



## **LSS Advocacy Office 2020 Legislative Summary**

On February 11, 2020, the Minnesota Legislature convened to focus on bonding and policy because the state's two-year budget was passed during the 2019 legislative session. However, on March 13, its work dramatically shifted due to the COVID-19 pandemic and declaration of a national and state peacetime emergency.

While Lutheran Social Service of Minnesota's (LSS) engagement with policymakers required pivoting and creativity, LSS Advocacy focused on building and maintaining trustworthy relationships with community partners and legislators. Our 2020 public policy priorities were to ensure that services remain accessible and sustainable to meet the needs of 1 in 65 Minnesotans while addressing systemic issues. This year's LSS Advocacy team included Sr Director of Advocacy Erin Sutton, Social Justice Advocate Paul Slack and Capitol Pathways Intern Mariangel Marino.

The Legislature adjourned the regular session on May 18, 2020 with many priorities left undone, including the health and human services omnibus policy bill, emergency housing assistance, investment in infrastructure through bonding and COVID-19 relief to local governments. This was due to unprecedented challenges: a shift to remote hearings and floor voting, a projected economic surplus that swung \$4 billion forecasting a \$2.4 billion deficit, and a statewide need for pandemic response funding. The Legislature may have felt less pressure to finish this work knowing Gov. Walz would need to call a special session by or before June 12 in order to extend the peacetime emergency.

Before special session began, George Floyd was publicly murdered by a Minneapolis police officer. His tragic death was seen across the world, and Minnesota became ground zero for an extraordinary movement of anti-racism. Hundreds of protests were organized across all 50 states which spread across the globe. Communities called for local state and federal policymakers to immediately implement policies to stop police brutality and expediate the dismantling of deeply rooted and racist systems and institutions.

Gov. Walz called the Minnesota Legislature into special session on June 12. Gov. Walz, Lt. Gov. Flanagan, House DFL leadership and the People of Color and Indigenous Caucus (POCI) elevated a set of policing reform and accountability proposals. While both parties openly denounced the killing of George Floyd, the Republican-controlled Senate and Democrat-controlled House did not come to an agreement on police reforms by June 20 when the Senate adjourned and formally ended the special session.

It is anticipated that the Legislature will be called back into special session in mid-July if Gov. Walz requests to extend the COVID-19 peacetime emergency. However, if Senate and House leaders are able to come to an agreement on police reform and accountability, bonding and COVID-19 relief for local governments prior to mid-July, we may see lawmakers meet before then.

Therefore, the 2020 legislative session has not fully come to an end, but here is a summary of how LSS stakeholders engaged in advocacy and what state and federal lawmakers passed to meet the needs of Minnesotans during this unprecedented time.

## LSS Supporter Engagement

LSS stakeholders continued to show dedicated advocacy before and during the COVID-19 pandemic. Thank you for helping LSS elevate and move forward policy proposals in support of LSS' vision that all people live in community with full and abundant lives! Once COVID-19 changed the Capitol's order of business, it became increasingly difficult to engage with lawmakers. However, LSS advocates were persistent and passionately advocated on LSS priorities. Here are highlights:

- 553 LSS action alert responses resulted in 1,213 messages to state and federal elected officials.
- PICS staff attended Disability Advocacy Day at The Capitol as well MNCCD's weekly Tuesday's at The Capitol– in person and virtually.
- Trevor Johnson and Andrew Qualy of LSS' Behavioral Health team testified before the Senate Veterans and Military Affairs Committee on LSS and Minnesota Department of Veterans Affairs' partnership to support and maintain the well-being of military members, veterans and their families through the C.O.R.E program.
- Members of LSS Senior Leadership attended Best Life Alliance's Disability Services Day at The Capitol.
- Homeless Day on The Hill – several metro youth advocates and one LSS metro youth staff attended Homeless Day on The Hill. One youth, Arin, passionately spoke at the Homes for All press conference.
- Four members of LSS' Board met with their legislators on Mental Health Day on The Hill.
- Red Wing PSS advocates participated in a virtual federal town hall with over 100 advocates and nine out of 10 Minnesota Congressional offices – including their member of Congress, Angie Craig. LSS staff Jody Johnson and self-advocate Pauline, spoke on behalf of Minnesota's second congressional district about the importance of investing and providing relief to Home and Community-Based Services during the COVID-19 pandemic.
- LSS Advocacy staff held more than 50 meetings with legislators, Gov Walz's staff and members of Minnesota's congressional delegation and their staff.

## LSS 2020 Public Policy Priorities

The COVID-19 emergency and an anti-racist social justice movement led to Minnesota's state legislators and congressional delegation to work at a fast pace to meet ongoing and emergent needs. This led to many public policy agendas, including LSS', to shift and adapt. Many policies that passed were developed to meet the economic, health and safety needs brought on by the COVID-19 pandemic.

**Housing Stability** impacts every area of our lives. People with disabilities, older adults, children, youth and families who access LSS services are impacted by the need for stable and affordable housing. LSS supports a funding increase to advance the full continuum of housing, from emergency shelters to affordable home ownership, that leads to housing stability for all Minnesotans.

**PASSED:** Temporary rate increase of 15% to certain housing support rates from March 1-May 31, 2020 to maintain access to room and board.

**PASSED:** \$26.5 million in emergency service grants for providers serving people experiencing homelessness.

**NOT PASSED\*:** \$100 million in housing assistance for rent and mortgage relief.

NOT PASSED\*: Policy alignment on the eviction moratorium that aligns with the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) timeline on suspending evictions (end of July plus 30 day grace period).

NOT PASSED\*: Bonding bill that invests in affordable housing. Homes for All coalition advocated for \$200 million in housing infrastructure bonds (HIB) and \$100 million in general obligation (GO) bonds. The coalition also continues to advocate for two new eligible uses for bonds: 1) one-time set-aside for shelter capital needs and 2) deeper affordability for households at or below 50% AMI.

*\* May be reintroduced during a special session*

**Innovative Services and Independence for People with Disabilities.** LSS provides person-centered, innovative services for people with disabilities that empower them to live the life they imagine for themselves. LSS supports the Best Life Alliance legislation to find a long-term solution that will stabilize and strengthen the Direct Support Professional (DSP) workforce.

NOT PASSED: Best Life Alliance 2020 legislative proposals, including: implementing regular adjustments to the Competitive Workforce Factor; refining the Disability Waiver Rate System (DWRS) to better reflect market costs by using most currently available data; study and make recommendations on how the DWRS can be responsive to the impacts of local and statewide minimum wage increases; establishing a tax credit for DSPs to enhance recruitment and retention; and creating a pilot project that would develop a Direct Care Service Corps for Personal Care Assistants and DSPs.

NOT PASSED: Temporary wage increase of 15% for Director Support Professionals during COVID-19 pandemic.

**Invest in Mental Health Care** to ensure mental health access and quality, so that all Minnesotans can see a mental health professional when needed.

**PASSED:** Expansion to telemedicine by requiring all health insurance carriers to provide coverage.

**Child Centered Foster Care Licensing Standards** will keep families safe *and* together through crisis whenever possible while improving outcomes and reducing trauma for children, families, and communities. LSS supports legislation that aligns Minnesota foster care licensing standards with federal guidelines and eliminates barriers to kinship families to obtain foster care licensure.

NOT PASSED\*: This passed the House during regular session but not the Senate. During special session, it was amended onto a bill allocating \$841 million of federal coronavirus relief for counties, cities and towns. However, House DFL also amended several items from the governor's supplemental budget, which Republicans argued violated an agreement between all four caucuses. The Senate did not take up this bill before adjourning. LSS will continue to support this issue in upcoming special sessions.

*\* May be reintroduced during a special session*

## LSS Support Agenda

**PASSED:** The Guardianship Reform Bill is a comprehensive modernization to guardianship and conservatorship laws that promotes supported decision-making and other less-restrictive alternatives to guardianship. Some provisions include (but are not limited to):

- Changes the term “ward” to “protected person” throughout guardianship law
- Defines “supported decision-making”
- Sets time-limits on new guardianship orders for young adults
- Strengthened consideration of less-restrictive alternatives before a judge will approve a guardianship order
- Strengthens the Bill of Rights for persons subject to guardianship, including that they: be engaged in decision-making process, have access to employment and employment supports and have the right to communicate and see friends and family
- Allow a person subject to a conservatorship to control their own wages, unless otherwise ordered by the court

**PASSED:** Continuation of DHS waivers and modifications. When the COVID-19 peacetime emergency ends, the following waivers and modifications to human services programs issued by the DHS Commissioner that are required to comply with federal law may remain in effect for the time period set out in applicable federal law or for the time period set out in any applicable federally approved waiver or state plan amendment, whichever is later:

- Preserving health care coverage for Medical Assistance and MinnesotaCare (CV17)
- Implementation of federal changes to SNAP (CV18, CV37, CV39)
- Eliminate cost-sharing for COVID-19 diagnosis and treatment (CV20)
- Modifying eligibility period for the federally funded Refugee Cash Assistance Program (CV59)
- Modifying eligibility period for the federally funded Refugee Social Services Program (CV60)

The following waivers and modifications will be extended to June 30, 2021

- Allowing phone or video visits for waiver programs (CV15)
- Expanding access to telemedicine services for Children’s Health Insurance Program, Medical Assistance, and MinnesotaCare enrollees (CV16)
- Allowing telemedicine alternative for school-linked mental health services and intermediate school district mental health services (CV21)
- Allowing phone or video use for targeted case management visits (CV24)
- Expanding telemedicine in health care, mental health and substance use disorder settings (CV30)
- Allowing partial waiver of county costs when COVID-19 delays discharges from DHS-operated psychiatric hospitals (CV31)
- Allowing flexibility in housing licensing requirements (CV38)
- Expanding remote home and community-based services waiver services (CV43)
- Allowing remote delivery of adult day services (CV44)
- Modifying certain licensing requirements for substance use disorder treatment with certain exceptions and limitations (CV45)

- Modifying certain license requirements for adult day services (CV49)
- Modifying certain requirements for early intensive developmental and behavioral intervention services (CV50)
- Allowing flexibility for personal care assistance service oversight, except that the portion of this modification permitting personal care assistance workers to bill 310 hours per month shall expire upon the expiration of the peacetime emergency (CV53)
- Modifying certain certification requirements for mental health centers with certain exceptions and limitations (CV64)

The exemption for the temporary absence policy in housing support (CV27) will remain in effect until December 30, 2020.

All remaining DHS waivers and modifications will be allowed a 60-day transition period when the COVID-19 peacetime emergency ends.

**PASSED:** Elections bill that appropriates Help America Vote Act and Coronavirus Relief Aid funding for 2020 primary and general elections, including: funding to accommodate an increase in absentee ballots; extension to count absentee ballots; flexibilities to accommodate social distancing at polling places; personal protective equipment for poll workers; and sanitization and cleaning for safety.

NOT PASSED: Codifying the DHS Commissioner's temporary emergency authority to waive certain rules and regulations during and immediately after the COVID-19 peacetime emergency.

NOT PASSED\*: [Equity in Bonding](#) a proposal by the Minnesota Department of Human Rights that acknowledges and addresses that the state bonding process has been inaccessible and inequitable to Black, Indigenous, and People of Color communities. The proposal recommends \$30 million to support capital projects from community-based organizations that are led by and serve communities of color and American Indians, as these organizations have not traditionally had access to capital investment from the state.

\* *May be reintroduced during a special session*

## **Legislation PASSED That Impacts LSS and the People We Support**

### **PASSED:** Human Services Omnibus Policy Bill

- Sexual violence training for Direct Support Professionals to learn strategies to minimize the risk of sexual violence, including concepts of healthy relationships, consent and bodily autonomy of people with disabilities.
- Disability Policy Statements that elevate the importance of Employment First, Self-Direction First, and Independent Living First.
- Technical changes to the Medical Assistance spenddown
- Consumer Directed Community Supports codification
- Arrange phone calls between parents and foster parents to better improve coordination of care (unless doing so would put the child or foster parents in danger)

- ARRM's policy proposals, including: extending the adult foster care moratorium exception that allows certain facilities to have a fifth bed; change in the 45 Day planning meeting timeline to now be within 45 days of service or 60 calendar days, whichever is shorter; and, allowing the Designated Coordinator to determine someone competent to train and determine competency of the person they are training for items specific to a person's Community Service Support Plan (CSSP) Addendum
- Allowing minors to consent to homeless youth services and services for sexually exploited youth
- Making changes to meet federal requirements under the Families First Prevention Services Act

**PASSED:** Safe Seniors Financial Protections Act allows financial institutions to have the ability to freeze or place a hold on an older or vulnerable adult's account if there is suspected fraud. The intent is to reduce acts of financial exploitation of vulnerable and older adults.

**PASSED:** \$200 million allocated from Minnesota's general fund to a grant program aimed to help health care providers in need of support to plan, prepare for and respond to COVID-19.

**PASSED:** Delayed submission of fingerprints authorized as part of background checks for essential workers during the peacetime emergency due to statewide closure of fingerprint sites during the COVID-19 pandemic.

### **Federal Legislation**

LSS has been very engaged with state partners and national associations on increasing financial relief to nonprofit human service organizations who are: serving on the frontlines to support communities with increasing needs; innovating to maintain service delivery; and, prioritizing the health and wellness of employees, volunteers and program participants.

**PASSED:** Families First Coronavirus Relief Act (FFCRA) provided economic relief for individuals, businesses, and organizations impacted by COVID-19. Provisions included:

- Increased federal support for Medicaid spending during the pandemic with a 6.2% emergency Federal Medical Assistance Percentage (FMAP) increase to states
- Mandated temporary paid sick leave and expansion of family and medical leave provisions
- Suspension of Supplemental Nutrition Assistance Program (SNAP) work requirements
- Free testing for COVID-19
- \$2 billion in unemployment assistance and \$1 billion in food aid

**PASSED:** Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was a \$2.2 trillion package providing economic relief to individuals, families, and businesses and nonprofits. The package was comprehensive, including:

- Direct payments to individuals
- Medicaid reimbursement for DSPs who accompany individuals during hospital stays.
- \$100 billion appropriated to the Public Health and Social Service Emergency Fund for a new provider relief program to provide grants to hospitals, public entities, nonprofits and Medicare and Medicaid providers to cover unreimbursed health care related expenses or lost revenues attributable to COVID-19.

- Coverage for 50% of the cost of unemployment benefit claims charged to self-funded, reimbursing employers.
- Payroll Protection Program provides forgivable loans for nonprofits with under 500 employees. Low interest loans available for nonprofits with over 500 employees.
- Increased funding to Medicaid and HUD programs and grants, including: SAMHSA emergency response grants, community services block grants, Runaway Homeless Youth programs, Homeless Assistance Grants and Community Living Grants for Older Americans Act activities
- Charitable giving incentives

**PASSED:** A fourth COVID-19 economic relief package to replenish the small business administration's Payroll Protection Program and another appropriation to the Public Health and Social Service Emergency Fund for provider relief grants.

**PARTIALLY PASSED:** U.S. House of Representatives passed an additional \$3 trillion economic relief package known as the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act. The HEROES Act includes many provisions that align with key priorities of LSS of MN's national associations – Lutheran Services of America and ANCOR. This includes: relief measures for nonprofit health and human services organizations of all sizes, emergency response pay for essential workers, forgivable loans for nonprofits of all sizes and essential provisions for home and community-based services. Before these provisions can become law, the Senate must come to an agreement with the House, which they have not signaled. The Senate may draft their own package in response to the HEROES Act.

Sources: MN Legislative Office of the Revisor of Statutes, MN Council of Nonprofits, NAMI MN, The Arc Minnesota, MN Session Daily, ARRM, Homes for All and Lutheran Services of America

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