

Thursday, April 2, 2020

Dear Mayor Bowser, Chairman Mendelson, and Members of the DC Council:

As social and legal service providers, community and faith organizations, and organizers and advocates for socially, racially, and economically just policies in the District, we write to thank you for your ongoing leadership in the midst of this devastating pandemic. Your decisions to pursue shelter-in-place practices and to provide key measures of relief to residents and businesses are helping to keep the District safe, healthy, and as financially stable as possible. **However, there are still some people, systems, and sectors of our economy being left behind that require your immediate attention and bold action.** This letter outlines some of our most time-sensitive concerns and recommends both legislative and administrative solutions.

As a financially healthy city with full reserves, surplus capital from Fiscal Year 2019, and additional cash support forthcoming from the Federal Government, we are better poised than most to respond to the relief gaps highlighted in this letter. To better ensure no one in the District is left behind or particularly vulnerable to the sharp economic decline the coronavirus has unleashed, the District should continue using DC's \$1.43 billion reserves to meet cash flow needs and assist our residents by **immediately waiving the repayment rules associated with reserve funds that are mandated by the District.** For reserves mandated by Congress, the District should seek a waiver on the repayment rules from the federal government to complement the advocacy already underway to secure our full share of the \$1.25 billion or more in local relief packages allocated to every other state. We should spare no expense, to the extent that's possible: every dollar invested now in District residents and essential businesses will save lives and limit long-term ripple effects of the pandemic.

Relief Measures that Require Urgent Legislative Action

Ensure the health, safety, and dignity of our neighbors experiencing homelessness:

- **Ensure high risk residents experiencing homelessness have access to safe housing that reduces their risk of contracting COVID-19.** All residents living on the street or in congregate dwellings should be safely sheltered during this pandemic to reduce virus transmission but we must especially prioritize housing people in high risk categories: older residents, those with diabetes or respiratory challenges, and all those with chronic or underlying health conditions that can compromise a person's immune system. We recommend utilizing the District's vacant housing, hotel, and dormitory rooms to house these individuals. Other jurisdictions, such as New Orleans and the state of Connecticut, have already taken this step.
- **Require that DC follow CDC guidance to ensure the health and safety of residents of homeless encampments.** The [CDC guidance](#) on unsheltered homeless persons, in addition to recommending that encampment clearings stop, recommends 24 hour access to regularly cleaned and maintained bathrooms (using portable bathrooms as necessary) and handwashing stations for any encampment with more than 10 people present. DC should be required to implement this guidance.
- **Mandate that emergency shelter applicants can self-certify eligibility factors until the public health emergency has passed.** The DC Council provided DHS expanded authority in the last round of

COVID-19 emergency relief legislation to determine families ineligible at the conclusion of the emergency. While DHS is allowing families to apply for shelter via the shelter hotline, they are still requiring families to provide third party verification of eligibility factors in some circumstances, and will not accept self-certification of eligibility factors from applicants. As a result, families are being denied emergency shelter during this public health emergency when they cannot access adequate documentation. Because families are also not being provided lawful denial notices, it is likely that they will not know how to appeal, and therefore will be without shelter at a time where safe shelter is of utmost importance. These barriers to shelter must be urgently remedied.

- **Require a moratorium on terminations in rapid re-housing and emergency shelters throughout the emergency.** This moratorium should include any adverse action, other than emergency actions, that results in the loss of shelter or housing, including: 1) program exits; 2) finding of ineligibility after a person has already been placed; and 3) mandatory “transfers” that result in a loss of housing or shelter.

Financial support for undocumented residents and those who work in our cash economy:

Tens of thousands of District residents are undocumented, work in cash economy, or otherwise locked out of the local and federal cash assistance relief efforts recently enacted. This includes day laborers, many in the hospitality and service industries, sex workers, domestic workers, street vendors, artists, hair stylists, childcare workers, and more. Most of these residents are extremely low income already and, with virtually all of their regular income streams shuttered, they are rapidly nearing the end of their resources to afford necessities like food, toiletries, and rent. Without immediate local action to provide cash assistance, these populations will likely experience extreme hunger and homelessness. Significant local dollars are needed to prevent these life-threatening conditions. We specifically urge the District to take the following actions:

- **Use existing DC government infrastructures to identify residents who are likely locked out of existing relief programs** and subsequently (1) pay out benefits mirroring federal stimulus checks and (2) utilize the existing infrastructure for other programs like SNAP, TANF, and Interim Disability Assistance to create avenues for DC residents with food and financial needs to access targeted cash directly from the District. We conservatively estimate at least \$10 million is needed per month to support this ask. The DC Healthcare Alliance and Limited Purposes driver’s license programs broadly cover thousands of our undocumented neighbors and residents who work in the informal economy and are therefore the most expedient means of identifying residents in need of this assistance; we should leverage their program communications mechanisms to disseminate urgently needed aid. More information available [here](#).
- For residents we cannot reach through the Alliance or Limited Purposes driver’s license program, the District must **work with local nonprofit and/or philanthropic organizations with existing connections in immigrant and other marginalized worker communities to effectively disseminate necessary financial assistance.** It is important to note that many undocumented workers, sex workers, and others in our cash economies face real fears about engaging with any government agency. Further, many are unbanked, have limited access to technology, do not speak English, or have limited literacy in any language. For those reasons it is critical that public resources flow to organizations that already have relationships and systems in place to connect with residents facing unique barriers - an exclusively

government run program will simply not meet the needs of this community of marginalized workers. The added benefit of partnering with local organizations is that government relief funds can be matched by private donations from charities and individual contributors. We encourage the District to commit at least \$5 million - not including organizational overhead - to this mechanism of aid distribution.

Establish a small business relief grant program for licensed child care providers who serve young children under age 5:

Home and center-based child care programs who rely wholly or partially on privately paid tuition are on the brink of permanent closure. The shuttering of childcare facilities in the short term would prevent parents from getting back to work and, in the long term, would further diminish our supply of child care raising program costs and spurring displacement of young families. **A supplemental, narrowly targeted grant program of at least \$5.6 million per month is needed to cover costs like rent, payroll, insurance, cleaning supplies, and more of licensed early childhood education programs.**

Ensure renters impacted by COVID-19 job and income disruptions are able to stay in their homes:

The economic impacts of this pandemic have already been far reaching yet are predicted to evolve and worsen in the coming months. Continued job and income loss will leave hundreds of thousands of District residents housing insecure. To preserve housing stability for renters and landlords alike, at a minimum **the District must significantly expand eligibility for the Emergency Rental Assistance Program or similar new programs to serve those who are and will be hardest hit by COVID-19 income disruptions.** Further, ERAP funding must be urgently quadrupled, annual limits on use must be eliminated, those who have utilized ERAP within the past year must be immediately requalified for the program, and the annual per renter allocation limit must be increased during this public health emergency order and for at least six months following. The Council may also want to consider creating a similar, short-term rental assistance program directly targeted to those who have lost income as a result of the pandemic. Expanding emergency rental assistance for tenants through expanded eligibility, increased funding, and robust multi-lingual public education campaigns about ERAP or a parallel, sufficiently funded program are necessary pillars of D.C.'s response to the pandemic.

Enhance workplace protections:

With many essential workers continuing to perform their jobs under extraordinary circumstances and many companies enacting telework policies, we must ensure all workers are safe and protected throughout the COVID-19 health emergency. We specifically urge the Council to take the following actions:

- **Expand the District's paid sick leave laws to ensure workers at companies with more than 500 employees have the same access to COVID-19 related leave protections as employees of small businesses per the recent enactment of the Families First Coronavirus Response Act.** Large companies in the District should be required to self-finance 10 days of paid sick leave for all employees, including part

time and temporary hires, regardless tenure; this should also apply to companies using telework policies.

- **Amend DC’s existing paid sick leave laws** to remove requirements and/or allowances for employers to request workers furnish a doctor’s note after 3 days of consecutive absences; allow for self-certification in lieu of documentation during this and all future public health emergencies.
- **Ensure all essential workers, including District government employees, are able to access and use personally protective equipment** including gloves, masks, hand sanitizers, cleaning supplies, etc. while performing their jobs. The District should take responsibility for obtaining and disseminating these resources, especially for businesses that operate on thin margins like childcare, senior care facilities, transportation, restaurants, and more. Widespread use of safety equipment will help flatten the curve.

Relief Measures that Require Urgent Administrative Leadership and Action

Ease access to public benefit programs and homeless services:

It is imperative that the District more aggressively direct government workers to act from a place of presumptive eligibility for all people applying for government assistance of all forms at this time and throughout the coming months--and to build the necessary infrastructure to handle this amplified outreach. Acting quickly to get people the help and support they need will better enable our city to prevent massive economic disruption and reduce disease transmission. Now is the time to utilize our robust reserve funds to free our government to respond to critical and emerging needs.

- **Connect unemployed workers with public benefits programs** such TANF, SNAP, ERAP, etc. Connections to services can be made by emailing and/or mailing information about applying for these programs to District residents who apply for unemployment insurance. In cases of layoffs - and subsequent employer-provided healthcare coverage loss - related to this pandemic, the District should allow those laid off residents to enroll in DC medicaid immediately. Any standard medicaid co-pays should be waived.
- **Ensure access to the Grandparent Caregiver Program (GCP) and Close Relative Caregiver Program (CRCP) subsidies** so all children living with grandparents and other relatives have the financial support they need to thrive. To do so, reprogram funds to eliminate the current GCP waiting list, automatically recertify families, waive the six-month eligibility period for the GCP and CRCP, and ensure all program participation paperwork can be completed electronically.
- **Transform Adam’s Place Day Center into a group quarantine site for people experiencing homelessness who have tested positive for COVID-19 but do not require hospital care.** Overflow sites might include DC Public Schools or dormitories at UDC. These sites must be urgently stood up to prevent further virus outbreaks among our homeless population which could overwhelm our health system.

- **Provide support and guidance to non-profit organizations serving our most vulnerable populations.** Many organizations serving our residents who have been hardest hit by economic disruptions from the COVID-19 pandemic are now struggling to meet community demand, whether for shelter, food, physical and behavioral health services and treatment, and essential supplies like diapers, formula, medication, etc., as well as protective equipment for their staff. These organizations need greater leadership from the District government including relaxing of service eligibility rules and direct financial assistance.

Protect the rights of District workers, especially those providing essential services:

- **The Department of Employment Services must urgently onboard additional staff to process unemployment insurance claims, respond to email inquiries, and assist workers calling in for assistance.** The Council has already authorized the Mayor to redirect existing District government employees to support critical services, we must now get this assistance to scale by identifying at least 100 current District employees with similar skill sets who can step in to assist DOES in serving the tens of thousands of workers, small business owners, and self-employed residents who have lost income.
- **The Department of Employment Services should adopt emergency rules that allow for work-sharing in the Unemployment Insurance program to provide alternatives to mass layoffs,** and proactively encourage participation among employers. Under work-sharing programs, instead of laying off workers, employers can reduce worker hours and employees can receive unemployment benefits proportionate to the hours they lose. For instance, an employer, such as a restaurant, with 20 workers that otherwise might lay off their front of house staff the employer could instead employ all those workers for staggered shifts; workers then would receive unemployment benefits equivalent to covering 100% of wages for the one or more days a week they were not employed (because some people's typical job schedule is days per week).

Ensure no voter is locked out of ballot access due to recent primary election changes:

Last week Mayor Bowser announced major changes to our primary elections encouraging voters perform their civic duties by mail. To ensure the greatest possible participation in our upcoming primary elections while still guaranteeing public health and safety, absentee ballots must be available to as many people as possible, as seamlessly as possible. To that end, we urge the Board of Elections to implement the following suggestions:

- **Send returnable absentee ballot request forms to every voter and instructions on voter registration to every residence.** A best practice many other states are implementing is to automatically send absentee ballot request forms with return postage to every household, in lieu of directly sending out absentee ballots. We urge the District's Board of Elections to follow this model and to further send voter registration information to all households in DC to ensure we are capturing all potential new or recently moved voters.
- **Conduct a robust public education campaign regarding changes to this year's election.** The Board of Elections must use every resource at its disposal to engage voters and promote absentee voting including mailing information about election changes to all residences, utilizing the emergency text system to encourage people to request absentee ballots, placing calls to District residents - especially to our lowest

income residents who are less likely to own a home computer on which to complete ballot requests - to offer assistance in completing an absentee ballot request forms, and conducting a robust paid ad social and traditional media campaigns in multiple languages. Ensuring DC residents can participate in elections no matter the circumstances is a part of establishing the District as a resilient city.

- **Ensure vote-by-mail options are accessible to individuals with disabilities.** The Board of Elections must include an online ballot marking tool or similar home voting tool for voters with disabilities. Persons who are blind or have mobility impairments are otherwise deprived of the right to cast an independent, private ballot. Other states, including our neighbors in Maryland, have proven and accessible online tools.

Reduce incarceration and significantly limit public interaction with law enforcement throughout shelter-in-place orders:

As the District battles COVID-19 containment and begins to implement strict shelter-in-place guidelines, we must affirm that jails, detention, and aggressive policing are not public health tools. Indeed, they contravene the principles of social distancing and jeopardize the health of inmates, the public, and our police force alike. The District must urgently take the following actions to protect public health, especially the health and wellbeing of our communities of color who are disproportionately over-policed:

- **Enact with fidelity the Council’s directives to deprioritize detentions for misdemeanors,** including for individuals who are found to be in violation of shelter-in-place orders. The Metropolitan Police Department should take steps to establish expanded criteria for citation and release, expedite papering decisions, and only arrest individuals in situations that present a continued and serious risk to public safety. Additionally, engage the resources of the Office of Neighborhood Safety and Engagement to enforce shelter-in-place guidance as opposed to relying exclusively on police presence.
- **Work with the DC Council to authorize inmate releases from DC jail and correctional facilities,** particularly inmates who are members of high-risk health compromised populations, being held for low-level offenses, or pose no significant risk to the public. As we have now seen a growing number of inmates and guards testing positive for COVID-19, it is clear that living in close quarters dramatically increases the chances of the spread of infectious disease. To protect incarcerated residents we must pursue their release and ensure they have access to safe housing and financial resources upon release. We must also be mindful of the impact of early release on victims; prosecutors must make reasonable efforts to notify victims of pending releases related to their case and the District must execute reasonable protection protocols where merited, especially for victims at risk of domestic violence. This request is an urgent necessity for the public health of our entire city as an outbreak of COVID-19 in our jails would entirely overwhelm our fragile medical care system. More information about decarceration asks [linked](#) here.
- **Mandate health and safety measures according to [CDC guidelines](#) to protect those in Department of Corrections custody, including those in Central Cell Block.** All people who are incarcerated should have access to individual soap, water bottles and toilet paper, and all correctional facilities and halfway houses should be professionally cleaned everyday and throughout the day.

- **Prevent the DC Jail from turning people over to ICE throughout this public health emergency.** Our immigrant neighbors should be allowed to prioritize their families' health and wellbeing in this time, like all other DC residents. As a sanctuary city, we should not turn over our residents to be detained and/or deported, especially now that being held in a detention center puts immigrants at grave health risk.

We are grateful for the leadership our government has already taken to support the people of the District of Columbia as the battle against the COVID-19 pandemic rages, especially everything that is being done to support our first responders, healthcare workers, and all those working in essential business operations. We hope the urgent requests in this letter will spur necessary action to close gaps in services and supports that are needed for our most vulnerable communities who are facing unparalleled dangers in these unprecedented times. As the community continues to identify relief support needs from the government, those needs will be shared, including needs that grassroots and mutual aid organizers are gathering and recording through direct conversations with communities experiencing the most harm and most at risk.

We hope you act with urgency to implement bold and creative solutions to our requests. To follow up on the asks in this letter, we encourage you to be in touch with the following subject matter experts:

- **Use of reserve funds & housing:** Tazra Mitchell, DC Fiscal Policy Institute: tmitchell@dcfpi.org
- **Homelessness:** Amber Harding, Washington Legal Clinic for the Homeless: amber@legalclinic.org
- **Undocumented residents worker rights:** Elizabeth Falcon, DC Jobs with Justice: elizabeth@dcjwj.org
- **Child care stabilization package:** Kim Perry, DC Action for Children: kperry@dckids.org
- **Policing & decarceration:** Nassim Moshiree, ACLU-DC: nmoshiree@acludc.org
- **Ballot access & all other matters:** Joanna Blotner, Jews United for Justice: joanna@jufj.org

Thank you for partnering with us to save lives and care for the people of the District of Columbia.

Sincerely,

ACLU of the District of Columbia

Bread for the City

Bright Beginnings

Committee of Interns and Residents (CIR/SEIU)

Community of Hope

DC Action for Children

DC Association for the Education of Young Children

D.C. Chapter of the American Academy of Pediatrics

DC Environmental Network

DC Fiscal Policy Institute

D.C. Hunger Solutions

DC Jobs with Justice

DC KinCare Alliance

DC Statehood Green Party

Empower DC
Faith Strategies
Family Values at Work
HIPS
Jews United for Justice
Kalmanovitz Initiative for Labor and the Working Poor
Many Languages One Voice
Mary's House for Older Adults, DC
Nonprofit Professional Employees Union, IFPTE Local 70
Plymouth Congregational United Church of Christ
Positive Force DC
Restaurant Opportunities Center DC (ROC DC)
SMYAL (Supporting and Mentoring Youth Advocates and Leaders)
The DC Center for the LGBTQ Community
The Fair Budget Coalition
Washington Area Women's Foundation
Washington Legal Clinic for the Homeless
We Are Family Senior Outreach Network
Who Speaks for Me?