tool to assess and address the disproportionate effects of COVID-19 on communities of color in Oregon. Nationally, Black, Indigenous, and people of color represent a higher percent of COVID-19 confirmed cases compared to the general population. Data collection and standardization of demographic data is an important public health tool to assess and address the disproportionate effects of COVID-19 on communities of color in Oregon.

LC 52 Protection of People with Disabilities from Discrimination and Bias in Healthcare:

Along with our partners at Disability Rights Oregon, the ACLU of Oregon supports LC 52 which:

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan organization dedicated to the preservation and enhancement of civil liberties and civil rights. We have more than 30,000 members and supporters in the State of Oregon, and that number is growing as we speak.

- Prohibits discrimination in the provision of healthcare, consistent with Federal requirements under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Section 1557 of the Patient Protection and Affordable Care Act, the Civil Rights Act of 1964, Age Discrimination Act of 1975, and several further provisions of law, including under the Public Health Service Act.
- Requires hospitals to permit support workers for people with disabilities to provide services in hospital settings, which are frequently necessary for communication and activities of daily living. This underscores the importance of healthcare systems to comply with the Americans with Disabilities Act, including reasonable modifications in policies.
- Makes clear that healthcare cannot be conditioned on agreeing to the withholding of life sustaining care and requires that Disability Rights Oregon be notified in certain cases of the proposed withholding or withdrawing of life-sustaining procedures.

The ACLU of Oregon strongly encourages the Legislature to introduce and enact Legislative Concept 52 to make clear that discrimination in healthcare will not be tolerated, especially during a public health crisis.

LC 68 Infectious Disease Standard: LC 68 directs DCBS and Oregon OSHA to adopt an infectious disease standard to ensure workers who are continuing to show up every day have the protections they need to reduce the risk of contracting the Coronavirus.

Workplace outbreaks are happening across the state. Many of these workplaces are majority BIPOC workers. In light of workplace outbreaks like Townsend Farms to Pacific Seafood, we must ensure we have regulations in place to protect workers providing vital services from the Coronavirus.

Workers have been exposed for over three months already and need clear guidance to ensure their safety. That is why LC 68 calls for an emergency temporary standard to be enacted by August 1st, 2020. It also calls for the agency to produce a permanent rule so that Oregon will be prepared with long-term guidance should there be a subsequent pandemic.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Simon', with a stylized flourish at the end.

Kelly Simon
Interim Legal Director