

Building an Equitable Recovery for all: 2022 Legislative Agenda

As we continue to fight the COVID-19 pandemic and resulting economic crisis, we must lay the groundwork for a foundation all can stand on with policies to address and dismantle institutional barriers that limit opportunity. The Shriver Center on Poverty Law's 2022 Illinois legislative agenda builds upon innovative and proven measures that not only address long-standing disparities but fuel opportunity and improve quality of lives. Our agenda is rooted in equity and establishing long-term supports for communities across the state. The Shriver Center champions these policies in the 2022 legislative session.

Supporting & Protecting Low-Wage Workers

SB 3774 / HB 4920 Expand the Earned Income Credit (EIC) (Sen. Aquino / Rep. Ammons) - Black and Latino/a/x Illinoisans are overrepresented in low wage occupations, yet currently only 14 percent of all dollars spent on Illinois' earned income tax credit go to Black filers, and 10 percent go to Latino/a/x filers. This bill would build on the success of the current program and advance racial equity by expanding eligibility to 18-24-year-old childless adults, adults over 65, all immigrants who file taxes using an Individual Taxpayer Identification Number and create a caregiver credit, providing a tax cut for many low wage Black and Latino/a/x workers in Illinois.

SB 3123 / HB 4423 Raise the Temporary Assistance for Needy Families (TANF) cash grant and provide full child support pass through (Sen. Johnson / Rep. Evans) - Illinois' TANF cash grant is set each year at 30 percent of the federal poverty level (FPL). As a result, TANF recipients in our state are largely left in deep poverty. We can do better, considering that only 4 percent of all TANF dollars that Illinois receives from the federal government goes to the cash grant - much lower than in peer states. In addition, when a custodial parent on TANF receives child support, the state does not pass through the full amount of child support to the parent, depriving them of cash they need to help their children. This bill addresses both issues, by raising the cash grant to 50 percent of the FPL and ensuring that all child support goes directly to custodial parents.

HB 5139 Ending the Subminimum Wage for Tipped Workers (Rep. Lilly) - Nearly 200,000 workers in Illinois are tipped workers - that's 63% women and 40% people of color. Tipped workers receive a small hourly wage because of the expectation that most of their income is paid by customers through tipping. In Illinois, the tipped subminimum wage is \$7.20/hour. If an employee's tips do not make up the difference between this rate and the full minimum wage of \$12, employers are legally required to cover the difference. However, this often does not happen, and service employees lose out on millions of dollars in wages every year due to this carveout. This legislation would gradually eliminate the tipped subminimum wage in Illinois and allow workers to make a full minimum wage with tips on top.

SB 835 / HB 5029 Paid Family and Medical Leave (Sen. Villivalam / Rep. Harper) - High wage workers have greater access to paid leave than middle- and lower-wage workers. Only 13% of

workers have access to paid maternity leave; and only 9% have access to paid paternity leave. This legislation would create a state-operated program to provide all workers with paid, job-guaranteed leave. Reasons for leave include a worker's own illness, to care for an ill family member, domestic or sexual violence, pregnancy, to care for a new child in the household, a need arising out of an active-duty family member in the armed forces, and for COVID-19. Nine states and the District of Columbia have enacted paid family and medical leave laws.

Paid Leave – We support a paid leave bill that empowers workers and **does not** contain a preemption clause. [Learn more about this issue in our preemption FAQ.](#)

Expanding Access to Health Coverage

[HB 4437](#) Healthy Illinois (*Rep. Ramirez / Sen. Aquino*) – Extends a Medicaid look-alike program eligibility to low-income Illinois residents aged 19-54 with household incomes up to 138% the Federal Poverty Level (FPL), regardless of immigration status. COVID-19 lays bare historic racial, ethnic, and income inequities in access to health care. Undocumented immigrants – millions of whom are serving on the frontlines as “essential workers” – face incredible barriers to health care, from uncertain coverage of testing and treatment to fear of immigration consequences. We cannot continue to accept health care disparities as normal and inevitable.

Illinois' Fiscal Year 2023 Budget Request: Navigator / Enrollment Assister Funding - Though the uninsured rate in Illinois has decreased since the Affordable Care Act was implemented, we still have an unacceptable uninsured rate of 8.7%, with low-income Black, Latino/a/x and other people of color having disproportionately higher rates. There are 900,000 uninsured Illinoisans – most of whom are eligible right now for healthcare through Medicaid or Marketplace coverage but may not know they are eligible and/or need help applying for coverage. [The Shriver Center is part of Protect Our Care IL, a coalition of over 120 organizations and individuals calling on the Illinois General Assembly to include \\$40 million in the FY 2023 budget for the reinstatement of an Illinois community-based enrollment assister program.](#) Funding a Navigator/Enrollment Assister Program has the highest potential to reduce the uninsured rate in Illinois and prevent Medicaid churn for eligible individuals once the COVID-19 Public Health Emergency ends.

[HB 5142](#) Easy Enrollment Program (*Rep. Harris*) – Modeled after the Maryland Easy Enrollment Program, this bill uses the state tax filing process as a pathway to health care coverage. On state tax forms, Illinoisians can choose to share household size, insurance status and income information to relevant State Agencies to receive an eligibility determination for no cost or low-cost health insurance.

[SB 3136](#) The Reducing Medicaid Churn Act (*Sen. Simmons / Rep. Harris*) - Under continuous eligibility put in place due to the public health emergency, Medicaid applicants do not need to report changes in income throughout the year and retain coverage for a full year without sanction. This bill will make continuous eligibility permanent. Ongoing income reporting requirements for individuals with Medicaid coverage are burdensome on state staff and Medicaid participants. The bill also requires the Illinois Department of Healthcare and Family Services to request guidance from federal CMS on how to move those identified as homeless at the time of their Medicaid application and those without countable income into an automated redetermination process,

referred to as “Ex Parte”. This bill will streamline the process and keep Medicaid participants insured.

[HB 4343](#) Easing the Burden on, and Striving for Race Equity for, Older Adults and People with Disabilities on Medicaid (*Rep. Harris*) - Illinois can make changes now to encourage Medicaid uptake and make it more affordable for people who are 65 years or older or who have disabilities, protect housing and economic stability, and take steps toward closing the state’s racial wealth gap. This bill reduces the penalty and inequitable consequences of Medicaid liens and estate recovery by ending mandatory liens, setting a threshold for estate recovery, and allowing more generous hardship waivers; requires the Department of Healthcare & Family Services (HFS) to include older adults in ex parte Medicaid renewals; and instructs HFS to investigate and adopt streamlined Medicare Savings Program (MSP) eligibility rules so low income older adults and people with disabilities receive the financial assistance they are entitled, to afford their Medicare Part B premiums. SB 3136 is also included in HA 1.

SB 3736 SA 1 Premium Realignment Study (*Sen. Fine*) - Directs the Department of Insurance to conduct a study to assess a possible misalignment of premiums across different metal tiers of coverage in Illinois’ individual health insurance market in order to make coverage more affordable for low-income and middle-income residents.

[SB 3926](#) Short-Term, Limited-Duration, Health Insurance (STLD) Ban (*Sen. Fine*) Short-term limited-duration plans may offer low premiums up front but come at a high cost to consumers by offering less benefit coverage and insurance protection than Affordable Care Act Marketplace policies. STLD plan holders are often left on the hook to cover the full cost of prescriptions, hospitalizations and treatments. STLD issuers can charge higher premiums based on health status and deny coverage for preexisting conditions. STLD plans can opt to not cover essential health benefits, rescind coverage, and deny payment following a diagnosis, and tend to impose higher cost-sharing levels than ACA-compliant plans. This bill bans STLD plans and repeals the Short-Term, Limited-Duration Health Insurance Coverage Act as of January 1, 2023.

[HB 4238](#) Rebuild Illinois Mental Health Workforce Act (*Rep. Harris*) Illinois’ Medicaid mental health workforce crisis deepens as treatment professionals leave at unprecedented rates for better paying jobs when the need is at an all-time high due to the pandemic. With more than 4,000 unfilled positions statewide, access to care is shrinking day by day with fewer people to deliver care. This bill modernizes Medicaid funding to retain, recruit Clinical Staff, and drive down waitlists.

Securing Stable Housing

[SB 3913](#) Sealing of Eviction Records (*Sen.*) - The Shriver Center and its partners advocated for the [COVID-19 Emergency Housing Act which was signed into law on May 17, 2021](#). The law seals eviction records and puts protections in place to prohibit [tenant screening companies](#) from disseminating the sealed eviction court record. An eviction record, even the mere filing of a case, has long-term consequences that can hamper a tenant’s ability to secure future housing. The law sunsets on August 1, 2022. This bill would extend the sunsets of sealing eviction records and the prohibition on the dissemination of sealed eviction records to August 1, 2024. **[HB 5180](#)** (*Rep. Guzzardi*) – would permanently seal eviction records and prohibit the dissemination of sealed eviction records.

[HB 2775](#) Source of Income (SOI) (*Rep. Ford / Sen. Villivalam*) Many Illinoisans face housing discrimination that locks them out of opportunities due to the exclusion of source of income (SOI) protections. Landlords in areas without SOI protections can legally deny housing to individuals simply because they choose not to accept the applicant's legal form of income, which includes emergency rental assistance, Housing Choice Vouchers, Emergency Housing Vouchers for those fleeing domestic violence and sex trafficking and non-wage income such as Social Security, retirement income, SSI, and TANF. This bill prohibits source of income discrimination and creates protections against evictions.

Reducing Harms in the Criminal Legal & Foster Systems

[HB 5203](#) Mandatory Supervised Release (MSR) (*Rep. Cassidy*) – MSR is a term of community supervision that most people in Illinois serve after they are released from prison. However, MSR conditions and lengths of time create barriers to successful reentry which often leads to re-incarceration, especially for Black and Latino/a/x people. When conditions of MSR are imposed, they are often not tailored to the individual and often are so numerous and, at times, expensive that they are difficult to fulfill. These conditions are justified as a way to reintegrate people safely back into communities, but there is little evidence that the conditions do that; in fact, there is evidence to the contrary. MSR drives mass incarceration in Illinois and disproportionately impacts Black and Latino/a/x communities. This bill will reduce the restrictions and conditions placed on returning residents.

[HB 3447](#) Ending the War on drugs: Drug use is a public health concern (*Rep. Ammons / Sen. Bush*) - Currently all drug possession offenses (except for cannabis) are classified as felonies – even if someone is found with mere residue. Felony prosecution and convictions for small-quantity drug possession is an ineffective deterrent of drug use, and the harm caused by current drug possession laws cannot be overstated. This bill would reclassify small-quantity drug possession from a felony to a misdemeanor, bringing Illinois in line with 20 other states.

HB Rights for parents and caregivers during DCFS investigations (*Rep. Ammons*) - Investigations by the Department of Children & Family Services (DCFS) of reports of alleged child abuse or neglect involve invasive searches and questioning by DCFS and/or law enforcement of parents and caregivers, often while they are unrepresented by counsel. These investigations also involve threatened and/or actual separation of children from their families. These traumatic events are disproportionately imposed on [Black families and communities](#) in Illinois and often occur without parents or caregivers knowing their rights. Without basic standards of due process in place, parents and families are severely harmed without recourse. This bill would require that parents and caregivers be immediately notified of their rights, including additional rights this bill would create, if and when under investigation.

[HB 5178](#) DCFS Training for Mandated Reporters on Consequences of DCFS Hotline Calls & Investigations (*Rep. Ammons*) - People who are required in their professional roles to report suspected child abuse and neglect must complete a mandated reporter training at least every 3 years. The training encourages reporters to err on the side of making a report but does not cover the many known consequences that can be harmful to families of hotline calls and DCFS investigations. This bill would require the training to add a section on these consequences, including information about what occurs procedurally after the hotline call, actions DCFS is

authorized to take, racial disproportionality data, trauma caused by family separation, and how records of calls and investigations can be used.