



March 16, 2020

The Honorable Nancy Pelosi
Speaker of the House, U.S. House of Representatives

The Honorable Mitch McConnell
Majority Leader, U.S. Senate

Dear Speaker Pelosi and Majority Leader McConnell:

We are writing on behalf of Argentum and the American Seniors Housing Association (ASHA) regarding H.R. 6201, the Families First Coronavirus Response Act

Argentum and ASHA are the leading national associations exclusively dedicated to supporting companies operating professionally managed, resident-centered senior living communities and the older adults and families they serve. Argentum and ASHA member communities offer assisted living, independent living, continuing care, and memory care services, representing approximately 75 percent of the professionally managed senior living industry.

We greatly appreciate the efforts and intent behind HR 6201, especially the emphasis on free testing for all consumers. However, we are very concerned about two particular provisions that will significantly curtail our caregiver workforce, an unfortunate consequence of this legislation that must be addressed to ensure we are equipped to take care of our residents during this pandemic:

Section 3102 Emergency Expansion of the Family and Medical Leave Act & Section 5102 Emergency Paid Sick Leave Act: Employees of employers with fewer than 500 employees who have been on the job for a minimum of 30 days will have the right to take up to 12 weeks of job-protected leave under the Family and Medical Leave Act, or receive two weeks of paid leave to be used for the following reason: To care for a child of an employee if the child's school or place of care has been closed or the child care provider is unavailable due to COVID- 19.

As of March 15, at least 57,000 schools have been closed as a result of the pandemic affecting more than 25 million students, nearly half of all public and private students in the country. And it has just been announced that NYC has closed all public schools. Many of our workers have children affected by these closures. However, if all of these workers stay home to care for their children, the senior living workforce will be decimated.

Therefore, we respectfully ask for an exemption from these provisions for employees who work in assisted living, independent living, memory care, and continuing care retirement communities. While these provisions are well intentioned, unless amended, our workforce will be stressed at a time when we cannot afford to lose healthy caregivers and other employees who are on the front lines of this health care crisis.

We are completely committed to helping our employees who are dealing with this child care crisis relative to the closing of schools, along with the concern and need to not miss work and getting a paycheck. However, we also need to ensure our employees are on the job taking care of our residents. We welcome the opportunity to work with Congress to develop some viable options where our senior living employees can continue to work and receive safe child care.

Senior living is a home- and community- based setting for older adults combining housing, supportive services and health care as needed. There are currently 28,900 communities in the United States with more than 811,500 residents calling assisted living home. More than half of all residents are over the age of 85, and another 30% are between the ages of 75-84. They often cope with multiple chronic conditions, with more than half suffering from hypertension and a third with heart disease. Over 42% suffer from some type of cognitive impairment.

Now more than ever, our residents desperately need the care and attention of our direct care workers. The ongoing coronavirus pandemic, COVID-19, presents unique challenges to our residents, as individuals who are at the greatest risk for severe disease and death include people aged over 60 years and those with underlying conditions such as hypertension, diabetes, cardiovascular disease, chronic respiratory disease and cancer. Senior living providers are doing all they can to protect our residents. But it is critical that we have a workforce in place to keep our residents safe and healthy.

If you have any questions or if we can be of assistance as you move forward, please do not hesitate to contact James Balda at (703) 894-1805 or jbalda@argentum.org or David Schless at 202-885-5560 or dschless@seniorshousing.org.

Respectfully,



James Balda
President & CEO
Argentum



David Schless
President
American Seniors Housing Association

CC:

House Minority Leader Kevin McCarthy
Senate Minority Leader Chuck Schumer
Sen. Lamar Alexander, Chair, Health, Education, Labor and Pensions Committee
Sen. Patty Murray, Ranking Member, Health, Education, Labor and Pensions Committee
Sen. Charles Grassley, Chair, Finance Committee
Sen. Ron Wyden, Ranking Member, Finance Committee
Sen. Susan Collins, Chair, Senate Special Committee on Aging
Sen. Bob Casey, Ranking Member, Senate Special Committee on Aging
Rep. Frank Pallone, Chair, Energy & Commerce Committee
Rep. Greg Walden, Ranking Member, Energy & Commerce Committee
Rep. Richard Neal, Chair, Ways & Means Committee
Rep. Kevin Brady, Ranking Member, Ways and Means Committee
Rep. Nita Lowey, Chair, Appropriations Committee
Rep. Kay Granger, Ranking Member, Appropriations Committee