

March 23, 2020

VIA E-MAIL

Wayne Turnage, Director, D.C. Department of Health Care Finance (DHCF)
Sheryl Johnson, General Counsel, DHCF
Danielle Lewis-Wright, Associate Director, Division of Eligibility Policy, DHCF

Laura Zeilinger, Director, D.C. Department of Human Services (DHS)
Anthea Seymour, Administrator, Economic Security Administration (ESA), DHS
Monica Brown, General Counsel, DHS
Brian Campbell, Senior Policy Advisor, ESA, DHS

Re: Advocates' Questions and Concerns Regarding COVID-19

Dear DHS and DHCF:

We appreciate all that your agencies are doing to protect District residents in this time of great uncertainty and upheaval. We also understand that your agencies are doing their best to adapt to an ever-changing, unprecedented situation. As social and legal services providers, we are writing to seek assistance from your agencies related to our efforts to protect and advocate for our clients.

Specifically, we are writing to make the following requests:

1. Proceedings Before the Office of Administrative Hearings

We want to ensure that our clients facing time-sensitive issues relating to their public benefits have the opportunity to seek meaningful relief from OAH, with full participation from the agencies in resolving their claims. We are requesting that the agencies commit to:

- Ensuring that an agency representative is present (by telephonic means or otherwise) for all scheduled status conferences or hearings;
- Ensuring that the agency representative is reasonably knowledgeable of the facts and legal issues of the case and is prepared during the hearing or status conference to state the agency's position with respect to the public benefits at stake and to take steps to move the case forward towards resolution;
- Making high-level agency staff or members of the Office of the General Counsel available to advocates to escalate time-sensitive issues for clients with pending fair hearing requests or to answer inquiries about aid pending; and

- Ensuring that agency staff are available to quickly implement final and interlocutory orders issued by OAH with respect to public benefits and to provide aid pending in appropriate cases.

2. Modified Service Center Operations and Outreach to Public Benefits Recipients

We appreciate your agencies' efforts to communicate information to advocates and service providers regarding plans for adjusting service center operations and extending eligibility periods for certain public benefits. Following our recent call with ESA on March 20, 2020, we want to reiterate the following requests and questions:

- **Request for Alternative Means of Submitting New Applications**
 - We appreciate that ESA is working to develop alternative procedures for application submission, including an online application system. However, in the interim, we believe it is necessary for advocates and customers to be able to submit new applications without appearing in-person at the Service Centers, which could endanger the health of customers and ESA staff. In addition, because many advocates and service providers are working remotely, we do not all have access to a fax machine to provide the documents by fax. We are therefore requesting that ESA designate an email address to which we can submit new applications in the interim period until the online application system is finalized.
 - We appreciate that ESA is considering our request for alternatives to a customer's physical signature on a new application. This would help protect our clients by avoiding the need for them to come in person to sign the application documents.
- **Outreach and Communication to Customers**
 - We appreciate that DHS has suppressed almost all notices to customers to avoid confusion and is conducting all outreach efforts through robo-calls. We want to be sure that these robo-calls meet language access requirements such that Spanish and Amharic speakers can understand what is being communicated. We also want to ensure that all information posted to the public on websites, Twitter, or other social media is available in multiple languages. As you know, each of your agencies is required to provide written translation of vital documents into any non-English language spoken by a limited-English proficient or non-English proficient ("LEP/NEP") population that constitutes 3% or 500 individuals, whichever is less, of the population served or encountered, or likely to be encountered, by the agency. We request to know which languages meet the 3% or 500 threshold for each of your agencies. (Overall, taking all DC residents into account, census data indicates that for each of the following spoken languages there are more than 500 limited English proficient individuals in DC: Spanish, Amharic, French, Chinese, Tagalog, Vietnamese, and Arabic.) Also, please let us know what efforts are being made to communicate vital information to Deaf customers.

- We would also request that the agency consider alternative means of publicizing this information, for example playing an outgoing message to callers to the Call Center in multiple languages.
- **Request for More Flexible Verification Procedures**
 - As many of our clients will be experiencing loss in employment income during this time without necessarily being formally terminated from their jobs, we would request that the agency not require a formal termination letter as a prerequisite for adjusting customers' benefits amounts to account for their loss of income. Because the loss of employment income is already devastating, it will be important for our clients to have their public benefits amounts quickly increased to help them meet basic needs.
 - We would also request that the agency consider accepting alternatives to copies of identification documents and similar documents since most residents do not have access to copy machines and we understand that ESA staff is not currently making copies for them. We request that the agency consider expanding its use of collateral contacts and alternative forms of verification to assist customers during this time.

Thank you again for the work you are doing to protect the public health during this crisis. For further discussion with our group, please contact Chelsea Sharon (csharon@legalaiddc.org, 202.661.5947) or Nina Wu (nwu@legalaiddc.org, 202.661.5948) with the Legal Aid Society of the District of Columbia.

Sincerely,

Legal Aid Society of the District of Columbia
Amara Legal Center
Ayuda
Bread for the City
Catholic Charities Legal Network
DC Fiscal Policy Institute
La Clínica del Pueblo
Legal Counsel for the Elderly
Mary's Center
Office of the D.C. Long Term Care Ombudsman
Unity Health Care
Washington Council of Lawyers