

April 30, 2020

The Honorable Mitch McConnell, Majority Leader
The Honorable Charles Schumer, Minority Leader
U.S. Senate
Washington, DC 20510

The Honorable Nancy Pelosi, Speaker
The Honorable Kevin McCarthy, Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

The undersigned 192 national, state and local organizations advocate for the health care and economic security rights of the millions of older adults living in poverty in the United States. We are writing to urge Congress to take additional urgent action to protect their lives and well-being during the COVID-19 health emergency.

As you know, older adults and people with underlying and chronic health conditions are most at risk from both the virus and the range of harms caused by isolation during strict physical distancing. In particular, older adults who were already living on limited income and experiencing health disparities due to historical and present-day discrimination are most at risk of dying, whether it be from COVID-19 itself or not being able to get or afford other necessary healthcare, nutrition, and housing. Our federal policy responses must center on and engage marginalized communities—including older adults who are people of color, women, limited English proficient, and/or LGBTQ—because the intersecting health and economic disparities they face mean their lives and their families' well-being are on the line.

We are asking Congress to take action on the following policies as soon as possible to address the growing needs of low-income older adults, most especially older adults of color, in this crisis.

Center Racial Equity

Make racial equity an affirmative goal of all recovery programs. Because people of color are contracting and dying from COVID-19 at disproportionate rates, experience severe economic and health disparities due to historic and present-day racial discrimination, and are on the front lines fighting this epidemic, Congress must adopt a process that will set racial equity as an affirmative goal in all recovery programs and assess the impact of recovery efforts and relief funds on racial equity. Congress must explicitly target relief efforts and policies to support recovery for those most harshly impacted, including correcting the systems that produced racial disparities.

Start collecting robust, intersectional data now. Data on who is most impacted by COVID-19 and its economic harms is essential to an effective response. This includes robust data on who is contracting and dying from COVID-19 in nursing and assisted living facilities and tracking how relief funds are spent to ensure transparency and accountability. Data collection—and resulting policy solutions—must recognize that the virus attacks the whole person. Therefore, all data must be intersectional (including age, race, ethnicity, gender, gender identity, sexual orientation, disability, and primary language).

Economic Security

Protect and Expand Access to Stimulus Payments. Recipients of stimulus payments need these funds to help them cover their costs of living during this difficult time. Congress should prohibit any stimulus payments from being garnished by banks, credit unions, or debt collectors for the purpose of paying off debt. Similarly, because these payments do not count as income for purposes of Medicaid eligibility, Congress should make clear that nursing facilities cannot intercept or collect residents' stimulus checks. Congress should also expand eligibility for the CARES Act Economic Impact Payments (and any future stimulus payments) to taxpayers who file taxes using an ITIN, as well as dependents age 17 and older and ensure all Social Security, SSI, and VA benefit recipients with dependents can receive economic stimulus payments without unnecessary delay.

Increase SSI. Over 7 million older adults and people with disabilities who have the lowest income and are living on just \$783 a month need more than a one-time rebate. Congress should act to increase the SSI benefit from its current level below the federal poverty line to 200% of the federal poverty level. Congress should also enact the [SSI Restoration Act](#) (H.R. 4280/S. 2753) that would immediately boost income for SSI recipients by increasing income disregards, eliminating in-kind support and maintenance deductions, and eliminating the marriage penalty.

Suspend or Raise Asset Limits for Means Tested Programs. During this public health crisis, older adults should not have to struggle to pay for basic necessities or worry that \$100 too much in the bank could complicate their eligibility. Congress should act to eliminate or raise asset limits for older adults and people with disabilities enrolled in SSI, Medicaid, Medicare Savings Programs, Medicare Low-Income Subsidy, SNAP, LIHEAP, and other means tested programs.

Extend Paid Leave to All Family Caregivers. Many older adults and people with disabilities of all ages will no longer have access to their normal source of care through adult day programs or limited availability of home care workers. This means family caregivers are required to provide more care to their loved ones and take time from their paid jobs. Congress should enact legislation to ensure paid leave is extended to family caregivers of adults by enacting the [PAID Leave Act](#) (S. 3513).

Medicare and Medicaid

Expand Access to HCBS and Medicare Savings Programs. Congress should pass the [Corona Virus Relief for Seniors and People with Disabilities Act](#) (S. 3544/H.R. 6305), which would provide grants to states to increase their Home and Community-Based Services (HCBS) to ensure older adults and people with disabilities can receive the services they need in their homes and communities rather than nursing facilities, and auto-enroll low-income Medicare beneficiaries into Medicare Savings Programs.

Congress should make Money Follows the Person and HCBS spousal impoverishment protections permanent to help ensure people can receive long-term services and supports in the community, which is particularly important during this crisis when minimizing institutionalization is critical.

In addition, Congress should expand eligibility for the Qualified Medicare Beneficiary program to 150% of the federal poverty level to eliminate cost barriers to care and treatment for low-income older adults and people with disabilities.

Increase the FMAP. Medicaid and state governments must have the resources they need to ensure they can care for low-income older adults and people with disabilities who are at most risk of serious illness. FMAP increases are needed to ensure low-income older adults have access to critical services including home and

community based services, oral health, transportation, and other services that Medicare provides limited to no coverage for. Congress should increase the FMAP beyond the 6.2 percent authorized in the Families First Coronavirus Response Act to at least 12 percent and provide further increases based on each state's unemployment rate even after emergency declarations expire. All FMAP increases must include strong maintenance of effort requirements and extend to the 1915(k) Community First Choice Program. In addition, Congress should authorize 100% FMAP to states that expand eligibility for their Medicare Savings Programs by either increasing income limits or raising/eliminating asset tests.

Expand Medicare Enrollment Periods. The ability for people to enroll in Medicare has been severely impeded. Many people who are currently eligible for Medicare but missed the general enrollment period or their initial enrollment period, including people who are being released from incarceration, have no way to start their Medicare coverage until July of 2021. To address this concern immediately, Congress should create an ongoing Medicare special enrollment period that extends until October 15, 2020, or three months after the end of a federal or state emergency declaration with respect to COVID-19, whichever is later. During the emergency, Medicare coverage should also become effective immediately after enrollment for new enrollees.

Suspend Medicare Premiums. To make health care more affordable during this emergency and ensure that low-income older adults and their families have money available to meet their basic needs, Congress should suspend Medicare premiums for all enrollees with income below 200% FPL (\$25,520).

Support SHIP Counselors & Senior Medicare Patrol. Congress should provide additional funding and support to enable State Health Insurance Program (SHIP) counselors and the Senior Medicare Patrol to provide assistance remotely from their own homes.

Nursing and Assisted Living Facilities

Require Transparency about Infections and Staffing Levels in Nursing Facilities and other Licensed Congregate Settings. Congress should ensure that nursing facilities, assisted living facilities, and other congregate settings are required to immediately begin informing residents, families, staff members, the state long-term care ombudsman and the public when residents or staff test positive, along with the steps the facility is taking to treat infected residents and to protect other residents, including public reporting on daily staffing levels.

Strengthen Communication for Residents. With visitation restrictions in place, required facilitation of communication between residents and ombudsman programs are needed to ensure residents have access to information and an advocate, in the absence of in-person conversations. Funding such as the [ACCESS Act \(S. 3517/H.R. 6487\)](#) is also needed to facilitate residents' communication with family and friends, including phones, tablets, and other mobile devices, along with adequate wi-fi capacity inside the setting.

Additional Supports

Ensure interpretation services are available and accessible. Congress should provide funding to community-based organizations to increase their capacity to support the nearly 7 million seniors with limited English proficiency. While professional interpretation services are always important for accessing public benefits and quality health care, this is even more vital now as people with limited English proficiency may not be able to rely on family or other supports to help them understand information and may be utilizing telehealth for the first time.

Ensure that all caregivers and aging network service providers have access to PPE. Direct service providers, personal care attendants, mental health providers, aging network and senior housing providers, and

interpreters, and other direct care workers, who provide on-site or in-home health care or social services to older adults and people with disabilities must have access to personal protective equipment (PPE).

Expand Housing Protections and Supports. Institute a broad, comprehensive moratorium on evictions and foreclosures for the duration of the emergency. Expand federal housing resources, including increasing Section 202 Supportive Housing for Seniors, and providing emergency assistance for HUD-assisted senior housing communities.

Increase Access to Food Assistance. Congress should increase the maximum SNAP benefit levels by at least 15 percent to ensure older adults and their families have access to food during this emergency.

Increased Funding for Legal Services and Elder Abuse & Scam Prevention. Increase funding for Older Americans Act Title III B legal services and Title VII elder rights activities to provide targeted legal assistance and combat the heightened risk for elder abuse and neglect. Congress should also pass the Stop Senior Scams Act (S.149) and other measures to mitigate the number of scams and spreading of misinformation.

Thank you for your attention to these priorities. If any questions arise, please contact Natalie Kean, Senior Staff Attorney with Justice in Aging, at nkean@justiceinaging.org.

Sincerely,

49 National Organizations

ABC4All Legacy (A Better Community For All)

Alliance for Aging Research

American Kidney Fund

Asian & Pacific Islander American Health Forum

Association of Asian Pacific Community Health Organizations (AAPCHO)

Caring Across Generations

Center for Public Representation

CenterLink: The Community for LGBT Centers

CommunicationFIRST

Community Catalyst

Disability Rights Education & Defense Fund (DREDF)

Families USA

Human Rights Campaign

Japanese American Social Services, Inc.

Justice in Aging

Labor Today/ Labor United for Class Struggle

Legal Aid at Work

Mary's House for Older Adults, Inc.

MAZON: A Jewish Response to Hunger

Medicare Rights Center

Muslim Caucus of America

NAACP

National Adult Day Services Association (NADSA)

National Advocacy Center of the Sisters of the Good Shepherd

National Association of Councils on Developmental Disabilities

National Association of Local Long Term Care Ombudsman (NALLTCO)

National Association of Nutrition and Aging Services Programs (NANASP)

National Association of Social Workers (NASW)

National Center for Transgender Equality

National Clearinghouse on Abuse in Later Life

National Committee to Preserve Social Security and Medicare

National Consumer Voice for Quality Long-Term Care

National Council on Aging

National Health Law Program

National Legal Aid & Defender Association

National Organization for Women
National Partnership for Women & Families
National Patient Advocate Foundation
National Women's Law Center
NETWORK Lobby for Catholic Social Justice
Not Dead Yet
OCA - Asian Pacific American Advocates

143 State and Local Organizations

ACC Senior Services
Advocacy, Inc.
AIDS Foundation of Chicago
Alameda County Community Food Bank
Alliance for Retired Americans
Alliance of New York Family Councils
Alzheimer's Los Angeles
Apparent Plan
Area 1 Agency on Aging – California
Area Agency on Aging – Arizona
Area Agency on Aging – SCADC – Alabama
Association of California Caregiver Resource Centers
(ACCRC)
Bay Area Community Services
Bet Tzedek Legal Services
California Advocates for Nursing Home Reform
California Association for Adult Day Services
California Association of Food Banks
California Association of Public Authorities for In-
Home Support Services
California Black Media
California Center for Rural Policy
California Commission on Aging
California IHSS Consumers Alliance (CICA)
Californians for Disability Rights Inc
Care Like A Daughter
Center for Advocacy for the Rights and Interests of
the Elderly (CARIE)
Center for Elder Law & Justice
Center for Independence of the Disabled, NY
Center for Living & Working, Inc.
Central Coast Center for Independent Living (CCCIL)
Choice In Aging

Our Mother's Voice
Paid Leave for the United States (PL+US)
RESULTS
Social Security Works
Triage Cancer
Truth and Trust. Inc.
Uttermost Grace Ministries

Coalition on Human Needs
Coastal Bend Center for Independent Living
Colorado Cross-Disability Coalition
Community Healthcare Ethics
Community Resources for Independent Living (CRIL)
Conservatorship Reform Project
Consumer Advocates for RCFE Reform (CARR)
Council of Governments
County of Kauai Agency on Elderly Affairs
Covia Affordable Housing
CT Legal Services, Inc.
Disability Community Resource Center
Disability Rights Center - New Hampshire
Disability Rights New Jersey
DKA Enterprise
East Side Neighborhood Services
Elder Tree Care Management
Empire Justice Center
EverThrive Illinois
Family and Children's Alliance
Family Service Agency of Santa Barbara County
Florida Health Justice Project
Freedom Valley Disability Enablement, Inc.
Gay Elder Circle
Genesis Healthcare Corporation
Healthy Aging Association
Heritage Clinic
Homeless Health Care LA
Immaculata Plaza Archdiocesan of Denver
Imperial County Area Agency on Aging
Independent Living of Niagara County
Independent Living Resource Center San Francisco

Independent Living Resources of Solano & Contra
 Costa Counties
 Jewish Family and Children's Services
 Jewish Family Service of Los Angeles
 Johnston Senior Center
 Kansas Advocates for Better Care
 Kentucky Equal Justice Center
 Kiemle Hagood, Low-Income Housing
 LatinoCare
 Law Foundation of Silicon Valley
 Legacies United Foundation
 Legal Aid Justice Center
 Legal Aid Society of San Diego
 Legal Aid Society of San Mateo County
 Legal Assistance for Seniors
 Legal Council for Health Justice
 Lets Kick ASS-AIDS Survivor Syndrome
 LifeLong Medical Care
 LifeSTEPS
 Long Beach Gray Panthers
 Long Island Center for Independent Living, Inc.
 LTC Ombudsman Services of San Luis Obispo County
 Massachusetts Advocates for Nursing Home Reform
 Massachusetts Long Term Care Ombudsman
 Program
 Massachusetts Senior Action Council
 Maui Economic Opportunity, Inc.
 Meals on Wheels of Alameda County (MOWAC)
 Meals on Wheels Orange County
 Mental Health of America Los Angeles
 Michigan Elder Justice Initiative
 Mission Hospice & Home Care
 Mississippi Center for Justice
 Mother Lode Long Term Care Ombudsman
 Multipurpose Senior Services Program Site
 Association
 National Association of Social Workers (NASW)
 California Chapter
 Neu Aging Solutions
 Northwest Health Law Advocates
 Oak View Housing
 Oakleaf Property Management

Office of Ombudsman for Long-Term Care MN
 Office of the Rhode Island State Long Term Care
 Ombudsman
 Oklahoma Alliance on Aging
 Oklahoma Silver Haired Legislature Alumni
 Association
 On Lok
 P De la Cruz, Sole Prop
 Peninsula Family Service
 Personal Assistance Services Council
 Pierce County ADR
 Placer Independent Resource Services
 Pomeroy Recreation & Rehabilitation Center
 Protect Our Care Illinois
 Public Justice Center
 Purchase District Long Term Care Ombudsman
 Queens Legal Services
 Resources for Independence Central Valley
 San Francisco Senior & Disability Action
 San Mateo County Commission on Aging
 Save Us Now Inc
 Self Help for The Elderly
 Senior Advocates of the Desert
 Senior Services Coalition of Alameda County
 Senior Suffrage
 Service Center for Independent Life
 Serving Seniors
 Shriver Center on Poverty Law
 Silicon Valley Independent Living Center
 Southwest Georgia Long Term Care Ombudsman
 St. Barnabas Senior Services
 St. Mary's Outreach Center
 Stavros Center for Independent Living
 Sullivan NY Connects at Sullivan County Office for
 the Aging
 Summit Independent Living
 Sunny Cal Adult Day Health Care
 Tennessee Justice Center
 The California Foundation for Independent Living
 Centers
 The Center for Accessible Living

The Center for Independence of Individuals with
Disabilities

The ELDER Project

The Rhode Island JAYCEE Alliance

Volunteers Assisting Seniors

Western Center on Law & Poverty

YWCA San Francisco & Marin