

Governor Jim Justice  
c/o Brian Abraham, General Counsel  
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Charleston, WV 25305  
*Sent to [brian.r.abraham@wv.gov](mailto:brian.r.abraham@wv.gov)*

October 19, 2020

Dear Governor Justice and members of the administration,

On March 27, the CARES Act was signed into law as part of Congress' federal COVID response. The legislation contained Coronavirus Relief Funds (CRF) awarded to state and local governments. West Virginia received \$1.25 billion. As of October 6, just under [\\$1 billion](#) of the state's CRF still remains per the West Virginia Auditor's Office. According to U.S. Treasury [guidance](#), the funds may only be used to cover costs that are necessary expenditures due to the public health emergency, not accounted for in state budgets, and incurred during a period between March 1 and December 30, 2020.

Under your [recently updated proposal](#), \$587 million or nearly half of the \$1.25 billion in CARES Act funds has been allotted to the state's unemployment trust fund, despite WorkForce WV's projections showing that the trust fund will only have a [\\$216 million shortfall](#) at the end of this calendar year. While it is important to keep West Virginia's unemployment trust fund solvent, we have other ways to address this need. West Virginia has already been [approved](#) for \$375 million in interest free loans from the federal government in order to address the anticipated trust fund shortfall. Allotting such a large share of the CARES Act funding to the unemployment trust fund means that other critical priorities including housing insecurity, hunger, and testing and tracing, are not addressed. There are other options to keep the unemployment trust fund solvent, but there are no other funds to address the basic needs that West Virginia families are currently facing.

The remaining allocated but unspent CARES Act funds represent a significant opportunity to address these hardships. It has now been over two months since federal unemployment support expired. In a recent survey, [67 percent](#) of West Virginia renters said they are at risk of being evicted in the coming months and nearly [one in five households](#) with children reported not having enough to eat over the last month.

Additionally, the West Virginia Poor People's Campaign has met with people who are poor and living with low-incomes around the state. Many of these people have expressed significant hardship and the need for immediate support including rental assistance, food support, help paying utilities, transportation needs, and more.

West Virginia is experiencing a diverging economic recovery. Those who were already struggling to get by are experiencing the worst and most lingering impacts of the pandemic recession. At the same time, many of those with higher incomes are either able to live life as usual or are doing even better than they were before the pandemic. Any economic and health security that can be provided to West Virginians with CARES or other funds can literally save lives by keeping residents in their homes and financially secure enough that they are not forced to take unsafe jobs or measures that put themselves or their families at risk of illness and death just to get by during this pandemic.

Further, the pandemic is impacting Black West Virginians and communities of color disproportionately due to structural inequities. Black West Virginians make up 3.6 percent of the state's population and [5.3 percent](#) of the state's COVID-19 cases. Additionally, Black residents are overrepresented among front-line workers and those who have lost their jobs due to the crisis.

A proposal that fails to target aid to the communities most impacted by the COVID-19 pandemic is unacceptable. With a long road ahead until West Virginia's economy fully recovers and doubts as to whether additional federal relief is coming, we call on you to reallocate and target remaining relief funds to those who need it the most — and quickly — as the December deadline approaches.

A people-centered proposal to spend the remaining CARES Act funding should include:

- **Rent and mortgage relief for West Virginians facing eviction and foreclosure.** Washington state allocated [\\$100 million](#) of their CRF to rental assistance for residents facing homelessness. [Florida](#) is providing rent and mortgage relief distributed via county.
- **Utility assistance.** In October, utility companies in West Virginia began issuing shutoff notices. According to estimates, \$50 million allocated to the state's utilities could bring current the accounts of West Virginia residents who are now behind. Access to utilities is incredibly important for people to safely socially distance through the pandemic.
- **COVID-19 testing, tracing efforts, and hazard pay.** West Virginia is currently averaging approximately [367 tests](#) per 100,000 residents per day. According to [Brown University's School of Public Health](#), we need to average 822 tests per 100k people in order to mitigate the spread of COVID-19 and 3,042 tests per 100k people in order to suppress the virus. It is especially critical that the necessary testing and tracing be provided on an ongoing basis in congregate care settings—such as nursing homes—that are disproportionately contributing to the suffering and deaths of our people. States around the country have used their CRF to increase testing and tracing capacity. Funding is also being used to cover [hazard pay](#) for frontline workers as they put their health at risk to provide necessary services around the state.
- **Funding to support child care centers and parents with child care needs**, including reimbursing child care options for families unable to find state-supported child care. New Jersey allotted [\\$250 million](#) of their CRF to state child care subsidies for school age children, to cover child care support for families who are not generally eligible for the state's subsidy program, and to provide supplemental payments to licensed child care centers and providers to sustain the state's child care infrastructure. [The Center for Law and Social Policy](#) has also highlighted how the CRF can be used to pay relative and kinship caregivers when traditional child care arrangements do not work for families during this time.
- **Increased payments to unemployed workers.** Oregon allotted [\\$35 million](#) to provide one-time \$500 relief checks to unemployed workers.
- **Food assistance and transportation needs for rural West Virginians.** Alaska allotted [\\$70 million](#) of their CRF to funding for child nutrition and related rural transportation costs.
- **Emergency Home Repairs.** [Palm Beach County](#) has used their CRF funding to cover the cost of needed emergency home repairs. Funds could be distributed to service providers such as West Virginia members of the non-profit FAHE, formerly known as the Federation of Appalachian Housing Enterprises, who could perform these needed repairs ahead of winter.
- **Increased clothing vouchers.** With the economic challenges has come a difficulty for parents to buy clothing for children—and themselves—as winter approaches.
- **Marshall University's Minority Health Institute** should receive funding to study the disparate impacts of the crisis on Black and Brown communities across the state.

Each of these areas must be funded with a recognition that Black, Brown, and low-income communities are disproportionately negatively impacted by this virus. We must prioritize resources to these communities as they continue to face the most significant health and economic costs from the pandemic. To do so, priority for each of these funding areas could be given to census tracts with 20 percent or higher poverty.

We ask with great humility that you and your staff consider these suggestions in order to help alleviate the suffering and death of West Virginians from the COVID-19 pandemic. We are happy to be a resource to you during these times should you have any questions.

Signed,

American Civil Liberties Union of WV  
American Friends Service Committee, WV  
Charleston Branch of the NAACP  
Covenant House  
Facing Hunger Foodbank  
Fayette Fair Share  
Jefferson County NAACP  
Kanawha Valley Chapter of the National Organization for Women  
Morgantown/Kingwood Branch of the NAACP  
Mountain State Justice  
National Association of Social Workers, West Virginia Chapter  
Ohio Valley Environmental Coalition, Huntington WV  
Planned Parenthood South Atlantic  
Race Matters WV  
Rise Up WV  
SEIU 1199 WV/KY/OH  
Sierra Club  
Southern Appalachian Labor School  
Tuesday Morning Group  
West Virginia Center on Budget and Policy  
West Virginia Citizen Action Education Fund  
West Virginia Citizens for Clean Elections  
West Virginia Community Action Partnership  
West Virginians for Affordable Health Care  
West Virginia Education Association  
West Virginia Food and Farm Coalition  
West Virginia FREE  
West Virginia Poor People's Campaign  
WVU Food Justice Lab- Center for Resilient Communities