

Kentucky Equal Justice Center

April 20, 2021

Staff Report Highlights

Food Justice — Tyler Offerman

- **General Assembly offense:** Much of the first quarter of 2021 was focused on the General Assembly. On the offensive, our main legislative task was to help secure the passage [HB 497](#), which contained the repeal of the SNAP drug felony ban. We were successful and the bill will become law. Over 50 groups signed a [letter](#) supporting the measure.
- **General Assembly defense:** On the defensive, our main task was to stop the passage of [SB 65](#), which would have reinstated a Bevin-era child support arrearages ban in SNAP. While we were unsuccessful in stopping the bill, we managed to secure a guarantee from the Beshear administration to implement it in such a way as to moderate its impact, especially on households with children.
- **New food policy network:** We continue to do the long-haul work with the Kentucky Center for Economic Policy, Community Farm Alliance, and Feeding KY to build strong and sturdy coalitioning spaces among farmer advocates, feeding organizations, policy advocates, and legal-aid programs. These efforts coalesced with the launch of the [Kentucky Food Policy Network](#) toward the end of 2020. The Network has undertaken several efforts:
 - Drafting a white paper on policy solutions to incentivize the purchase of Kentucky-grown foods by large public institutions
 - Researching food home delivery models and ways to support regional implementation
 - Strengthening the Farm to School Program
- **National SNAP hold-harmless policy:** KEJC contributes to a national workgroup convened by the Center on Budget and Policy Priorities to lobby the Biden administration to issue nation-wide “hold harmless” guidance. The guidance that would allow states to waive non-IPV SNAP overpayments that occurred during the COVID-19 pandemic.

Impact Litigation and Advocacy — Ben Carter

- KEJC filed a [lawsuit challenging](#) the constitutionality of Jefferson County District Court’s eviction processes; still pending. Jefferson District Court has made some positive changes to its processes that we hope other district courts will adopt. We continue to work with community partners to build outreach and capacity and tailor eviction processes to the moment.

- [We won a Motion to Certify a Class](#) in our federal litigation challenging the constitutionality of UK Healthcare and the Department of Revenue's medical debt collection practices. All credit to past Health Law Fellow Betsy Stone and co-counsel National Center for Law and Economic Justice for making the case and writing outstanding briefs for Judge Van Tatenhove on the issue of class certification. We are bringing in additional pro bono co-counsel from national firm Bradley to fill the gap left by Betsy's departure.

Maxwell Street Legal Clinic — Leah Engle

- **Maxwell Street welcomed two new staff members this winter!**
 - **Immigration Attorney:** Angela Rojas is our new staff attorney. Angela is a 2016 graduate of the University of Louisville Brandeis School of Law. Prior to joining our office, Angela was an Assistant County Attorney with the Jefferson County Attorney's Office. We're excited to have her criminal law experience on staff, given the frequent intersection of immigration and criminal law.
 - **VOCA Legal Assistant:** Ethan Sharp is our new VOCA legal assistant. He studied Latin American history and folklore at Indiana University, and has experience living and working in Venezuela and Mexico. He has worked as a grant writer and manager for universities and nonprofits in Indiana, Texas, and Kentucky.

Angela and Ethan are both bilingual in English and Spanish. We're excited to have them join us!

- **DACA initial:** Starting in December 2020, we were once again able to file initial DACA applications. The court ordered full restoration of the [DACA program](#) in December. On the first day of the Biden administration, officials announced their commitment to the DACA program. We currently have 29 initial and 24 renewal DACA cases active.
- **RADIOLEX guest spots:** We've continued our monthly bilingual immigration update with RADIOLEX. See our December show on DACA at the link above. More recently:
 - In February, we discussed [changes in immigration law and policy](#) at the start of the Biden administration.
 - In March, we covered [Venezuelan Temporary Protected Status](#) (TPS) and the end of Trump's public charge rule.

In April, we covered TPS for Syria and Myanmar and notario fraud. (Don't take legal advice from TikTok!) As a bonus, we were on the KEJC radio show talking about public charge with Miranda.

Outreach — Miranda Brown

- **KEJC RADIOLEX show:** Miranda aired three new radio episodes in English and Spanish, covering:
 - [Domestic Violence Support](#)
 - [Taxes, Stimulus Payments, and Tax Credits](#)
 - [HIV/AIDS Prevention and Resources](#)

The programs feature Diane Fleet of GreenHouse17, Katie Raney of United Way of the Bluegrass's CKEEP tax assistance program, and Shannon French of the Kentucky Department for Public Health, respectively.

- **Enrollment Assistance:** Miranda helped 26 new individuals and families with health coverage. Clients successfully enrolled in Medicaid and Marketplace coverage, but also in Presumptive Eligibility Medicaid, Emergency Time Limited Medicaid, and Medicare Savings Programs. One client enrolled in Home and Community Based Services. Seven enrollment clients came from New Life Day Center, where we restarted biweekly outreach in mid-December. Miranda stays safe behind plexiglass and has distributed hundreds of free kynect masks to Day Center participants.
- **Advocacy Feedback Loop**
 - **kynect consent form:** Miranda suggested more accessible language for the new kynector consent statement on kynect.ky.gov. KHBE is considering her proposed revisions.
 - **Language access:** Miranda represents KEJC in bimonthly meetings of the Consumer Rights and Client Needs Technical Advisory Committee (TAC). At meetings, she raised concerns about the PE Medicaid form no longer being publicly available online in Spanish and about public charge language in the kynect application. Advocates on the committee recommended that:
 - DMS ensure that the PE Medicaid application be available in English and Spanish in all locations online including kynect, DMS's website, and the Governor's COVID-19 website.
 - DMS engage the Consumer TAC in selecting and monitoring hospital quality measures for the direct payment program.
 - **Race and ethnicity data:** In ThriveKY's quarterly forum with CHFS, advocates surfaced issues on marketing COVID-19 vaccines and collecting accurate race and ethnicity data. CHFS officials welcomed input. Miranda worked with staff of Kentucky Voices for Health and the Housing and Homeless Coalition of Kentucky to research and compile guidance on how to ask about race and ethnicity in a Medicaid application without alienating or confusing applicants of diverse backgrounds.

- **DSH flyer reborn:** Rich, Betsy, and Miranda finalized text and design for a [new flyer on healthcare financial assistance](#) that addresses needs and concerns of undocumented and uninsured immigrants.
- **Have you noticed?** Rich and Miranda continue to participate in weekly Notice Improvement Project Zoom meetings with CHFS. We workshopped SNAP, KI-HIPP, and Medicaid renewal notices, adding a checklist at the end to help applicants keep track of renewal steps.
- **Lexington Wage Claim Clinic:** Miranda assisted four new claimants with letters demanding a total of \$53,475 in wrongly unpaid wages. Our workers' rights team worked with U of L law student Jessie Lindimore to develop an app to help unpaid and underpaid workers to create their own demand letters. Jessie is tweaking the app before launch and a UK volunteer will translate it into Spanish.

Resource Organizer — Raaziq El-Amin

- **CRM:** We're aiming to heighten donor engagement in a variety of ways. A significant addition will be a new Donor Management System. We started with seven different systems and have begun to narrow the list. This tool will help us strengthen our connections with current supporters and with new donors by integrating our internal software to keep information updated across the board. We can expect more timely and personalized communications thanks to the advanced engagement-tracking capabilities of the systems.
- **KY Gives Day** is May 11th, so we're gearing up to reach supporters by showing them how impactful their donations are. Two techniques we're implementing this year are a short video and donation levels, both of which will show up on our profile. The video will show multiple supporters sharing about why they give. The donation levels will attach amounts to specific activities that are necessary to achieve our mission.
- **Workers' Rights Town Hall:** For the past few months, we've concentrated on how to increase support for the Workers' Rights program. We're planning an event similar to the town halls we had last summer, but this one will aim to connect with new folx. We'll encourage everyone to invite their personal networks, and we'll send special invites to funders.

Director — Rich Seckel

- **Health Policy Award:** Rich was honored to accept the second annual Gil Friedell Memorial Health Policy Award from the Foundation for a Healthy Kentucky. Dr. Friedell was a champion of community-based solutions to health care. He helped launch the Kentucky Homeplace Program. The award came with a \$5,000 prize. Rich designated it for KEJC.
- **Child Support Guardrail:** Rich successfully proposed an amendment to [HB 404](#) on child support guidelines to add a guardrail for visitation-related downward adjustments in support.

The amendment, adopted in Senate committee, would bar the adjustments for children receiving public assistance, including Medicaid, KCHIP, SNAP and KTAP. It was based on a provision included by Senator Westerfield in an earlier bill.

- **Notice the impact?** It's taking upwards of two hours a week, but it looks like it's worth it. Preliminary data from the CHFS Notice Improvement Project show a 13.98% decrease in Kentuckians losing benefits for failure to Respond to Requests for Information. Compiled by Deloitte, the [data compared cutoffs](#) in December with the old notices with cutoffs in February when the new notices were in use.
 - The 13.98% decrease translates to about 4,000 fewer Kentuckians losing SNAP, Medicaid, KTAP and childcare assistance for failure to act on RFIs in a single month. Annualized the figure would be 48,000 fewer Kentuckians cut off for failure to respond.