



May 11, 2021

Via Electronic and Letter Mail

John Bel Edwards
Governor, State of Louisiana
c/o Matthew Block
Office of the Governor
Louisiana State Capitol
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RE: Ensuring Equitable Distribution of COVID-19 Vaccine in Louisiana

Dear Governor Edwards:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), we ask you to implement the below recommendations to eliminate the racial disparities in Louisiana’s distribution of COVID-19 vaccinations. COVID-19 is a public health crisis that affects the entire population of Louisiana but has disproportionately impacted communities of color. Ensuring vaccine equity through prioritization of those most vulnerable to COVID-19 protects and benefits everyone. Your office’s recent efforts such as the “Bring Back Louisiana #SleevesUp” campaign demonstrates your office’s efforts to collaborate with community organizations. We ask for your continued leadership to ensure that Louisiana’s Black and Latinx communities receive equitable access to the COVID-19 vaccine.

Since the onset of the coronavirus pandemic, communities of color have borne a disproportionate burden of COVID-19 infections, hospitalizations, and deaths.¹ Black communities, in particular, have been ravaged by COVID-19, dying at nearly twice the rate of white people nationwide,² and at a disproportionately higher rate compared to Louisiana’s white residents.³ Black and Latinx individuals often hold frontline essential and service industry jobs, which prevent them from working from home, and disproportionately experience social and healthcare inequities, all of which contribute to increased risk of COVID-19 exposure.⁴ Nevertheless, Black and Latinx individuals nationwide are receiving the COVID-19 vaccine (“the vaccine”) at significantly lower rates than white individuals. As of May 6, 2021, more than 149 million people nationally have received at least one vaccine dose, however, racial and ethnic data is available for only approximately 55% of recipients.⁵ Of those, only 8.8% of doses have thus far been administered to Black people and 12.6% to Latinx people.⁶ In contrast, 63.2% of those vaccine doses have been administered to white people nationally.⁷ Similarly, at the local and state

level, communities of color have received significantly fewer vaccinations than their racial group's respective COVID-19 case, hospitalization, or death rates, as well as their share of the total state or local population.⁸ Black residents in Louisiana are likewise underrepresented in vaccine distribution, comprising 32% of the state's population but accounting for only 25% of the total doses administered.⁹ In contrast, white residents account for 61% of vaccine recipients and are 62% of the state's total population.¹⁰ These disparities cannot be explained by vaccine hesitancy. In fact, polls indicate that Black people have no greater vaccine hesitancy than white people.¹¹ Importantly, under-vaccination of communities of color is due primarily to lack of access and not a reluctance to receive the COVID-19 vaccine.¹²

As Louisiana's leadership, it is your responsibility to ensure equitable vaccine distribution and protect your most vulnerable residents from increased risk of COVID-19 infection, hospitalization, and death. Barriers to vaccine access, such as vaccine deserts, lack of digital access, and inattention to unhoused and incarcerated communities, unduly burden communities of color and limit their ability to obtain the COVID-19 vaccine.¹³ This disparate treatment directly threatens the rights of Louisiana's Black and Latinx residents' in possible violation of Title VI of the Civil Rights Act of 1964, as well as the safeguards afforded under the Equal Protection Clause of the Fourteenth Amendment and Section 8 of the Louisiana State Constitution, which calls for the state to protect the public health of Louisianans. On April 2, 2021, the United States Department of Justice (the "DOJ") issued a statement making clear that "[t]he Civil Rights Division, together with other agencies throughout the Federal government, will continue to monitor civil rights issues related to COVID-19 and vigorously enforce civil rights laws."¹⁴ Quite simply, "[c]ivil rights protections and responsibilities still apply, even during emergencies. They cannot be waived."¹⁵ Accordingly, we urge you to review the following factors, among others, that contribute to vaccine inequity and immediately implement our recommendations, specified below, to remedy the racial inequities in your vaccination distribution methods.

A. Vaccine Deserts and Vaccine Tourism

Due to racial segregation, redlining, and other effects of structural racism, predominantly Black communities are often housed in areas with little to no healthcare infrastructure and few, if any, healthcare resources.¹⁶ This means Black residents are significantly more likely than white residents to live at least a mile away from the nearest quality pharmacy, clinic, hospital, or healthcare center.¹⁷ Thus, when local governments primarily rely on preexisting health care infrastructure and providers for vaccine administration, many Black individuals have few, if any, options for receiving the vaccine in their own areas—creating "vaccine deserts."¹⁸ Further, vaccine deserts are largely concentrated in low-income communities of color, which likely lack transportation or rely on public transport.¹⁹ Thus, the populations with high vulnerability to COVID-19 infection and death are the same populations excluded from vaccine access and distribution.²⁰

In Louisiana, Black and Latinx residents in vaccine deserts must shoulder additional costs of finding transportation to vaccine centers outside of their neighborhoods while juggling employment obligations, childcare responsibilities, declining health,²¹ and other consequences of living in racially segregated neighborhoods that are deprived of healthcare resources. As a result, those residents who are most vulnerable and marginalized must spend more time and money to

obtain the vaccine. This trend cannot continue. We encourage you to implement the following recommendations to eliminate these inexcusable barriers and racial disparities in Louisiana's vaccine access and distribution methods.

- **Prioritize the establishment and expansion of vaccination sites, such as mobile healthcare centers, clinics, and other healthcare facilities, in underserved communities hardest hit by COVID-19 and those located in vaccine deserts.** Ensure vaccination sites consider the targeted community's specific challenges, such as access to healthcare facilities, limited internet access, lack of transportation or limited mobility, limited English language proficiency, limited hours of availability due to work or childcare, and limited income, and provide solutions that circumvent these challenges.
 - Review and analyze geographic data such as ZIP Codes and census tracts, to ensure that investments in public health infrastructure prioritize healthcare and vaccination of populations that are underserved and/or most vulnerable to COVID-19 infection, including frontline essential workers.²² Place new vaccination sites in accessible public spaces within underserved communities, *e.g.*, near or within churches, community centers, public housing residences, public schools, and parking lots.
- **Continue to collaborate with and rely on trusted community-based organizations, religious institutions, stakeholders, leaders, and activists within communities most impacted by COVID-19, before, during, and after implementing all efforts to combat vaccine inequity.** Because vaccine inequity overwhelmingly impacts vulnerable communities of color, your ongoing efforts to ensure equitable vaccine access should center around meaningful engagement with Black and Latinx communities, particularly elders and those residing in vaccine deserts. And those engagement efforts should be conducted in partnership with, or led by, grassroots organizations, local activists, clergy, and other key community stakeholders to achieve increased vaccine distribution and reduce vaccine hesitancy in vulnerable communities of color.²³
- **Take action to guard against vaccine tourism.** Frequently, when vaccination centers are brought to underserved communities to increase vaccine access for vulnerable residents, the targeted vulnerable residents are still unable to access the vaccines because more affluent people from outside areas, who have the resources and connections to learn of and travel to the new vaccination site, "skip" ahead of underserved residents to receive a vaccination—commonly labeled "vaccine tourism."²⁴ To avoid vaccine tourism, elected officials should work with the targeted community's stakeholders and leaders to ensure members of the targeted community are prioritized for vaccine resources.²⁵ There should also be a public campaign to condemn vaccine tourism and discourage more privileged constituents, or people outside your constituency, from depriving vaccine access to those more vulnerable to COVID-19 infection, serious illness, or death, which creates greater burdens and harms for everyone.
- **In coordination with trusted community-based organizations, stakeholders, leaders, and activists representing Black, Latinx, and other communities of color, create easily accessible public education campaigns** that target, reach, and inform vulnerable and underserved populations, including unhoused and incarcerated populations, about vaccine

eligibility, safety, efficacy, and distribution sites, and emphasize the absence of any cost associated with vaccination.

- All public education campaigns should directly address vaccine hesitancy in communities of color, in a manner that validates and takes seriously the concerns, acknowledge the healthcare industry's history of racial discrimination and experimentation on Black communities, clarifies that the COVID-19 vaccine does not and will not replicate those practices, and provides accessible resources and data showing the safety of the vaccine.

- **Eliminate additional barriers to vaccine access.**

- Increase community-based vaccination sites in vulnerable zip codes and—to prevent vaccine tourism and limited vaccine access for those targeted and vulnerable communities—encourage proof of residency within the targeted area prior to vaccination. However, because proof of residency requirements typically place additional burdens on low-income residents and communities of color,²⁶ all proof of residency requirements should be broad and include acceptance of identifying documents beyond government-issued identification, such as current mail (not limited to utility bills), statements from others residing in the community, school records, individual attestation or residency in targeted district, and more.
- Eliminate all fees and co-pays associated with an individual's COVID-19 vaccination, including hospital and clinic administrative fees, even if reimbursable.
- Create free, COVID-19 sanitized,²⁷ wheelchair-accessible methods of public transportation to and from vaccination centers and underserved areas, racially segregated neighborhoods, and vaccine deserts for residents needing transportation assistance.²⁸

B. Lack of Digital Access & Difficulties with Online Platforms

State and local governments nationwide, including those in Louisiana, rely primarily on online platforms to disseminate crucial public health information about the safety and efficacy of the vaccine; vaccine appointment eligibility and registration; and location of vaccination sites. However, for many Americans, reliable broadband internet access is a luxury beyond reach.²⁹ This digital divide disproportionately impacts the elderly, low-income residents, and those in rural communities.³⁰ Lack of digital access is also more prevalent in communities of color with over 80% of white Americans owning a computer as compared to just 58% of Black Americans and 57% of Latinx Americans.³¹ Even residents who have technology devices and dependable internet access must contend with complex registration processes, multi-step verifications, and numerous platforms as they search for the few available vaccine appointments.³² This complicated registration process further limits vaccine accessibility for those who lack digital proficiency or the time or capacity to review various websites. The digital divide and complicated registration systems should not prevent your constituents from receiving the vaccine.³³ As such, we recommend you take the following steps:

- **Permit all vaccine sign-up and registration, waiting in line, and distribution processes to be completed in-person and by telephone, as well as online and via SMS messaging.**

- **Streamline the registration process by placing details about vaccine appointment availability on a single website.** Centralizing this information will increase user confidence and avoid confusion arising from users navigating multiple websites. Also ensure that vaccination telephone hotlines and in-person registration systems are consolidated so that all necessary information can be obtained from a central source. Make all information about the vaccine and vaccination sites available in the most common languages used by your constituents.
- **Implement outreach methods from prior successful public education campaigns, such as the use of mobile sign-up units that travel to residences and frequent high-traffic locations in under-served communities, to ensure vulnerable communities can easily receive vaccine and appointment information.** Coordinate with local community-based organizations, religious institutions, elected officials, activists, and other leaders to identify additional reliable methods of broad transmission of vaccine and appointment information with considerations of language proficiency.

C. Inattention to the Unhoused and Incarcerated Populations

COVID-19 vaccination plans must prioritize those experiencing housing instability and homelessness.³⁴ Black people, particularly those who are older or have poor health, are disproportionately represented in unhoused communities,³⁵ making them even more susceptible to severe COVID-19 infection and death.³⁶ Communities of color are also facing increased housing insecurity due to the economic toll of the pandemic.³⁷ Black and Latinx households are more than twice as likely to report being behind on housing payments than white households.³⁸ In fact, Black people represent just 21% of all renters, but 35% of all defendants on eviction cases during the pandemic.³⁹ The rising rate of housing instability has had immediate effects on Louisiana residents during the COVID-19 pandemic, with one study suggesting that the 12 weeks Louisiana spent without an eviction moratorium could have resulted in an estimated 29,650 excess cases and 959 excess deaths.⁴⁰ Unhoused communities often rely on congregate settings such as homeless shelters or outdoor communities, where they are in poorly ventilated spaces and are unable to engage in the practices necessary to slow the transmission of the virus, such as social distancing, regular cleaning, and frequent handwashing.⁴¹

Similarly, vaccination plans must prioritize incarcerated people. COVID-19 outbreaks in carceral facilities have been rampant, with one in five state and federal prisoners testing positive for coronavirus, a rate more than four times greater than the general population.⁴² Like those in other congregate settings, individuals in jails, prisons, and detention centers are housed in poorly ventilated facilities and are unable to socially distance, have limited access to personal protective equipment and cleaning supplies, and lack adequate health care resources to prevent and treat COVID-19 infections.⁴³ Additionally, the constant movement between carceral facilities and outside communities by both carceral staff and residents increases the likelihood of community spread of the virus from carceral facilities to outside communities.⁴⁴ It remains unclear whether vaccination of carceral staff prevents their transmission of COVID-19 to others; therefore, simultaneous vaccination of those living and working in carceral facilities is necessary to meaningfully reduce transmission rates both within carceral settings and the surrounding outside

communities.⁴⁵ Nevertheless, Louisiana's vaccine distribution efforts have not always appropriately prioritized incarcerated populations.⁴⁶ Prioritizing staff in congregate settings, but not residents, illogically ignores the *shared* increased risk of infection between staff and incarcerated persons, and creates an additional vector for spreading COVID-19 among communities and burdening the healthcare infrastructure.⁴⁷ While Louisiana has now expanded vaccine eligibility to all adults,⁴⁸ incarcerated people must not be forgotten.

Housing insecurity and incarceration should not be death sentences. Accordingly, we ask that you take the following efforts:

- **Provide targeted information to unhoused and incarcerated population about vaccine eligibility, safety, efficacy, distribution, and lack of cost** with special consideration of the unique concerns and hesitations of these populations.
- **Prioritize the unhoused and incarcerated populations in vaccination plans** given their greater susceptibility to infection within congregate settings and greater risk of serious illness or death given their higher rates of comorbidities.⁴⁹ At a minimum, these populations should be vaccinated simultaneous to staff working with them.
- **Employ mobile vaccination clinics to reach unhoused communities and individuals**, including those residing outside of shelters and simultaneously offer free and COVID-safe forms of transportation (*e.g.*, designated buses, free taxis, shuttle service) to vaccination sites.

D. Failure to Collect and Publish Demographic Vaccine Data

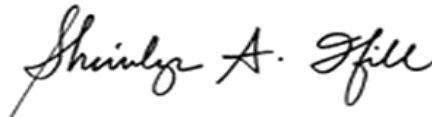
In addition to the above barriers to vaccine equity, there is a nationwide lack of public vaccine distribution data, disaggregated by key demographics, such as race, ethnicity, age, sex, disability, English proficiency, and geographic location.⁵⁰ These gaps in data hinder the public from tracking and evaluating the racial equity of vaccine distribution nationally and within specific localities. We applaud you for previously calling on health care providers to provide more complete data on patient race and ethnicity.⁵¹ Given the importance of accurate information in ensuring fair treatment of all Louisianans, we ask that you require ongoing, rigorous collection and publication of vaccine administration data at the county, city, and state disaggregated by race, ethnicity, age, sex, disability, English proficiency, geographic location, and other relevant demographics.

To rectify the racial disparities in Louisiana's vaccine distribution and halt the spread of COVID-19, we ask for your continued attention to ensuring that Louisiana centers racial equity as a key principle in vaccine distribution plans and efforts. Without this critical intervention, your most vulnerable constituents will remain largely unvaccinated and will continue to disproportionately fall ill from the virus or die, creating greater risks of community spread within your entire constituency and further burdening your overstretched healthcare infrastructure. Communities of color have already disproportionately borne the weight of this unprecedented

public health crisis. You now have a critical opportunity to reverse this trend by ensuring racial equity in vaccine distribution.

During this unprecedented public health crisis, residents of Louisiana, including residents of color, are looking to you for the bold leadership and swift action that is desperately needed at this time. We thus encourage you to meet this moment by implementing the above recommendations and making clear your firm commitment to racial equity for all. We look forward to collaborating with you on these efforts. Thank you for your time and consideration, and please do not hesitate to contact Katurah Topps at ktopps@naacpldf.org or Kaydene Grinnell at kgrinnell@naacpldf.org if you have any questions or concerns.

Sincerely,



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¹ Samantha Artiga, Bradley Corallo & Olivia Pham, *Racial Disparities in COVID-19*, KAISER FAM. FOUND. (Aug. 17, 2020), <https://www.kff.org/racial-equity-and-health-policy/issue-brief/racial-disparities-covid-19-key-findings-available-data-analysis/>.

² *COVID-19 Hospitalization and Death by Race/Ethnicity*, CTNS. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html#footnote02> (last updated Mar. 12, 2021).

³ Nambi Ndugga, Olivia Pham, Latoya Hill, Samantha Artiga & Salem Mengistu, *Latest Data on COVID-19 Vaccinations Race/Ethnicity*, KAISER FAM. FOUND. (May 3, 2021), <https://www.kff.org/coronavirus-covid-19/issue-brief/latest-data-covid-19-vaccinations-cases-deaths-race-ethnicity/>.

⁴ See, e.g., Jessica Williams, *Data Center gives take on plight of essential workers amid coronavirus, calls for solutions*, NOLA.COM (May 10, 2020), https://www.nola.com/news/coronavirus/article_887829d6-9172-11ea-a5b1-53380e191ce2.html (“Minority workers are overrepresented in certain essential jobs that require extensive public contact [E]ven though minorities comprise only 47% of the New Orleans region's "essential" workforce, they hold most of the retail jobs that require heavy customer interaction.”)

⁵ *Demographic Characteristics of People Receiving COVID-19 Vaccinations in the United States*, CTNS. FOR DISEASE CONTROL & PREVENTION, <https://covid.cdc.gov/covid-data-tracker/#vaccination-demographic> (last visited May 6, 2021) (reporting that Hispanic/Latinx, Black non-Hispanic, and Asian non-Hispanic populations are all being vaccinated at disproportionately lower rates, while the white non-Hispanic population is being vaccinated at higher rates).

⁶ *Id.*

⁷ *Id.*

⁸ Ndugga et al., *supra* note 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Juana Summers, *Little Difference in Vaccine Hesitancy Among White and Black Americans, Poll Finds*, NPR, (Mar. 12, 2021), <https://www.npr.org/sections/coronavirus-live-updates/2021/03/12/976172586/little-difference-in-vaccine-hesitancy-among-white-and-black-americans-poll-find>.

¹² *Id.* (noting that among those surveyed, “73% of Black people and 70% of White people said that they either planned to get a coronavirus vaccine or had done so already; 25% of Black respondents and 28% of white respondents said they did not plan to get a shot”); Michael Henderson, *Experiences With the Covid-19 Pandemic in Louisiana and Opinions on Policy Response*, 7, LSU REILLY CENTER FOR MEDIA AND PUBLIC AFFAIRS, 2021 SURVEY, Report 2, available at <https://pprllsu.com/wp-content/uploads/2021/04/Louisiana-Survey-2021-Report-2-Pandemic.pdf> (“A larger share of Black residents than white residents intend to get the vaccine when they can, 49% and 38%, respectively.”). See also Akilah Johnson, *Lack of Health Services and Transportation Impede Access to Vaccine in Communities of Color*, WASH. POST (Feb. 13, 2021), <https://www.washingtonpost.com/health/2021/02/13/covid-racial-ethnic-disparities> (highlighting structural barriers limiting access to care for communities of color as key drivers of racial disparities in vaccination).

¹³ In addition to the factors listed here, a failure to prioritize vaccination of frontline essential workers and individuals 65 years old and older, as the Center for Disease Control (CDC) recommends, contributes to the racial inequalities in COVID-19 infection and vaccine access. See CDC’s *COVID-19 Vaccine Rollout Recommendations* at, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations.html> and the CDC’s Advisory Committee on Immunization Practices’ *Phased Allocation of COVID-19 Vaccines*, at <https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2020-12/slides-12-20/02-COVID-Dooring.pdf>.

¹⁴ Press Release, Pamela S. Karlan, U.S. Dep’t of Just., Statement by the Principal Deputy Assistant Attorney General for Civil Rights Leading a Coordinated Civil Rights Response to Coronavirus (COVID-19) (Apr. 2, 2021), <https://www.justice.gov/opa/pr/statement-principal-deputy-assistant-attorney-general-civil-rights-leading-coordinated-civil>.

¹⁵ *Id.*

¹⁶ See Lucas A. Berenbrok et al., *Access to Potential COVID-19 Vaccine Administration Facilities: A Geographic Information Systems Analysis* 3-4 (Feb. 2, 2021), <https://s8637.pcdn.co/wp-content/uploads/2021/02/Access-to-Potential-COVID-19-Vaccine-Administration-Facilities-2-2-2021.pdf> (finding that, across 69 U.S. counties housing 26 million people, and nearly 70,000 potential COVID-19 vaccine administration sites nationwide, “Black residents had a significantly higher risk than White residents of having a driving distance greater than 1 mile to the closest potential COVID-19 vaccine administration facility”).

¹⁷ *Id.*

¹⁸ See Erin Hare, *Where Black Americans Will Travel Farther than Whites for COVID-19 Vaccination*, UNIV. PITT. MED. CTR. (Feb. 4, 2021), <https://www.upmc.com/media/news/020421-vaxmap-2>.

¹⁹ *Id.*

²⁰ See BERENBROK ET AL., *supra* note 16, at 4; see also Mackenzie Bean, *Black Americans More Likely to Live in Vaccine Deserts, Pitt Study Finds*, BECKER'S HOSP. REV. (Feb. 4, 2021), <https://www.beckershospitalreview.com/public-health/black-americans-more-likely-to-live-in-vaccine-deserts-pitt-study-finds.html> (“About three-fourths of the counties with disparities in vaccine access also had high COVID-19 infection rates, averaging more than 50 new cases per 100,000 residents between November 2020 and January [2021].”).

²¹ See Sam Karlin, *With Black vaccination rates lagging, Louisiana churches become inoculation hubs*, ADVOCATE (Mar. 14, 2021), https://www.theadvocate.com/baton_rouge/news/article_daf2a3b8-837e-11eb-9449-0b7d995dc4e3.html (quoting State Senator Regina Barrow describing north Baton Rouge as a “health care desert”); see also Sean McMinn et al., “Across the South, COVID-19 Vaccine Sites Missing From Black and Hispanic Neighborhoods,” NPR, (Feb. 5, 2021), <https://www.npr.org/2021/02/05/962946721/across-the-south-covid-19-vaccine-sites-missing-from-black-and-hispanic-neighbor>.

²² See e.g., Elise Gould & Valerie Wilson, *Black Workers Face Two of the Most Lethal Preexisting Conditions for Coronavirus—Racism and Economic Inequality*, ECON. POL’Y INST. (June 1, 2020), <https://www.epi.org/publication/black-workers-covid/> (noting that Black workers are more likely to be in frontline essential jobs, forcing them to risk their own and their families’ health to earn a living).

²³ See, e.g., Ellie Rushing, Oona Goodin-Smith & Anna Orso, *Philly Black Doctors Clinic Outpaced the City in Vaccinating Black Residents, but Group Says There’s ‘Room for Improvement’*, PHILA. INQUIRER (Feb. 25, 2021), <https://www.inquirer.com/health/coronavirus/philadelphia-coronavirus-vaccine-black-doctors-covid-consortium-20210225.html>.

²⁴ Jen Kirby, *Don’t Hate the Vaccine Tourists, Hate the Vaccine Game*, VOX (Feb. 12, 2021) <https://www.vox.com/22262653/vaccine-tourism-covid-19>; Kiran Misra, *‘Vaccine Tourism’: Tens of Thousands of Americans Cross State Lines for Injections*, GUARDIAN (Jan. 31, 2021), <https://www.theguardian.com/us-news/2021/jan/31/us-vaccine-tourism-state-borders-covid-19-shots> (noting that vaccine tourism has “contributed to racial and socioeconomic disparities in vaccine distribution so far: from New York to New Jersey to Chicago, vaccine recipients have been overwhelmingly white, residing in wealthier zip codes”).

²⁵ For example, setting up mobile vaccination centers at various times and locations most accessible to low-income communities of color, such as within a public housing community, in the evening, to account for working families.

²⁶ See e.g., Sari Horwitz, *Getting a Photo ID So You Can Vote Is Easy. Unless You’re Poor, Black, Latino or Elderly*, WASH. POST (May 23, 2016), https://www.washingtonpost.com/politics/courts_law/getting-a-photo-id-so-you-can-vote-is-easy-unless-youre-poor-black-latino-or-elderly/2016/05/23/8d5474ec-20f0-11e6-8690-f14ca9de2972_story.html; see also NAACP LDF, FREQUENTLY ASKED QUESTIONS: ALABAMA’S DISCRIMINATORY PHOTO ID LAW, <https://naacpldf.org/wp-content/uploads/Greater-Birmingham-Ministries-v.-Alabama-FAQ-1.pdf> (noting that “[n]ationally, 25% of Black and 16% of Latino voting-age citizens have no form of government issued photo ID, compared to just 8% of whites”).

²⁷ Any public transportation method must follow rigorous COVID-19 safety and cleaning protocols. See CTRS. FOR DISEASE CONTROL & PREVENTION, USING TRANSPORTATION, <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/using-transportation.html#ParaTransit> (last updated Feb. 17, 2021) (describing robust COVID-19 safety measures recommended for use with various forms of transportation, including mask requirements, social distancing guidelines, and cleaning protocols).

²⁸ For example, some cities provide free curb-to-curb service for individuals with vaccine appointments. See Taylor Moore, *If You Can’t Get to Your Vaccine Appointment, These Cities Will Drive You*, NEXT CITY (Feb. 17, 2021), <https://nextcity.org/daily/entry/if-you-cant-get-to-your-vaccine-appointment-these-cities-will-drive-you>.

²⁹ Pew Research Center, *Internet/Broadband Fact Sheet*, (Apr. 7, 2021) <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/?menuItem=2ab2b0be-6364-4d3a-8db7-ae134dbc05cd> (noting that for households earning less than \$30,000 per year, only 57% have access to broadband internet access at home while 92% of households earning more than \$75,000 per year have broadband internet access at home).

³⁰ Andrew Perrin & Erica Turner, *Smartphones Help Blacks, Hispanics Bridge Some – But Not All – Digital Gaps with Whites*, PEW RES. CTR. (Aug. 20, 2019), <https://www.pewresearch.org/fact-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/>.

³¹ *Id.*

³² Cristina Silva, ‘*It’s Life and Death*’: *Non-English Speakers Struggle to Get COVID-19 Vaccine Across US*, USA TODAY (Feb. 22, 2021), <https://www.usatoday.com/story/news/nation/2021/02/22/covid-19-vaccine-registration-non-english-speakers-left-behind/4503655001>; see also Sydney Pereira, *New Yorkers Eligible for COVID Vaccine Report Frustrations with City Registration Websites*, GOTHAMIST (Jan. 11, 2021), <https://gothamist.com/news/new-yorkers-eligible-vaccine-report-frustrations-city-registration-websites>.

³³ Sara Ashley O’Brien, *COVID-19 Vaccine Rollout Puts a Spotlight on Unequal Internet Access*, CNN BUS. (Feb. 4, 2021), <https://www.cnn.com/2021/02/04/tech/vaccine-internet-digital-divide/index.html>.

³⁴ See CTRS. FOR DISEASE CONTROL & PREVENTION, INTERIM GUIDANCE ON COVID-19 VACCINATION IMPLEMENTATION, <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/vaccination-guidance.html>. (last updated Feb. 2, 2021) (“Homeless services are often provided in congregate settings, which could facilitate the spread of infection, including infection caused by the virus that causes COVID-19. Because many people who are homeless are older adults or have underlying medical conditions, they may also be at increased risk for severe illness.”).

³⁵ Harmeet Kaur, *African Americans Are Disproportionately More Likely to Experience Homelessness, a Government Report Finds*, CNN, (Jan. 24, 2020), <https://www.cnn.com/2020/01/24/us/african-americans-hud-homelessness-report-trnd/index.html>.

³⁶ NAT’L HEALTH CARE FOR THE HOMELESS COUNCIL, COVID-19 & THE HCH COMMUNITY: NEEDED POLICY RESPONSES FOR A HIGH-RISK GROUP 1 (Mar. 2020), <https://nhhc.org/wp-content/uploads/2020/03/Issue-brief-COVID-19-HCH-Community.pdf>.

³⁷ CONSUMER FIN. PROTECTION BUREAU, HOUSING INSECURITY AND THE COVID-19 PANDEMIC, (Mar. 2021), https://files.consumerfinance.gov/f/documents/cfpb_Housing_insecurity_and_the_COVID-19_pandemic.pdf.

³⁸ *Id.*

³⁹ Emily Lemmerman, Renee Louis, Joe Fish & Peter Hepburn, *Preliminary Analysis: Who is being filed against during the pandemic?*, EVICTION LAB (Dec. 21, 2020), <https://evictionlab.org/pandemic-filing-demographics/>.

⁴⁰ Kathryn M. Leifheit et al., *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality*, SSRN (Dec. 3, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576.

⁴¹ See Samantha Batko, *Winter Is Here. With COVID-19 Limiting Shelter Capacity, What Will It Mean for People Experiencing Homelessness?*, URBAN INST. (Dec. 18, 2020), <https://www.urban.org/urban-wire/winter-here-covid-19-limiting-shelter-capacity-what-will-it-mean-people-experiencing-homelessness> (noting that because of COVID-19, many “homeless shelters are closed or operating at limited capacity”).

⁴² Beth Schwartzapfel, Katie Park & Andrew Demillo, *1 in 5 Prisoners in the U.S. Has Had COVID-19*, MARSHALL PROJECT (Dec. 18, 2020), <https://www.themarshallproject.org/2020/12/18/1-in-5-prisoners-in-the-u-s-has-had-covid-19>.

⁴³ *Id.*; see also Joshua Manson, *Who’s Getting the Vaccine Behind Bars?*, UCLA L. COVID-19 BEHIND BARS DATA PROJECT (Feb. 18, 2021), <https://uclacovidbehindbars.org/blog/vaccine-rollout>.

⁴⁴ See Kesha S. Moore, LDF Thurgood Marshall Inst., *When an Arrest Becomes a Death Sentence: Overpopulation of U.S. Jails Increases the COVID-19 Threat to Every Community*, 3-5, 8 (July 2020), https://tminstituteldf.org/wp-content/uploads/2020/07/LDF_07082020_JailsCOVIDTMIBrief-6-2.pdf (“While the risks of exposure to COVID-19 may be higher within jails, the risks do not remain contained within the jails . . . successfully managing the COVID-19 pandemic [] requires successfully managing it in our prisons and jails.”).

⁴⁵ CTRS. FOR DISEASE CONTROL & PREVENTION, VACCINE FAQs IN CORRECTIONAL AND DETENTION CENTERS, <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/vaccine-faqs.html> (last updated Feb. 16, 2021); see also UCLA Law’s COVID-19 Vaccine Recommendations Letter (Dec. 17, 2020), <https://docs.google.com/document/d/1Rlz5ICDHLCJ4Pnhl0mdNI3VeRSuBu8QWbIRtjXu6zN0/edit>.

⁴⁶ See *State COVID-19 Vaccine Priority Populations – Congregate Settings Included*, KAISER FAMILY FOUNDATION (Mar. 15, 2021), (recording no prioritization for individuals living in congregate settings for Louisiana’s vaccine prioritization plan).

⁴⁷ *Id.*; see also Moore, *supra* note 44.

⁴⁸ See Emily Woodruff, *Louisiana will be one of 9 states where anyone can get a COVID vaccine; here are the others*, NOLA.COM (Mar. 24, 2021), https://www.nola.com/news/coronavirus/article_ea3702f4-8cd1-11eb-8fa2-6f7bdc7fa006.html.

⁴⁹ See HARPER SUTHERLAND, MIR M. ALI & EMILY ROSENOFF, OFF. OF THE ASSISTANT SEC'Y FOR PLAN. & EVALUATION, U.S. DEP'T OF HEALTH & HUM. SERVS., ISSUE BRIEF: INDIVIDUALS EXPERIENCING HOMELESSNESS ARE LIKELY TO HAVE MEDICAL CONDITIONS ASSOCIATED WITH SEVERE ILLNESS FROM COVID-19 2 (June 2020), <https://aspe.hhs.gov/system/files/pdf/263671/COVIDIB.pdf> (finding that “individuals experiencing homelessness had increased prevalence for most medical conditions associated with severe illness from COVID-19”); Kate Kelly, Nai Soto, Nadi Damond Wisseh & Shaina A. Clerget, *Approaches to Reducing Risk of COVID-19 Infections in Prisons and Immigration Detention Centers: A Commentary*, CRIM. JUST. REV., Sept. 18, 2020, at 2, <https://journals.sagepub.com/doi/pdf/10.1177/0734016820957707> (noting that “incarcerated people experience an increased comorbidity burden . . . which may increase the risk of severe illness or death if COVID-19 infection occurs”).

⁵⁰ See Ndugga et al., *supra* note 3.

⁵¹ Melinda Deslatte, *Louisiana releases vaccine demographics, but data vague*, AP NEWS (Jan, 22, 2021), <https://apnews.com/article/john-bel-edwards-health-demographics-coronavirus-pandemic-coronavirus-vaccine-10f603b5cdcc1b1bce6795b05ed17545>.