

**Recommendations for the Biden-Harris
Administration to Address Critical
Economic & Racial Issues**

December 2020

Notwithstanding an arduous contentious election season, America is about to embark upon a promising new chapter with an Administration whose attention is focused squarely on guiding the nation along on a pathway of economic recovery and racial healing. The challenges for the incoming Administration are formidable, not only due to the crippling impact that COVID-19 has on our economy, but how it has exposed the continuing scourge of structural racism, which further complicates our recovery efforts. With 8 million more people falling into poverty since the beginning of the pandemic, the first few months of the new presidency will set the tone for the next four years and identify the real values of the White House: a robust COVID-19 response, full economic recovery and achieving racial equity.

The Shriver Center on Poverty Law fights for economic and racial justice. Over the past 50 years, we have secured hundreds of law and policy victories with and for people experiencing economic instability in Illinois and across the country. Our mission to serve communities most affected by poverty powers everything we do. We litigate, shape local policy, and train and convene multi-state networks of lawyers, community leaders, and activists to advance opportunity for all—not just the few.

Our expertise has helped public agencies and community advocates create lasting policy solutions for poverty in municipalities and states across the country. We push for change in the issue areas that have the most significant influence on the lives of people experiencing poverty: healthcare, housing, economic securities, and the criminal legal system.

Despite the challenges ahead, change is possible. The Shriver Center's advocacy team and networks have identified and laid out a comprehensive set of priority actions for the Biden-Harris Administration. Our objectives align with this administration's values and priorities of a robust COVID-19 response, economic recovery, and racial justice. We support realizing the following solutions to ensure equity, opportunity, and justice can reach everyone. We believe these actions can and should be part of the Administration's plan to build back better.

Healthcare

Everyone deserves access to affordable, comprehensive, culturally appropriate health care, no matter their income, race, gender, or where they're from. People need to stay healthy so they can work, take care of their families, and be active members of their communities.

Recommendation #1: Take bold and immediate action to address the COVID-19 pandemic. To protect families' access to care and financial security, reduce racial, health and economic inequities, and to save jobs and promote economic recovery, we implore you to work with Congress to provide relief from the disruptions resulting from the COVID-19 pandemic.

- On day one, the administration must direct Health and Human Services (HHS) to extend the public health emergency (PHE) declaration, take steps to change its stance in the California v. Texas health repeal case, and open up a Special Enrollment Period in the Affordable Care Act (ACA) Marketplaces for those affected by COVID-19. These actions convey the importance of health coverage during a pandemic and a commitment to addressing longstanding barriers to health care.

We urge you to:

- Ensure all individuals have equitable access to testing and treatment for COVID-19.
- Ensure priority distribution of any safe, effective vaccine for COVID-19 to Black and Latino/a/x communities, including low-wage essential workers and temporary workers, including domestic workers, who have been disproportionately harmed by the virus.
- Employers must be required to provide workers paid time off to obtain the vaccine and paid sick time in order to recuperate from vaccine side effects. Employers must be prohibited from taking any adverse action against workers, including terminating workers, for taking time off to be vaccinated and for taking time off to recover from vaccine side effects.
- Engage with criminal legal system stakeholders as soon as possible to ensure people who are incarcerated, and correctional staff receive a high priority for vaccines.
- Deploy a focused, culturally competent communication and outreach plan to communities of color about access to the free vaccine.
- Equip states, territories, and localities with sufficient financial support to combat the crisis and appropriately manage persistent budget shortfalls.
- Provide unfettered access to personal protective equipment and support to the health care workforce and others on the frontlines of the pandemic. Strengthen and invest in modernizing the nation's public health systems at Centers for Disease Control and Prevention as well as state, local, territorial, and tribal health departments, to better respond to COVID-19 and ongoing public health threats.
- Bolster access to health coverage and care, while maximizing capacity throughout the health system to treat all patients in need.

Recommendation #2: Increase healthcare coverage through [administrative action](#) that makes it easier and more affordable for states to cover uninsured populations through the Affordable Care Act and Medicaid.

- Classify immigrants who are granted Deferred Action as Childhood Arrivals (DACA) as lawfully present and therefore eligible for financial assistance via Advance Premium Tax Credits and Cost-Sharing Reductions in the ACA Marketplaces. This action would also allow states to cover DACA children and pregnant women under Medicaid.
- Restore federal spending on ACA navigators and on marketing and outreach.
- Rescind and reverse harmful guidance issued by the Trump administration (including short-term plan expansions and Medicaid work requirements).
- Provide proactive guidance to expand the ACA's implementation, including Section 1332 guidance to encourage more innovative coverage options for states to cover the remaining uninsured.

Recommendation #3: End racial injustice in health and health care, and ensure all individuals and families have equal opportunity to live a healthy life, free from health disparities and barriers to care because of who they are, where they live, what language they speak, or how they identify.

- Establish a White House office specifically focused on achieving health and racial equity to improve coordination, through a racial equity lens, on core health, environmental, and economic justice issues across major federal agencies.
- Expand Medicaid to 12 months postpartum through approval of pending 1115 waivers from states like Illinois ([and support Congressional Action to allow a state option](#)).
- Encourage state coverage of douglas under the Medicaid program to [provide prenatal, birthing, and postpartum support to pregnant and postpartum women and babies](#).
- Encourage state-required implicit bias training for all healthcare providers.
- Reverse Trump Administration 1557 [regulations](#) that permit providers to discriminate against patients on the basis of gender identity, sex-stereotyping, and sexual orientation.

Economic Justice

Our institutions and policies must support people by ensuring fair work at a living wage and providing the income supports they need to be successful.

Recommendation #1: Provide immediate economic relief to people in need.

- Provide multiple direct cash payments of at least \$1,200 to individuals.
- Provide additional weeks of unemployment insurance (UI), including extension of Pandemic Unemployment Assistance (PUA) that has covered people typically not eligible for UI and renewal of the extra \$600 / week in additional benefits.
- Expand SNAP by 15% and offer an additional benefit add-on for those already receiving the maximum benefit.

- Make all immigrants - including people who are undocumented, ITIN filers, and mixed status households - eligible for assistance.

Recommendation #2: Increase wages.

- Raise the federal minimum wage to \$15 an hour, index it to inflation, and extend minimum wage and overtime protections to workers currently excluded (domestic workers, agricultural workers).
- Eliminate the tipped subminimum wage.
- Begin these efforts before legislation can pass by administratively imposing requirements for federal contractors.

Recommendation #3: The Executive Branch should champion comprehensive legislation to enact vital worker protections. Policies should include:

- Healthy Families Act (paid sick leave).
- Family and Medical Leave Insurance Act (FAMILY Act), except amending it to ensure that pregnant workers may take the full 12 weeks of leave while pregnant and may also take the full 12 weeks of parental leave.
- PRO Act (union-organizing rights and classifying gig workers as employees).
- Paycheck Fairness Act (pay equity).
- Pregnant Workers Fairness Act.
- EMPOWER Act (addressing workplace harassment).
- Equality Act (prohibiting discrimination based on sexual orientation and gender identity).
- Protecting Older Workers Against Discrimination Act.
- Child Care for Working Families Act.
- Federal Domestic Workers Bill of Rights.
- Ensure that no worker faces retaliation for reporting violations of any anti-discrimination or workplace safety laws or regulations.

Recommendation #4: Protect worker health and safety.

- Ensure vigorous OSHA enforcement of current workplace health and safety laws, including responding to complaints and proactive inspections.
- Create and enforce a specific OSHA standard to protect against COVID-19 transmission in the workplace.
- Do not allow corporate immunity for lawsuits alleging unsafe workplace conditions due to COVID-19.

Recommendation #5: Reverse the harm done under the Trump Administration to SNAP, public charge, and joint-employer rules, which furthered hunger and economic insecurity in recent years.

- Eliminate all SNAP work requirements, starting by reversing enhancements to the ABAWD rule.
- Ensure that harmful SNAP rules making it harder for people qualifying for a TANF funded benefit to automatically get SNAP (categorical eligibility) and reducing SNAP benefits by lowering standard utility allowances are never made final.
- Rescind changes to public charge rule (*See Immigration section*).

- Rescind new joint-employer rule and restore the Obama Administration’s interpretation of regulations protecting workers employed by multiple employers.

Housing

All people should have the right to a safe, stable home to build better futures for themselves and their families--and be protected from housing discrimination based on their race, criminal record, immigration status, and more under the law.

Recommendation #1: Take the necessary emergency steps to stave off/mediate the emergent pandemic-induced housing crisis.

- Allocate [\\$100 Billion](#) towards emergency housing assistance.
- Extend federal CDC eviction moratorium and take [recommended steps](#) to close loopholes and enhance moratorium’s efficacy.
- [Extend federal foreclosure moratorium](#) for government-backed loans for six months.
- [Extend federal foreclosure moratorium](#) to apply to any “federally related mortgage loan,” as that phrase is used in the Real Estate Settlement Procedures Act and corresponding regulations.
- Require servicers of GSE and Government-backed loans to automatically place homeowners who are sixty or more days behind on their mortgages into a forbearance and cease and forgive interest accumulation on deferred forbearance payments. Require these servicers to institute mandatory mortgage forgiveness for residential landlords conditioned upon these landlords instituting rental forgiveness for tenants. -
- Utilize emergency executive powers to divert ‘emergency’ border wall funds towards housing, public benefits, and vaccine distribution.

Recommendation #2: Rollback Trump-era regulations and restore and bolster the Fair Housing Act as a tool to fight systemic inequities.

- Freeze implementation of the Trump Administration’s Disparate Impact Rule and stop defense of the rule in litigation. Reissue and improve the Obama Administration’s 2013 Disparate Impact Regulation (which includes guidance that perpetuation of segregation is the basis for potential liability under the Fair Housing Act).
- Rescind the Trump Administration’s [“Preserving Community and Neighborhood Choice”](#) rule and reinstate and implement the [Affirmatively Furthering Fair Housing rule from 2015](#), which requires local governments to take concrete steps to reduce housing segregation in their communities.
- Rescind the Trump Administration’s proposed HUD [Mixed Status Household Rule](#) and ensure the USDA does not promulgate similar regulations.
- Rescind the Trump Administration’s 2020 proposed changes to the Equal Access Rule [rolling back access to shelters for transgender and gender-nonconforming individuals](#) and retain its protections for LGBTQ people in HUD programs.

Recommendation #3: Increase and preserve the supply of safe and affordable housing and protect resident rights.

- Work to ensure that everyone who needs housing subsidies has access to them [by expanding and fully funding housing programs](#). Currently only a quarter of tenants who are eligible for federal housing subsidies receive them.
- [Invest in the maintenance and modernization of public housing](#) by finalizing the Obama-era proposed rule on the demolition and disposition of public housing (24 C.F.R Part 970) and rescinding Notice PIH 2018-04 (HA).
- Publish regulations for the Rental Assistance Demonstration (RAD) program prioritizing tenant protections, greater transparency during and after conversion, increased and improved tenant participation requirements, public oversight of the long-term affordability, and enhanced fair housing and relocation rights.
- Invest in public housing that is not RAD eligible by providing additional funding for the public housing capital fund to address the \$70 billion backlog of deferred maintenance and capital improvements.
- Advance policies that preserve and improve privately owned HUD multifamily housing by improving existing procedures that allow the transfer of these properties and contracts to mission-driven preservation buyers.
- Ensure tenants can enforce housing assistance contracts and use restrictions to protect their own housing.
- Implement SAFMR Rule to [reform fair market rent \(FMR\)/small area FMR methodology](#) and allow housing authorities to use alternative and more accurate data.
- [Fully implement regulations under HOTMA](#) that will streamline HCV access and provide vital protection to tenants.
- Review the new [Section 3 regulations](#) and meet with advocates and residents to discuss necessary changes, centered on the fundamental purpose of Section 3 on long term job opportunities, focused on skill-building and retention of Section 3 residents.

Recommendation # 4: Ensure access to housing for justice-involved individuals.

- Codify [2016 HUD criminal records and Fair Housing Act guidance](#) as a regulation and expand the guidance to address discrimination based on disability status.
- Take steps such as clarifying the scope of the “reasonable” lookback period for criminal background checks and prohibiting blanket bans on justice-involved individuals, ‘one strike, you’re out’ and ‘no fault’ eviction policies to limit the discretion of public housing authorities and project owners to refuse housing to justice-involved individuals and their households.
- Codify [2016 HUD guidance on applying of the Fair Housing Act and AFFH rule to crime-free and nuisance property ordinances](#) as a regulation. The guidance should be expanded to address racial and familial status discrimination. Through the DOJ civil rights division and HUD’s AFFH certification process, take enforcement action against local governments that apply their crime-free and nuisance property ordinances in a discriminatory manner.
- Work collaboratively with HUD, the FTC and CFPB to enact comprehensive regulations and guidance to ensure that tenant screening agencies report criminal records in a manner consistent with federal fair housing and consumer reporting law.

Recommendation # 5: Prioritize environmental justice in federally assisted housing.

- [Ensure families are not at risk of lead poisoning](#) in federally subsidized housing by amending the Lead Safe Housing Rule (24 C.F.R. Part 35). HUD must further amend this rule to ensure comprehensive lead hazard inspections, including: inspecting lead service lines; risk assessments across all housing programs; removing exemptions for zero-bedroom units; updating of lead definitions based on health standards; and increase oversight, funding, and technical assistance to ensure compliance.
- A [new report](#) from the Shriver Center and Earthjustice identified tens of thousands of federally subsidized housing units close to Superfund sites. Federal environmental, housing, and health agencies should convene a task force to work with directly impacted residents and advocates to address decades of environmental injustice in federally assisted housing.

While certain recommendations are highlighted above, the Shriver Center on Poverty Law generally supports the recommendations of the [National Housing Law Project](#), the [National Low Income Housing Coalition](#), and the [National Consumer Law Center](#).

Criminal Legal System Reform

For all communities to thrive, we must prioritize policies that keep families together, support families' basic human needs, and end the inequities that systematically and disproportionately disenfranchise Black and Brown people.

Recommendation #1: Criminal justice reform that centers on reducing the number of people incarcerated, root out racial inequities in the system, and strengthening individuals to return to their communities with the resources and ability to thrive.

- Invest in public defenders' offices to ensure accused peoples' access to quality counsel.
- Decriminalize the use of cannabis and automatically expunge all prior cannabis use convictions.
- Abolish the death penalty.
- Encourage states to collect sufficient data so we can make evidence-based criminal justice policies and eliminate disparities.

Foster System

We center parents in advocating for policies and laws that strengthen families and end the harmful removal of children from their homes.

Recommendation #1: Invest in supports for families to reduce the need for foster care.

- Keep the current leadership of the Children's Bureau in HHS (Health and Human Services) (Jerry Milner & David Kelly), who have laid out a vision of a foster system that supports families and disentangles poverty and its symptoms from neglect.
- Work with Congress to amend the Adoption and Safe Families Act and include The Suspend the Timeline Not Parental Rights During a Public Health Crisis Act (H.R.7976), which aims make clear that families must not be penalized with permanent separation because of a public health crisis, such as COVID-19.

Immigration

America's greatest strength is its diversity. We must ensure that immigrant families and communities are protected from discrimination and receive the support they need to thrive.

Recommendation #1: As the Biden Administration and the new Congress work towards a COVID-19 relief package, we call on them to include all families in the final bill. This includes:

- Providing relief payments for all taxpaying families regardless of status.
- Providing unemployment insurance for all workers regardless of status.
- Providing legal status for all essential workers.
- Removing barriers to healthcare access for all and let immigrants without status into the ACA (Affordable Care Act) Marketplaces and to qualify for Medicaid Public Health Emergency protections as allowed with administrative action.

Recommendation #2: Stop implementing the Public Charge Rule, rescind the Public Charge Rule, and take affirmative steps to reduce the impact of Public Charge Rule.

- Cease any appeals of the national injunctions blocking the public charge rule so that the rule cannot be implemented while the following two bullet points are occurring.
- Rescind the final Public Charge rule as soon as possible in a way that minimizes success of a legal challenge.
- Implement new federal guidance that significantly mitigates the harm of the rule.

Recommendation #3: Broader immigration reform and access to government benefits.

- Reinstate the DACA (Deferred Action for Childhood Arrivals) program and extend DACA and Temporary Protected Status and develop other avenues to protect from

deportation. Work with Congress to ensure a path to citizenship for Dreamers and all undocumented immigrants.

- Impose a moratorium on ICE enforcement, detention, and deportations.
- Restore trust with immigrant communities so that people will come forward to enforce their legal rights in the workplace and will apply for and receive government benefits for which they are eligible, without fear of deportation or any other retaliation.
- Reverse a proclamation suspending entry of immigrants unless they provide proof of health insurance within 30 days of entry or have financial resources to pay for reasonably foreseeable health insurance costs.
- Reverse a 2017 executive order that expanded the scope of individuals targeted for removal; instead, end workplace raids and prevent enforcement actions in sensitive locations, such as hospitals and schools. Expand and consider codifying the existing sensitive locations policy to include childcare and other education, legal and social service locations so that immigrants may access without fear of deportation.

Legal Impact Network

The Shriver Center on Poverty Law convenes the Legal Impact Network, a dynamic collaborative of advocacy organizations from across the country working with communities to end poverty and achieve racial justice at the federal, state, and local levels. The network currently reaches 36 organizations in 33 states and the District of Columbia.

Our members are driving coordinated strategies to win broad policy and legal victories for and with communities most directly impacted, including people living in poverty and communities of color. The following are a select set of recommendations that amplify recommendations from the Shriver Center's issue area experts and surface additional federal actions that would greatly advance and support communities at the state level.

Recommendation #1: Prioritize comprehensive assistance for families experiencing economic hardship during COVID-19 and beyond.

- Eliminate work requirements for federal benefits programs, such as the Supplemental Nutrition Assistance Program and hold states accountable for intentionally creating bureaucratic hurdles to discourage families from using benefits such as SNAP, TANF, P-EBT, and Medicaid.
- Prioritize direct payments to individuals and families, such as recovery rebates and pandemic unemployment assurance.
- Ensure that households can benefit from federal protections from eviction, foreclosure, utility shut-off moratoria; etc.
- Direct funds for states to maintain social services programs and continuation of PUI.

Recommendation #2: Strengthen the rights of workers.

- Eliminate the Fair Labor Standards Act overtime exemption for farm workers through the Fairness for Farm Workers Act.

- Create a private right of action for OSHA violations, with penalties and retaliation protections.

Recommendation #3: Increase access to safe, decent, affordable, and accessible housing.

- Rollback Trump-era regulations (disparate impact, AFFH, mixed status, equal access) and strengthen the Fair Housing Act as means of addressing systemic racism in housing
- Ensure maximum_funding for all federally subsidized housing programs to help those most in need.
- Create federal funding for states and cities that enact a right to counsel for tenants facing eviction.

Recommendation #4: Strengthen the rights of consumers.

- Take more aggressive actions against payday lending, especially those that prey upon households living poverty and communities of color.
- Amend the Fair Credit Reporting Act to limit reporting about delinquency and eviction by credit bureaus and other consumer reporting agencies.

Additional recommendations:

- In the area of immigration reform, the Biden Administration should go beyond regularizing the DREAM Act by extending coverage to millions of additional immigrants who would not otherwise fall under the DREAM Act.
- In the area of education, although most education policy falls to the states and localities, the federal government should use its power to address funding equity, particularly schools serving Black, Latino/a/x children and other underserved children

These recommendations are just some of the most important areas we believe must be addressed urgently – and many are achievable. We hope that this Administration is fully committed to implementing as many of these recommendations as possible. We look forward to working collaboratively and in support of our new Administration. Please consider our staff of subject matter experts and our national network as a resource in this endeavor. Thank you for your consideration.