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May 11, 2021

Via Electronic and Letter Mail

Governor Andrew Cuomo
Governor of New York State
NYS State Capital Building
Albany, NY 12224

Mayor Bill de Blasio
Mayor of the City of New York
City Hall
New York, NY 10007

RE: Ensuring Equitable Distribution of COVID-19 Vaccine in New York

Dear Governor Cuomo and Mayor de Blasio:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), we call on you to take immediate steps to eliminate the stark racial disparities in New York’s distribution of COVID-19 vaccinations. COVID-19 is a public health crisis that affects the entire New York State community but has disproportionately impacted communities of color. Ensuring vaccine equity through prioritization of those most vulnerable to COVID-19 protects and benefits everyone.

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 disproportionately higher rates than white people in New York City.³ Black and Latinx individuals often hold frontline essential and service industry jobs,⁴ 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. 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 Black residents in New York City are likewise underrepresented in vaccine distribution even though they should be especially targeted due to their disproportionate higher rates of serious illness and death from COVID-19: across New York state, only 11% of Black residents have received the first dose of the vaccine despite comprising 17% of the state’s population, compared to 73% of white residents who make up 70% of the state’s population.⁸ Similarly, in New York City, only 19% of Black residents have received

the first dose of the vaccine despite making up 27% of the city’s population, compared to 50% of white residents who make up 53% of the population.⁹ These figures cannot be explained by so-called “vaccine hesitancy” among Black residents. In fact, polls indicate that Black people have no greater vaccine hesitancy than white people.¹⁰

As New York’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.¹¹ This disparate treatment directly threatens the rights of Black and Latinx New York City 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 Article I § 11 of the New York Constitution. 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.”¹² Quite simply, “[c]ivil rights protections and responsibilities still apply, even during emergencies. They cannot be waived.”¹³ As a result, 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.¹⁴ 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.¹⁵ 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 communities—creating “vaccine deserts.”¹⁶ Further, vaccine deserts are largely concentrated in low-income communities of color, which commonly lack transportation or rely on public transport.¹⁷ Thus, the populations with high vulnerability to COVID-19 infection and death are the same populations excluded from vaccine access and distribution.¹⁸

These disparities are particularly stark in New York City neighborhoods such as Eastern Queens,¹⁹ East Harlem,²⁰ and Washington Heights²¹ which have all experienced noticeably fewer vaccination sites. The consequence is that Black and Latinx residents live much farther, on average, from the closest vaccination site than white residents. 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,^[REDACTED] 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 strongly urge you to implement the following recommendations to eliminate these inexcusable barriers and

racial disparities in New York City’s vaccine access and distribution methods. Even when additional vaccination sites are created to support residents in vaccine deserts, those residents may still be excluded from vaccine access due to vaccine tourism. For example, when the Armory in Washington Heights began vaccinating residents, staff members noted that “the majority of people being vaccinated were not from the low-income predominantly Latino neighborhood.”²² Relatedly, more than a fourth of those who received vaccines in New York City reported not residing in the five boroughs.²³ Accordingly, we recommend you implement the following recommendations to ensure broad vaccine access and avoid vaccine tourism.

- **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 or most vulnerable to COVID-19 infection, including frontline essential and service industry workers.²⁴ 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.
- **Collaborate with and rely on 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, all efforts to ensure equitable vaccine access should center around meaningful engagement with Black and Latinx communities, particularly elders and those residing in vaccine deserts. These 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.²⁵
- **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.”²⁶ 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.²⁷ There should also be a public campaign to condemn vaccine tourism and discourage more privileged constituents and 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, 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, acknowledges the healthcare industry’s history of racial discrimination and experimentation on Black communities, clarifies that the COVID-19 vaccine 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,²⁸ all proof of residency requirements should be broad and include 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 of 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,²⁹ 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.³⁰

B. Lack of Digital Access & Difficulties with Online Platforms

State and local governments nationwide 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 nationwide, reliable broadband internet access is a luxury beyond reach³¹--this includes the 32% of Black and 33% of Hispanic New Yorkers without home internet.³² This digital divide disproportionately impacts the elderly, low-income residents, and those in rural communities.³³ 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.³⁴ 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.³⁵ New Yorkers have reported extensive difficulties when searching for vaccine information and ultimately securing an appointment.³⁶ 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.³⁷ 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 equally streamlined 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 underserved communities, to ensure vulnerable communities 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 about 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.³⁸ Black people, particularly those who are older or have poor health, are disproportionately represented in unhoused communities,³⁹ making them even more susceptible to severe COVID-19 infection and death.⁴⁰ Communities of color are also more likely to face housing insecurity due to the economic toll of the pandemic.⁴¹ Black and Latinx households are more than twice as likely to report being behind on housing payments than white households.⁴² In fact, Black people represent just 21% of all renters, but 35% of all defendants on eviction cases during the pandemic.⁴³ With a population of nearly 80,000 unhoused individuals,⁴⁴ New Yorkers are particularly vulnerable to contracting COVID-19. Although vaccination eligibility now extends to unhoused populations, many unhoused New Yorkers are still vulnerable to COVID-19. Often unhoused individuals have less access to information about the vaccine, as they may not have reliable medical care, access to the internet, or the ability to view public service announcements.⁴⁵ Unhoused communities also 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,⁴⁶ regular cleaning,⁴⁷ and frequent handwashing.

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.⁴⁸ 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.⁴⁹ 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.⁵⁰ Across New York, increasing jail populations threaten to exacerbate the spread of COVID-19 both within prisons and jails and to the broader community.⁵¹ Given the challenges in protecting incarcerated people from COVID-19, it is encouraging that New York state guidelines and a court order have included incarcerated people in vaccination efforts.⁵² We urge you to urgently prioritize incarcerated persons for vaccination to avoid the *shared* increased risk of infection between staff and incarcerated persons, creating an additional vector for spreading COVID-19 among communities and burdening the healthcare infrastructure.⁵³ Furthermore, 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 community.⁵⁴

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 populations 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.⁵⁵ 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.

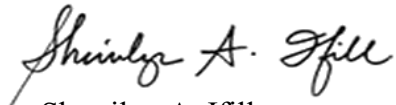
D. Collection and Publication of Demographic Vaccine Data

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.⁵⁶ These gaps in data hinder the public from tracking and evaluating the racial equity of vaccine distribution nationally and within specific localities. Both New York city and state have maintained publicly available data on COVID-19 infections and the status of vaccination efforts.⁵⁷ We applaud this effort and recommend that you continue to collect and publish vaccine administration data at the county, city, and state level, disaggregated by race, ethnicity, age, sex, disability, English proficiency, geographic location, including residency of those vaccinated, and other relevant demographics. Additionally, New York city and state publish consistent data on the number of unhoused and incarcerated people who have been vaccinated.

To rectify the stark racial disparities in New York's vaccine distribution and halt the spread of COVID-19, you must ensure that New York 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 New York, 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. 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*, CTRS. 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. (Mar. 3, 2021), <https://www.kff.org/coronavirus-covid-19/issue-brief/latest-data-covid-19-vaccinations-cases-deaths-race-ethnicity/>; Aaron Katersky, *Black people in NYC twice as likely to die from COVID as white people: Data*, ABC NEWS (April 17, 2020), <https://abcnews.go.com/US/black-people-nyc-die-covid-white-people-data/story?id=70208362>.

⁴ New York City Comptroller Scott M. Stringer, *New York City's Frontline Workers*, BUREAU OF POLICY & RESEARCH, (March 2020), https://comptroller.nyc.gov/wp-content/uploads/documents/Frontline_Workers_032020.pdf.

⁵ *Demographic Characteristics of People Receiving COVID-19 Vaccinations in the United States*, CTRS. FOR DISEASE CONTROL & PREVENTION, <https://covid.cdc.gov/covid-data-tracker/#vaccination-demographic> (last visited May 7, 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 *COVID-19 Vaccine Demographic Data*, NEW YORK STATE, <https://covid19vaccine.health.ny.gov/vaccine-demographic-data> (last viewed May 6, 2021).

⁹ *COVID-19 Vaccines*, NEW YORK CITY HEALTH, <https://www1.nyc.gov/site/doh/covid/covid-19-data-vaccines.page> (last viewed May 6, 2021).

¹⁰ *Little Difference In Vaccine Hesitancy Among White And Black Americans*, *Poll Finds*, NPR, Mar. 12, 2021, available at, <https://www.npr.org/sections/coronavirus-live-updates/2021/03/12/976172586/little-difference-in-vaccine-hesitancy-among-white-and-black-americans-poll-find>.

¹¹ 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-Dooling.pdf>.

¹² 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>.

¹³ *Id.*

¹⁴ 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”).

¹⁵ *Id.*

¹⁶ 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>.

¹⁷ *Id.*

¹⁸ See BERENBROK ET AL., *supra* note 14, 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].”).

¹⁹ Clodagh McGowan, *The Eastern Portion of Queens is a COVID-19 Vaccine Desert*, NY1 (Feb. 4, 2021) <https://www.ny1.com/nyc/all-boroughs/news/2021/02/05/the-eastern-portion-of-queens-is-a-vaccine-desert>.

²⁰ Nick Garber, *Hard-Hit East Harlem Lags in Vaccine Rollout, Neighbors Fear*, PATCH (March 8, 2021), available at <https://patch.com/new-york/harlem/hard-hit-east-harlem-lags-vaccine-rollout-neighbors-worry>.

²¹ Gus Saltonstall, *COVID-19 Vaccination Desert in Wash Heights Despite High Rates*, PATCH (Jan. 12, 2021), <https://patch.com/new-york/washington-heights-inwood/covid-19-vaccination-desert-wash-heights-despite-high-rates>.

²² Fola Akininbi, Marie Patino, Henry Goldman, *Want to Get Vaccinated in NYC? Try Living on the Upper East Side*, BLOOMBERG (March 12, 2021), <https://www.bloomberg.com/news/features/2021-03-12/in-nyc-vaccines-flow-to-areas-that-are-whiter-and-wealthier>; Nicquel Terry Ellis, *A vaccination site meant to serve a hard-hit Latino neighborhood in New York instead serviced more Whites from other areas*, CNN (Jan. 30, 2021), <https://www.cnn.com/2021/01/30/us/new-york-vaccine-disparities/index.html>.

²³ Reuven Blau & Will Welch, *More Than One of Every Four People Vaccinated in the City Don't Live in the Five Boroughs*, THE CITY (Jan. 12, 2021), <https://www.thecity.nyc/2021/1/12/22228225/some-people-vaccinated-in-nyc-dont-live-in-five-boroughs>.

²⁴ 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).

²⁵ 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>.

²⁶ 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”).

²⁷ 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.

²⁸ 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”).

²⁹ 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).

³⁰ For example, some cities provide free curbside 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>.

³¹ PEW RSCH. CTR., *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).

³² *Truth in Broadband: Access and Connectivity in New York City*, NYC MAYOR'S OFFICE OF THE CHIEF TECHNOLOGY OFFICER (April 2018), <https://tech.cityofnewyork.us/wp-content/uploads/2018/04/NYC-Connected->

³³ 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/>.

³⁴ *Id.*

³⁵ 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>.

³⁶ Denise Chow & Sara Mhaidli, *Supply shortages, registration issues: NYC struggles with vaccine distribution*, NBC NEWS (Jan. 16, 2021), <https://www.nbcnews.com/science/science-news/supply-shortages-registration-issues-nyc-struggles-vaccine-distribution-n1254446>; Sydney Pereira, *"I Feel Powerless." New Yorkers Lament Struggles With Scheduling Second COVID-19 Vaccine Doses*, Gothamist (Jan. 27, 2021), <https://gothamist.com/news/i-feel-powerless-new-yorkers-lament-struggles-scheduling-second-covid-19-vaccine-doses>; Sharon Otterman, *The Maddening Red Tape Facing Older People Who Want the Vaccine*, New York Times (Jan. 15, 2021), <https://www.nytimes.com/2021/01/14/nyregion/covid-vaccine-older-people-senior-citizens.html>.

³⁷ 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>.

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