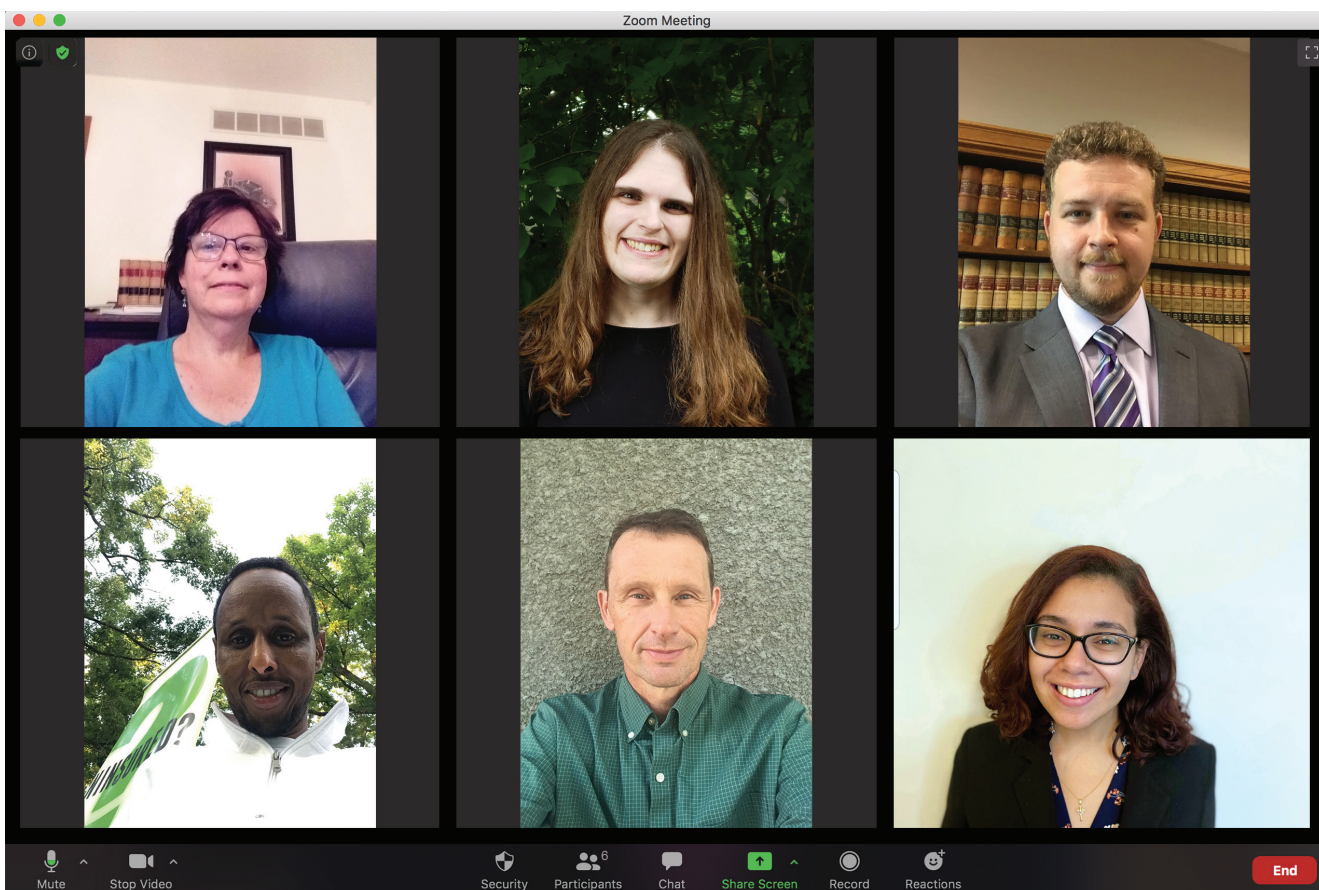


TOWARD JUSTICE

INSIDE THIS ISSUE | SPOTLIGHT ON COVID-19 RESPONSE

- > Unemployment Queries Spike
- > Removing Barriers to Stimulus Funds
- > Tenants' Rights in the Pandemic Era



Responding to growing legal needs in the time of COVID-19

In April of 2020, Mid-Minnesota Legal Aid received 8,847 calls and logged over 900 intakes — almost triple the usual volume of intakes by phone for a month.

Early Preparation

In February, well before the first case of COVID-19 was identified in Minnesota, Executive Director Drew Schaffer and his team began to carefully monitor not only the virus, but also the economic impact on the communities Legal Aid serves. As the public health emergency evolved and public guidance lagged behind the growth of the pandemic, the MMLA board and management made decisions based on best judgment to take a strong lead.

Continued on next page.

Continued from page 1.

“The pandemic is magnifying problems we were seeing before, and the need is overwhelming,” says Russell.

With an eye toward the social responsibility of keeping staff, clients, and community partners safe, they liberalized the sick leave policy. Client visits to the office were minimized, outreach activities halted, and employees with any sign of illness in themselves or their families were required to stay home. Legal Aid closed all of its physical offices the week of March 16.

Within a week, all functions moved to a virtual environment. Legal Aid’s information technology (IT) team of three scrambled to move intake, support, and all client services to remote operations.

Legal Inquiries Spike

At the same time, attorneys in all units began preparing for the legal complications to come. The first wave of cases focused on access to stable housing and healthcare. Minnesota’s March 2020 school closures and stay-at-home order brought a spike in family law and domestic violence questions, along with concerns about equal access to education and public information. Rapid changes to public policy and benefits brought a surge in calls about CARES stimulus checks and unemployment insurance.

“I’ve been so inspired by what I’ve seen from our staff,” says Schaffer. “With a minimal physical presence on site, we are fielding a high volume of calls, performing essential business functions, disseminating critical public information, and advocating for our client communities at local and state levels. We are trying to keep a jump ahead of the ever-changing circumstances.”

Economic Impact Hits Hard

The economic impact of the public health emergency has weighed heavily on MMLA’s client communities. Legal Aid’s Low-Income Tax Clinic is the only legal resource in the state that is helping people navigate the IRS website to apply for their stimulus checks. The public benefits unit has shifted to helping workers apply for unemployment insurance, and the Minnesota Disability Law Center has stepped up efforts to monitor facilities for vulnerable adults, address concerns around access, and advocate for the rights of those with disabilities.

“Our biggest challenge is to stay positive,” says Intake Coordinator Luci Russell. “The pandemic is magnifying



problems we were seeing before, and the need is overwhelming. We’re honored to work for an organization that responds so quickly, and we appreciate being able to provide help in this uncertain time. But the need is so much bigger than we can possibly meet.”

Online Legal Resources to Meet the Moment

On the informational front, Legal Aid’s State Support team added a COVID-19 resource page to www.lawhelpmn.org on March 13. In just a few weeks, in cooperation with legal experts around the state, State Support created 18 new fact sheets to address clients’ most urgent questions, translated them into multiple languages, and put the word out on social media channels. The work is ongoing, with high traffic on the website and ever-rising requests for information.

The communities Legal Aid serves will be looking at economic impact for months or years to come. At the same time, shifts in wealth are likely to affect philanthropic giving, grant-making by foundations, and support from individual donors.

“We will be counting on the supporters who are our base,” Schaffer says. “Those who stand for equal justice for all, who have always supported us — they will help us imagine ways to generate new investments for our work.”

UNEMPLOYMENT INSURANCE PROJECT

New benefits unit tackles wave of UI cases

Since March 16, 2020, the Minnesota Department of Employment and Economic Development (DEED) has processed over 766,000 applications for unemployment insurance (UI). That's more than twice the total they took in during the Great Recession, with about half the staff.

New Unemployment Insurance Project

Legal Aid has seen a corresponding spike in calls as clients lose their jobs and their income and look for help. The benefits unit responded quickly by moving Ellen Smart, who has specialized in UI for over 15 years, into the role of Assistant Supervisor of Legal Aid's new Unemployment Insurance Project.

"We saw this coming as the virus hit," says Supervising Attorney Anne Quincy. "When COVID-19 started to ramp up, DEED told us they'd be holding public transparency conference calls twice a week. Ellen is our internal UI expert — we've been running every unemployment case by her for years — and she was already going to monthly meetings, watching it all, and reporting back."

When the CARES Act became effective on March 29, 2020, DEED had to overhaul computer systems, revise questionnaires, and train staff. The CARES Act added 13 weeks of benefits, gave a bump of \$600 per week to anyone receiving UI benefits through July 2020, and opened eligibility up to self-employed workers and independent contractors.

"Given the scope of the change, it's amazing how fast DEED turned things around," Smart says. "They started paying the first group of unemployed workers on April 24."

That is not to say that everything has been smooth. The DEED application process works relatively well for salaried English speakers with simple job histories, access to the internet, and no complicating factors. For others, it's a bit more complicated.

Cutting Through the Confusion

The average hold time for a DEED call has jumped from three minutes to more than three hours. Non-English speakers can't complete questionnaires online, and Friday is the only day they can call in to complete their application. For a while, the schedule was only posted in English, so people would wait on hold for hours and then learn they'd called on the wrong day.

"DEED is overwhelmed, and it's a storm for our clients," Smart says. "They're really trying to meet the need and when we

pointed out the problem with the schedule in English only, they responded quickly. But the system is overloaded and people get frustrated, faxing and re-faxing, calling us for help, or simply giving up. It's especially hard on non-English speakers and clients with other barriers."

The benefits unit's three attorneys and one paralegal are following Smart's lead on UI cases. In addition, Smart has trained staff from other units to help clients with their UI applications, something Legal Aid did not do prior to the pandemic. In addition to applications, Legal Aid helps clients with denials and appeals and helps shepherd clients through the system.

"We prioritize getting clear answers for our clients," says Quincy. "Ellen communicates with DEED, letting them know when things aren't working. Then we follow up with our clients. We want to make sure nobody is giving up because it's too complicated or left hanging with no clarity about what happened and why."



"We want to make sure nobody is giving up because it's too complicated or left hanging with no clarity about what happened and why," says Quincy.

Handling Return-to-Work Questions

The latest wave of calls includes employees with questions about returning to work. Some are concerned their employers aren't doing enough to provide a safe workplace. The safety guidelines for employers aren't entirely clear, and some businesses ignore them or take shortcuts. Clients want to know what their rights are in either situation.

"Being asked to return to unsafe work conditions during a pandemic or lose the means to support your family can be a tall order," Smart says. "The new rules are confusing, and we will be here to advise those who have to make hard choices between their job and their family's health."

LOW-INCOME TAX CLINIC

Ensuring clients get their stimulus checks

The CARES Act, signed into law in March of 2020, includes “economic impact payments” to most U.S. residents with a Social Security number who made less than \$75,000 per year. The payments went first to those who had a 2019 or 2020 tax refund deposited electronically in their accounts. Many low-income Minnesotans had to take extra steps in order to receive their stimulus checks.

“We are talking about \$1,200 per individual adult, and another \$500 for each dependent,” says Assistant Supervising Attorney Aisha Servaty. “Many of our clients are vulnerable seniors, unemployed, on general assistance, or dealing with housing instability. This amount might represent multiple months’ worth of income.”

Legal Aid’s Low-Income Tax Clinic (LITC) is the only organization in the state guiding low-income people through the IRS’s non-filer form to receive economic stimulus payments. The LITC team helps clients go to the IRS website, fill out the form, and submit it. They walk them through from start to finish, including a follow-up to see if they were accepted or rejected.

The first step was to get word out to statewide client communities and partner organizations about the payments and to let people know that LITC was available to help. Those who didn’t file income taxes or receive federal benefits had to use the non-filer tool, and anyone receiving federal benefits needed to use the tool to claim their dependents. Servaty was ready as soon as the non-filer tool became available on the IRS website.

“We got flooded in the first week,” Servaty says. “We had 78 intakes. By mid-May, we had over 200 callers who needed help.”

Twenty Legal Aid staff from other units stepped in to help the LITC unit (which consists of Servaty plus one full-time attorney and a law clerk), each taking a case or two or three. In addition, Servaty trained six pro bono volunteer attorneys. By late May, the team had followed up with every intake call.

With Legal Aid’s physical offices closed, the next step of establishing contact with the clients required time and patience. Many clients lack internet access, and some don’t have phones or physical mailing addresses. Advocates needed to help some clients set up an email account or open a bank account.

“Without help most of them would definitely not have received payments,” Servaty says. “As we walked them through the forms, we heard stories of the impact the money would make in their lives.”

“Without help most of them would definitely not have received payments,” Servaty says.

Many couldn’t afford rent or utilities. For some, the payment meant a chance to pay down debt or stock up on food and other essentials. Paper checks didn’t start going out until late May. Most people with the greatest need, even if they filed immediately, didn’t see payments before June.

In addition to organizing this effort and continuing with her other responsibilities, Servaty keeps the most difficult cases for herself. Some clients have unique situations that require legal analysis and understanding of tax law. Those cases take more time, but correct filing prevents complications or later problems with the IRS.

“When we talk with clients, we make them the most important person in our day,” says Servaty. “Nothing is stable, and people are very anxious about their finances. They have our full attention, and we do a lot of listening. We want them to know they have an advocate who is there to help, and we will do everything in our power to make sure they get their payment.”

Answering a surge of disability rights queries

Sarah's* mother was a hospice patient with Alzheimer's disease when the pandemic hit, and the memory care facility implemented a restrictive visiting policy. The family was deeply concerned and wanted to monitor by video camera the care she was receiving. Despite the fact that Sarah's mother was dying, the facility refused access.

Staff Attorney Steve Schmidt reviewed the case and wrote the facility a letter explaining their obligation under state law and guidance from the Minnesota Department of Health (MDH) to install the camera as requested. The facility agreed to the camera installation. The family quickly observed potential problems and was able to take steps to remedy them. The visual connection has given Sarah's mother and the entire family more information, influence, and peace of mind as they move through a difficult time.

Schmidt's work with Sarah's family is one example of the new cascade of calls coming to Legal Aid's Minnesota Disability Law Center (MDLC) during the COVID-19 public health emergency. As the state's Protection and Advocacy System (P&A), MDLC is charged with protecting individuals with disabilities and advocating on their behalf. MDLC's other P&A responsibilities include policy work, monitoring, and outreach/education.

Pandemic Policy Watchdog

The public health emergency has brought an increased need for time and attention to policy developments. MDLC is keeping a close watch on executive orders and machinations at the legislature, in addition to offering guidance to each of the state agencies. One major effort has been working with MDH to address the rationing of ventilators and elective medications during hospitalizations.

"That's an important issue, because historically people with disabilities don't get access to healthcare in the same way that others do," says Dan Stewart, Deputy Director of MDLC. "It's a huge issue for disability advocacy organizations nationwide, and we are compelled to address that."

The pandemic is affecting the disability community outside of medical settings as well. Public education and distance learning

protocols, rights deprivations, personal care services, and voting accessibility for people with disabilities are all current concerns that MDLC is addressing with policy makers.



"In a time of emergency, it's a balancing act to ensure that people can get access to effective services in the community while keeping everyone healthy," Stewart says. "For example, we don't want to have so much leeway in staffing qualifications or service provision that the safety of people receiving the services is compromised."

"In a time of emergency, it's a balancing act to ensure that people can get access to effective services in the community while keeping everyone healthy," Stewart says.

Spreading the Word

MDLC attorneys are also working hard to disseminate information to the public via social media, advocacy networks, and lawhelpmn.org. Accurate information is a high priority. People need to understand their rights, and governmental bodies, agencies, and businesses have a responsibility to provide access to services and communication.

"The COVID-19 pandemic has really challenged me and MDLC to provide effective and caring legal help to communities at high risk," Stewart says. "Despite this challenging environment, it's been invigorating because we know it's a time of extreme need. We are seeing huge opportunities to make powerful changes and help people in sometimes lifesaving ways. We are proud of our unique role to serve people with disabilities, and we're up for the challenge."

**Name has been changed.*

HOUSING AND FAMILY LAW

Pandemic exacerbates housing instability

Protection of safe and stable housing has become more important than ever in the time of COVID-19. Although Governor Walz issued an emergency order suspending evictions as of March 24, 2020, Legal Aid has been fielding a high volume of calls from tenants facing housing instability.

The eviction moratorium brought a sudden uptick in emergency cases of tenant lockouts, harassment, and intimidation, as some landlords turned to non-judicial procedures to get tenants out. Tenants and landlords continue to have confusion about rent, court processes, and landlords' rights to enter homes during the pandemic.

Fighting Bogus Eviction Cases

Housing Court still allows for expedited hearing processes for eviction during the pandemic. Legal Aid has seen a sharp increase in landlords using that route to evict tenants. The expedited hearing process requires the landlord to allege that a tenant is endangering other tenants or staff or has committed certain kinds of criminal conduct on the property.

"If you read the statute, the standards for an expedited hearing are strict," says Staff Attorney Mary William. "You have to be very specific about the facts you allege. The whole purpose of an expedited proceeding is to flag to the court that it's a dire case, and the person is a real danger to others."

One of William's cases involved a 63-year-old man who lives in subsidized housing. After experiencing minor conflict with other tenants, he received notice that he had to be out by March 31, 2020. Upon investigation, William found the landlord's case to be very light on facts. She took the case and filed an answer to the eviction.

"For me, it was truly offensive to see the abuse of the expedited hearing process," William says. "When someone files a case like this with general, unsubstantiated allegations, they're likely depending on the client not having the knowledge or time and capacity to defend themselves. Our answer showed that we were ready to fight the eviction."

In negotiations, the landlord's attorney came back with an agreement that was favorable to the client and did not include a



"Everything is on hold right now," Gelles says. "Eviction expungements weren't happening for weeks, making it much harder for folks who want to move to find safe, stable housing."

vacate date, so he was able to stay in his home. That's especially important right now for older, vulnerable clients.

"Vacate dates are a logistical mess for everyone," says William. "In the best of times, it's difficult for elderly clients with housing vouchers to coordinate paperwork with various agencies. My client also had no phone and no car, which made everything more difficult."

Safe Housing in Jeopardy

Staff Attorney Evan Gelles, who worked with William on the case, is seeing similar layers of difficulty and instability faced by those who face housing crises in these uncertain times.

"Everything is on hold right now," he says. "Eviction expungements weren't happening for weeks, making it much harder for folks who want to move to find safe, stable housing. People can't even get routine repairs done. Management offices have reduced hours which makes it extra difficult to advocate



“We’ll continue to adapt to meet the need, wherever we are, because that’s what we do,” says William.

for oneself, and many people don’t know their legal options or defenses.”

In addition to standing with individual clients case-by-case, the housing unit is deeply involved in policy discussions with the city, county, and state. Managing Attorney Luke Grundman has been meeting with housing court referees on a weekly basis, fiercely advocating for protection of tenants and accessibility to legal services in the days to come.

Preparing for Restart of Evictions

“When evictions start again, we’ll need policy in place to make sure people aren’t exposed to increased danger during the eviction process,” Grundman says. “We’re preparing for that wave with staff and technology to show up and protect as many people as possible.”

The 17 attorneys and three legal advocates on the housing team bring decades of experience to the ever-shifting circumstances. William, who is new to the team, has been happy to lean on her colleagues as she learns the ropes under these unusual circumstances.

“I see my function as fiercely advocating for my cases while tapping the wisdom of the unit and collaborating with my colleagues,” she says. “We’ll continue to adapt to meet the need, wherever we are, because that’s what we do.”

WE NEED YOU IN THIS TIME OF CRISIS

Unprecedented times call for unprecedented generosity to meet the unprecedented needs of our community.

Please give to the COVID-19 Fund to support justice for all during the pandemic.

**Donate today
at mylegalaid.org**

ST. CLOUD OFFICE

Healthcare barriers more challenging than ever during the pandemic

Paralegal Abdirahman Hussein is one of the longest-serving ProjectCare navigators in Legal Aid's St. Cloud office. He is doing his best to help central Minnesotans get healthcare coverage, but in over four years as a MNsure navigator he's never faced challenges like this.

"It's hard to describe the situation we're in with the pandemic," he says. "We serve a community that relies on us to give them correct information, to make things clear. Many of them don't have a phone, or internet access, or a computer. There is nothing that can replace meeting with a client face-to-face, but we have to find ways to make it work."

Expanding Outreach in a Pandemic

Outreach is the first challenge. When physical offices — both Legal Aid and host agencies such as libraries, health clinics, and human services organizations — began closing to protect staff and communities, outreach nearly came to a halt.

"We're worried about people who might not understand the complex maze of options and rules," says Supervising Attorney Ralonda Mason, who has been shifting outreach efforts to social media and other platforms that don't rely on face-to-face meetings. "For example, job instability creates special enrollment events. If someone loses their employer health insurance, that's a qualifying life event. They can enroll, and we can help them."

Hussein and his colleagues adapted quickly to new ways of giving that help. Appointments are now by phone or online. The standard in-person appointment time was one hour, but remote appointments often take up to two hours. In one case, a navigator spent the first half hour on the phone helping a client turn on the family computer and navigate to the correct website.

Although MNsure has loosened some restrictions — permitting verbal authorization for some tasks — navigators still cannot start an application or set up an account without a signature. If the client doesn't have technology access and relies on mail for exchange of paperwork, it can take weeks to even start the enrollment process. If documentation is required from



Abdirahman Hussein, ProjectCare navigator

employers that are closed, or from banks with drive-through services only, that adds more layers of difficulty.

Removing Language Barriers

Many of Legal Aid's clients are immigrants. Dealing with agencies by phone requires double the time and effort when the client doesn't speak fluent English.

"Yesterday I had a client with limited English who had to call DHS," Hussein says. "We made the call together, and she gave permission in English for me to speak on her behalf. The DHS worker insisted that I could not interpret, and I told her that I was not interpreting, but rather facilitating the conversation.

“Many of [our clients] don’t have a phone, or internet access, or a computer,” says Hussein. There is nothing that can replace meeting with a client face-to-face, but we have to find ways to make it work.”

She finally talked to her supervisor, who explained I was not interpreting and told her to go ahead. It was a difficult exchange for all three of us.”

Navigating the Complexity of Rule Changes

Agencies like DHS and MNsure have seen multiple changes to regulations further complicating advocacy. The rules keep changing, and some questions remain unresolved. In some cases, agencies tell Legal Aid “We cannot give you instructions.”

In those cases, Legal Aid navigators do their best to negotiate with the agencies and work within and around the holes in the system to get clients enrolled.

“Our clients are people who were already having a hard time before the pandemic,” says Hussein. “They need information and help now more than ever. They depend on us, and this is not the time to slow down. We need to pull up our socks, work with our partners, and get help to those who need it.”

Legal Aid stands for racial justice.

Diversity, inclusion, and equity are core values for Mid-Minnesota Legal Aid, and it is critical that we incorporate these values into all aspects of our work. We recognize the particular and highly detrimental impact of racism — and Minnesota’s racial disparities — on MMLA’s clients and staff. We will therefore devote special attention to issues of racial justice.

We commit to:



Ensuring our work is rooted in communities which we serve.



Strengthening our organizational capacity through increased racial diversity, inclusion, and equity.



Developing and applying a racial equity lens to our work with clients.



Advancing the cause of racial justice in our client representation and policy advocacy work.



Mid-Minnesota Legal Aid
111 N Fifth St, Suite 100
Minneapolis, MN 55403

NON-PROFIT
ORGANIZATION
U.S. POSTAGE
PAID
TWIN CITIES, MN
PERMIT NO. 6020



Legal Aid has received the Charities Review Seal, given to nonprofits exemplifying quality, ethics, accountability and transparency.

Dear friends —

We wrote most of this newsletter in early May when we were facing unprecedented changes in our work due to the COVID-19 pandemic. We wanted to tell you about Legal Aid's response and the unique ways we were helping our community move through the public health emergency and economic crisis.

Then on May 25, 2020, everything changed again. George Floyd was killed by police officers in south Minneapolis, and the city responded explosively. In the aftermath, we've seen new food and pharmacy deserts, damaged housing, the closing of more businesses, and shifting needs for legal services.



Meanwhile, the pandemic continues. And, like so many systems that fail our clients, COVID-19 disproportionately affects Black persons, Indigenous persons, and people of color. Even as the city is reeling with the grief and fury of injustice, and looking ahead to

create positive change, our client communities face disparate impacts at each juncture.

Our role in these times of change — before and after May 25, and into whatever the future may bring — is to be there and to help our community recover and rebuild. We are working with clients on housing safety and stability, income protection, disability rights, access to public benefits, family safety from domestic violence, healthcare rights, discrimination prevention, and public education about their rights under the law. We are working with policy makers, courts, and agencies to eliminate the inequities at the root of so much pain, injustice, and desperate need.

It is our desire, our privilege, and our duty to bring what we can to communities that have suffered so much loss. We are grateful for your partnership in advancing our mission.

Sincerely,

Drew P. Schaffer, Executive Director