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Economic Impact Payments: How the CARES Act Failed to Care for America's Homeless Population

Megan L. Cicotte*

INTRODUCTION

"How am I supposed to know what to do when I'm living on the street without a TV or a phone?" an older woman asks tax attorneys in Bloomington, Indiana, on a sunny October afternoon.¹ This became a very familiar narrative for individuals experiencing homelessness in this community. The Low Income Taxpayer Clinic (LITC), a division of Indiana Legal Services, created an outreach plan to help individuals in Bloomington collect their first Economic Impact Payment (EIP), also referred to as a "stimulus check," before the November 21, 2020, deadline.² The LITC was available for indigent taxpayers in different parks around the city throughout October and November of 2020 so that these citizens could claim the money they were entitled to. In doing so, the clinic saw firsthand how hard it was for people experiencing homelessness to efficiently obtain the EIP.

Many of the taxpayers the LITC helped through this outreach project were unsure of the steps necessary to obtain the stimulus checks. Taxpayers experiencing homelessness seemed lost, confused, and desperate for help. The EIP was something they had heard about through word of mouth, but it did not seem like a realistic possibility in their lives.³ Taxpayers experiencing homelessness did not have access to the internet, and they did not have an address to securely receive the check.⁴ Some individuals currently experiencing homelessness had previously lived at a local shelter and had received the EIP with the help of shelter staff.⁵ These individuals were anxious about the possibility of a second payment as they did not know now how they would get it, but they knew that they needed it. It became apparent that Americans living without a permanent address were being disproportionately excluded from collecting the EIP that they were eligible for.

COVID-19, also referred to as coronavirus, is an infectious disease that spreads primarily through saliva and discharge through the nose.⁶ On March 27, 2020, congressional leaders agreed on a \$2.2 trillion COVID-19 relief package, which included a \$1,200 EIP to eligible Americans, plus \$500 for each qualifying

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¹ Interactions with individuals experiencing homelessness in Bloomington, Indiana (Oct. 24, 2020).

² Press Release, IRS, IRS Extends Economic Impact Payment Deadline to Nov. 21 to Help Non-Fileers (Oct. 5, 2020), <https://www.irs.gov/newsroom/irs-extends-economic-impact-payment-deadline-to-nov-21-to-help-non-filers> - .

³ Interactions with individuals experiencing homelessness in Bloomington, Indiana (Oct. 24, 2020).

⁴ *Id.*

⁵ *Id.*

⁶ *Coronavirus Disease (COVID) 19*, WORLD HEALTH ORG., https://www.who.int/health-topics/coronavirus#tab=tab_1 (last visited Dec. 22, 2021).

child.⁷ Nine months later, legislators passed the Coronavirus Response and Relief Supplemental Appropriations Act of 2021, which gave eligible individual taxpayers a second EIP of \$600, plus \$600 for each qualifying child.⁸ Finally, legislators enacted the American Rescue Plan of 2021 on March 11, 2021, which permitted a refundable tax credit for all eligible individuals of up to \$1,400, plus an additional \$1,400 for each qualifying child.⁹ Collectively, this legislation allocated \$3,200 in COVID relief for many Americans, not including the additional payments for claiming eligible dependents.

COVID-19 has created an unimaginable strain on the United States economy,¹⁰ and low-income Americans need access to government relief. The government's implementation of the EIPs missed many individuals experiencing homelessness,¹¹ and the government needs to take a more refined approach to aiding homeless individuals with any additional EIPs and government welfare more generally. This Note will help legislators and IRS officials implement COVID-19 relief in a manner that effectively serves individuals experiencing homelessness. First, this Note will explore the current state of homelessness in America and how this demographic has been affected by COVID-19. Next, the Note will explore the problems of the first EIP and how its implementation disregarded individuals experiencing homelessness. The first EIP will be used as an illustrative case study that provides an overview of the same problems exhibited in distributing the second and third EIPs. Last, the Note will provide solutions to these problems and explain how the possible fourth EIP, as well as all other government welfare programs, can better serve America's homeless population.

I. HOMELESSNESS IN AMERICA TODAY

The United States Department of Housing and Urban Development (HUD) uses two categories to identify individuals experiencing homelessness: sheltered and

⁷ *Breakdown of the COVID-19 Relief Bill Passed in the House*, VENABLE LLP 1, 1 (Dec. 21, 2020), <https://www.venable.com/insights/publications/2020/03/breakdown-of-covid-19-relief-bill-passed-senate> (then click PDF in the upper-right-hand corner).

⁸ *SOI Tax Stats - Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Statistics*, IRS, <https://www.irs.gov/statistics/soi-tax-stats-coronavirus-aid-relief-and-economic-security-act-cares-act-statistics#EIP2> (last updated June 28, 2021); *Recovery Rebate Credit — Topic F: Finding the First and Second Economic Impact Payment Amounts to Calculate the 2020 Recovery Rebate Credit*, IRS, <https://www.irs.gov/newsroom/recovery-rebate-credit-topic-f-finding-the-first-and-second-economic-impact-payment-amounts-to-calculate-the-2020-recovery-rebate-credit> (last updated Feb. 23, 2022).

⁹ *Id.*

¹⁰ See Michael Ettlinger & Jordan Hensley, *COVID-19 Economic Crisis: By State*, CARSEY SCH. PUB. POL'Y (Oct. 22, 2021), <https://carsey.unh.edu/publication/COVID-19-Economic-Impact-By-State>; Aaron Klein & Ember Smith, *Explaining the Economic Impact of COVID-19: Core Industries and the Hispanic Workforce*, BROOKINGS (Feb. 5, 2021), <https://www.brookings.edu/research/explaining-the-economic-impact-of-covid-19-core-industries-and-the-hispanic-workforce/>; Andres Vinelli, Divya Vijay & Christian E. Weller, *The Economic Impact of Coronavirus in the U.S. and Possible Economic Policy Responses*, CTR. AM. PROGRESS (Mar. 6, 2020), <https://www.americanprogress.org/article/economic-impact-coronavirus-united-states-possible-economic-policy-responses/>.

¹¹ See MacKenzie Sigalos, *\$600 Second Stimulus Checks Could be Coming. Here's Who's First in Line to Get Them*, CNBC (Dec. 19, 2020, 5:21 PM), <https://www.cnbc.com/2020/12/19/second-stimulus-check-when-will-i-get-a-covid-relief-cash-payment-and-how.html>.

unsheltered.¹² Sheltered homeless individuals reside in either an emergency shelter or a form of transitional housing, both intended to remove homeless individuals from the streets.¹³ Unsheltered homeless individuals reside in a place not intended for human habitation, including parks, cars, or sidewalks.¹⁴ In 2020, HUD estimated that the United States had 580,466 homeless individuals.¹⁵ Of that estimate, 226,080 individuals were left unsheltered and on their own.¹⁶ HUD found that between 2019 and 2020, the number of unsheltered homeless Americans increased significantly,¹⁷ and these numbers are likely to continue increasing as a result of COVID-19.¹⁸

The COVID-19 pandemic has led to the highest U.S. unemployment rate since the World War II era, at 14.7% in May 2020, and has left the U.S. economy in a recession.¹⁹ There are several indicators that rates of homelessness will increase throughout the COVID-19 pandemic and in its aftermath. First, the number of unsheltered individuals experiencing homelessness has already been on the rise, increasing 22% over the last five years.²⁰ This trend will likely be exacerbated by the economic pressures of COVID-19 and the further overcrowding of homeless shelters.²¹ Second, many Americans are currently burdened by the cost of their housing—"10.9 million households spend more than 50 percent of their income on housing."²² In a time of economic crisis, it is likely that loss of workable hours—or jobs altogether—will lead to more housing debt and more individuals experiencing homelessness.²³ Finally, the threat of being burdened by housing costs is further proved by twenty-six states reporting that over one in five households were behind in rent payments in July 2020.²⁴ Although being behind on rent does not necessarily mean that an individual will inevitably become homeless, it is surely possible.²⁵ When taking late fees into account, households that miss rent payments are more

¹² OFFICE OF CMTY. PLAN. & DEV., U.S. DEP'T OF HOUS. & URB. DEV., A GUIDE TO COUNTING UNSHELTERED HOMELESS PEOPLE 4 (2004), <https://www.hudexchange.info/sites/onecpd/assets/File/Guide-for-Counting-Unsheltered-Homeless-Persons.pdf>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ U.S. DEP'T OF HOUS. & URB. DEV., HUD 2020 CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS HOMELESS POPULATIONS AND SUBPOPULATIONS (2020), https://files.hudexchange.info/reports/published/CoC_PopSub_NatlTerrDC_2020.pdf.

¹⁶ *Id.*

¹⁷ Press Release, HUD, HUD Releases 2020 Annual Homeless Assessment Report Part 1 (Mar. 18, 2021), https://www.hud.gov/press/press_releases_media_advisories/hud_no_21_041.

¹⁸ See *Population At-Risk: Homelessness and the COVID-19 Crisis*, NAT'L ALL. TO END HOMELESSNESS 1, 3 (2020), <https://endhomelessness.org/wp-content/uploads/2020/03/Covid-Fact-Sheet-3.25.2020-2.pdf>.

¹⁹ See Lucy Bayly, *Unemployment Rate Soars to 14.7 Percent, Highest Level Since the Great Depression*, NBC NEWS (May 8, 2020, 10:51 AM), <https://www.nbcnews.com/business/economy/u-s-economy-shed-record-20-5-million-jobs-last-n1202696>.

²⁰ *Population At-Risk: Homelessness and the COVID-19 Crisis*, *supra* note 18, at 3.

²¹ *See id.*

²² *Id.*

²³ *Id.*

²⁴ Lauren Bauer, Kristen Broady, Wendy Edelberg & Jimmy O'Donnell, *Ten Facts About COVID-19 and the U.S. Economy*, HAMILTON PROJECT 1, 15 (Sept. 2020), https://www.brookings.edu/wp-content/uploads/2020/09/FutureShutdowns_Facts_LO_Final.pdf.

²⁵ *See id.*

likely to not be able to afford their next housing payment, which puts individuals at increased risk for eviction.²⁶ Researchers expect anywhere from 29–43% of renter households to be at risk of eviction throughout the COVID-19 pandemic.²⁷ COVID-19, along with the job and wage losses it has created, has the potential to leave more Americans evicted and homeless than ever before.²⁸

II. CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) was a \$2.2 trillion stimulus package passed on March 25, 2020, in response to the COVID-19 pandemic.²⁹ A key provision of the CARES Act authorized eligible individuals to receive a tax credit of \$1,200 for single individuals, or \$2,400 for married couples, as well as \$500 per qualifying child on their 2020 tax returns.³⁰ To be considered an eligible individual, a taxpayer must (1) be a U.S. citizen, permanent resident, or qualifying resident alien; (2) have a work-eligible Social Security number; and (3) not be the dependent of another taxpayer.³¹ The amount of the credit is limited based on the individual’s adjusted gross income.³² The annual gross income limit is \$75,000 for single individuals, \$112,500 for individuals filing as head of household, and \$150,000 for joint returners.³³ The amount of the tax credit available will be reduced by five percent of any income above these thresholds.³⁴

The CARES Act payment was passed as a credit on taxpayers’ 2020 returns, which would not be processed until 2021.³⁵ However, the CARES Act allowed Americans to take the credit as an advanced refund (in the form of the EIP) based on their 2019 or 2018 filing status.³⁶ In other words, instead of getting the credit in 2021 after filing 2020 taxes, individuals could receive the EIP in 2020 based on their 2019 or 2018 tax return eligibility.³⁷ Individuals who earned less than \$12,200 in 2019, and therefore did not have a tax filing obligation, could use the IRS Non-

²⁶ *Id.*

²⁷ Emily Benfer, David Bloom Robinson, Stacy Butler, Lavar Edmonds, Sam Gilman, Katherine Lucas McKay, Lisa Owens, Neil Steinkamp, Diane Yentel & Zach Neumann, *The COVID-19 Eviction Crisis: An Estimated 30–40 Million People in America Are at Risk*, ASPEN INST. (Aug. 7, 2020), <https://www.aspeninstitute.org/blog-posts/the-covid-19-eviction-crisis-an-estimated-30-40-million-people-in-america-are-at-risk/>.

²⁸ *See id.*

²⁹ Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, 134 Stat. 281 (2020); Jeff Stein, *What’s in the \$2.2 Trillion Coronavirus Senate Stimulus Package*, WASH. POST (Mar. 26, 2020), <https://www.washingtonpost.com/business/2020/03/26/senate-stimulus-bill-coronavirus-2-trillion-list-what-is-in-it/>.

³⁰ *Id.* at § 6428(a) (codified at 26 U.S.C. § 6428(a)).

³¹ *Id.* at § 6428(d), (g) (codified at 26 U.S.C. § 6428(d), (g)); *Calculating the Economic Impact Payment*, IRS, <https://www.irs.gov/newsroom/calculating-the-economic-impact-payment> (last updated Jan. 25, 2022).

³² *Id.* at § 6428(c) (codified at 26 U.S.C. § 6428(c)).

³³ *Id.*

³⁴ *Id.*

³⁵ *See id.* at § 6428(a).

³⁶ *Id.* at § 6428(f) (codified at 26 U.S.C. § 6428(f)).

³⁷ *Id.*

Filer Tool in order to claim the EIP.³⁸ If those individuals did not claim their EIP using this tool by November 21, 2020, they were forced to wait until 2021 to claim the tax credit.³⁹

According to the CARES Act, the Secretary of the Treasury will “refund or credit any overpayment attributable to this section [Section 6428] as rapidly as possible.”⁴⁰ However, as of June 2020 (several months after the CARES Act was implemented), an estimated thirty to thirty-five million payments were still waiting outstanding.⁴¹ The IRS later announced in February 2021 that it would no longer be issuing EIPs under the CARES Act and that any eligible individual who did not receive their EIP must claim the Recovery Rebate Credit on their 2020 tax return.⁴² Estimates indicate that at least twelve million nonfiling Americans missed the CARES Act EIP in 2020 altogether.⁴³

Although it is hard to ascertain the average income of individuals experiencing homelessness, a New York City study suggests that the number falls around \$6,746 per year.⁴⁴ This number can vary depending on the individuals’ familial status, access to shelters, and employment status.⁴⁵ However, it is safe to assume that most people experiencing homelessness earn below the IRS’ threshold for requiring a tax return and suffer no penalty for not filing.⁴⁶ Therefore, the majority of homeless individuals would not receive the EIP unless they took further action by using the Non-Filer Tool, which creates several systemic challenges for people experiencing homelessness.

³⁸ (ARCHIVE) *How to Fill out the IRS Non-Filer Form*, GET IT BACK CAMPAIGN, <https://www.taxoutreach.org/tax-filing/coronavirus/archive-how-to-fill-out-the-irs-non-filer-form/> (last visited Dec. 22, 2021).

³⁹ *Id.*

⁴⁰ § 6428(f)(3)(A).

⁴¹ HOUSE COMM. ON WAYS & MEANS, 116th CONG., ECONOMIC IMPACT PAYMENTS ISSUED TO DATE 2 (Comm. Print 2020).

⁴² *As Required by Law, All First and Second Economic Impact Payments Issued; Eligible People Can Claim Recovery Rebate Credit*, IRS (Dec. 21, 2021), <https://www.irs.gov/newsroom/as-required-by-law-all-first-and-second-economic-impact-payments-issued-eligible-people-can-claim-recovery-rebate-credit>.

⁴³ Chuck Marr, Kris Cox, Kathleen Bryant, Stacy Dean, Roxy Caines & Arloc Sherman, *Aggressive State Outreach Can Help Reach the 12 Million Non-Filers Eligible for Stimulus Payments*, CTR. ON BUDGET & POL’Y PRIORITIES 1, 1, <https://www.cbpp.org/research/federal-tax/aggressive-state-outreach-can-help-reach-the-12-million-non-filers-eligible> (last updated Oct. 14, 2020).

⁴⁴ Stephen Mettraux, Jamison D. Fargo, Nicholas Eng & Dennis P. Culhane, *Employment and Earnings Trajectories During Two Decades Among Adults in New York City Homeless Shelters*, 20 CITYSCAPE 173, 184 (2018).

⁴⁵ *See id.* at 175.

⁴⁶ *See Homelessness and Taxes: Tax Credits and the Affordable Care Act*, NAT’L ALL. TO END HOMELESSNESS (Mar. 10, 2015), <https://endhomelessness.org/a-few-good-reasons-why-homeless-people-should-do-their-taxes/>.

III. EFFECTS OF HOMELESSNESS

America has been facing a homelessness crisis for years, and the U.S. government has consistently neglected the issue.⁴⁷ There has been a great deal of research surrounding the effects of homelessness on an individual's health,⁴⁸ but the effects go far beyond that. Things that many Americans take for granted every day—such as a permanent address or access to internet—create barriers to access for the homeless.⁴⁹ The systemic barriers associated with homelessness extend to more than just the EIP,⁵⁰ but the EIP exemplifies the way the government and legislators have most recently neglected to consider individuals experiencing homelessness. The remainder of this Note will discuss the four primary barriers people experiencing homelessness face when it comes to the CARES Act and collecting the EIP. Although the Note focuses on the structure of the CARES Act, it's important to understand that the second and third EIPs, as authorized by the Coronavirus Response and Relief Supplemental Appropriations Act and the American Rescue Plan, used the same infrastructure for claiming the payments.⁵¹ Despite the three EIPs having different eligibility requirements and maximum totals,⁵² all of them suffered from the deficiencies outlined below.

A. No Permanent Physical Address

As previously described, roughly 226,080 individuals experiencing homelessness in 2020 were considered unsheltered.⁵³ This means that hundreds of thousands of Americans are living without a permanent physical address.⁵⁴ The

⁴⁷ See Chris McGreal, *UN Investigator Accuses US of Shameful Neglect of Homeless*, GUARDIAN (Nov. 12, 2009, 10:12 AM), <https://www.theguardian.com/world/2009/nov/12/un-investigator-us-neglect-homeless>.

⁴⁸ See COMM. ON HEALTH CARE FOR HOMELESS PEOPLE, HOMELESSNESS, HEALTH, AND HUMAN NEEDS (1988), <https://www.nap.edu/catalog/1092/homelessness-health-and-human-needs> (studying health services provided to the homeless); NAT'L HEALTH CARE FOR THE HOMELESS COUNCIL, HOMELESSNESS AND HEALTH: WHAT'S THE CONNECTION? (2019), <https://nhchc.org/wp-content/uploads/2019/08/homelessness-and-health.pdf> (summarizing the strong link between health problems and homelessness).

⁴⁹ See Sara K. Rankin, *Punishing Homelessness*, 22 NEW CRIM. L. REV. 99, 107–27 (2019); Laura Hautala, *Wi-Fi Is a Lifeline in the Pandemic. It's Harder To Get if You're Homeless*, CNET: TECH (May 14, 2020, 5:00 AM), <https://www.cnet.com/tech/services-and-software/staying-connected-vital-for-facing-coronavirus-pandemic-while-homeless/>.

⁵⁰ See Sarah Golabek-Goldman, *Ban the Address: Combating Employment Discrimination Against the Homeless*, 126 YALE L.J. 1788, 1799–1809 (2017) (describing the difficulty homeless individuals have in obtaining employment due to lack of address); Annie Lowrey, *The People Left Behind When Only the 'Deserving' Poor Get Help*, ATLANTIC (May 25, 2017), <https://www.theatlantic.com/business/archive/2017/05/the-people-who-are-left-behind-when-only-the-deserving-poor-get-help/528018/> (describing the difficulty homeless individuals have in obtaining welfare benefits).

⁵¹ See *Your Guide to Economic Impact Payments*, CONSUMER FIN. PROT. BUREAU, <https://www.consumerfinance.gov/coronavirus/managing-your-finances/guide-economic-impact-payments/#receive> (last visited Dec. 20, 2021).

⁵² Clifford Colby, *Every Way the New \$1,400 Stimulus Check Compares to the \$600, \$1,200 Payments*, CNET: MONEY (Mar. 12, 2021, 7:00 AM), <https://www.cnet.com/personal-finance/every-way-the-new-1400-stimulus-check-compares-to-the-600-1200-payments/>.

⁵³ U.S. DEP'T OF HOUS. & URB. DEV., *supra* note 15, at 1.

⁵⁴ See *id.*; OFF. OF CMTY. PLAN. & DEV., *supra* note 12.

implications of this simple fact spread far and wide across government-offered benefits.

Although the text of the CARES Act itself does not mention a requirement for a physical address,⁵⁵ the requirement was created by the IRS in the implementation of the CARES Act.⁵⁶ As previously stated, most individuals experiencing homelessness do not have a tax filing obligation⁵⁷ and are therefore required to use the Non-Filer Tool and the Get My Payment Tool (“Payment Tool”).⁵⁸ The Payment Tool, as seen in Appendix A,⁵⁹ requires the taxpayer to enter their Social Security Number or Individual Tax Identification Number, date of birth, street address, and postal code.⁶⁰ As seen in Appendix B,⁶¹ the Payment Tool will not allow users to proceed if they do not enter a valid address.⁶² This creates a two-pronged dilemma for individuals experiencing homelessness.

First, the Payment Tool requires individuals to enter the address that was used on their last processed tax return.⁶³ If an individual does not have a recent return on file with the IRS, the Payment Tool will not allow them to proceed and will instead give an error message stating, “[w]e are unable to provide the status of your payment right now because . . . [w]e don’t have enough information yet.”⁶⁴ This screen can be seen in Appendix C.⁶⁵ It is apparent that the Payment Tool is not set up to help those who *regularly* do not have filing obligations, in which case the taxpayer is directed to use the Non-Filer Tool.⁶⁶

Second, the Payment Tool does not account for the use of an old address.⁶⁷ A taxpayer can avoid prong one of the dilemma by having a recent tax return on file with the IRS that provides an address.⁶⁸ However, if the taxpayer is experiencing

⁵⁵ See Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 335 (2020) (codified at 26 U.S.C. § 6428).

⁵⁶ See *Get My Payment*, IRS, <https://sa.www4.irs.gov/irfof-wmsp/login> (last visited Dec. 22, 2021); see *infra* Appendices A & B.

⁵⁷ *Homelessness and Taxes: Tax Credits and the Affordable Care Act*, *supra* note 46.

⁵⁸ Rocky Mengle, *How to Get a Stimulus Check if You Don't File a Tax Return*, KIPLINGER (Apr. 21, 2020), <https://www.kiplinger.com/slideshow/taxes/t054-s001-get-a-stimulus-check-if-you-don-t-file-taxes/index.html>; Rocky Mengle, *Where's My Stimulus Check? Use the IRS's "Get My Payment" Tool to Get an Answer*, KIPLINGER (Apr. 3, 2021), <https://www.kiplinger.com/taxes/602010/where-is-my-stimulus-check-use-the-irs-get-my-payment-tool>.

⁵⁹ See *infra* Appendix A.

⁶⁰ *Get My Payment*, *supra* note 56; see *infra* Appendices A & B.

⁶¹ See *infra* Appendix B.

⁶² *Id.*

⁶³ *See Did You Get a Payment Status Not Available Error on the IRS Stimulus Check Portal? Here's What That Means*, ABC 7 NEWS (Apr. 17, 2020), <https://abc7news.com/payment-status-not-available-irs-reddit-payments-direct-deposit-stimulus-check-portal-get-my-working/6107908/>.

⁶⁴ *Get My Payment*, *supra* note 56.

⁶⁵ See *infra* Appendix C.

⁶⁶ See *id.*

⁶⁷ See Briana Edwards, *Ask 2: What Do I Do if My Stimulus Payment Was Sent to a Former Address?*, CLICK2HOUSTON (Apr. 20, 2021, 1:59 PM), <https://www.click2houston.com/news/local/2021/04/20/ask-2-what-do-i-do-if-my-stimulus-payment-was-sent-to-a-former-address/#:~:text=Question%3A%20What%20do%20I%20do,return%20with%20your%20current%20address.>

⁶⁸ *See Did You Get a Payment Status Not Available Error on the IRS Stimulus Check Portal? Here's What That Means*, *supra* note 63.

homelessness, the likelihood that they still have access to that address is small.⁶⁹ As seen in Appendix D,⁷⁰ if the taxpayer can input the correct and corresponding address matching what the IRS has on file, they may be able to see the status of their payment.⁷¹ However, as Appendix D indicates, the IRS will send the EIP to either the bank account on file from the previous return, or, if the taxpayer failed to give bank account information, the EIP will be sent by paper check to the address on file.⁷² And therein lies the problem: many individuals experiencing homelessness have difficulty getting a bank account, meaning the check will likely be sent to an address that the taxpayer no longer has access to.⁷³

Assuming the taxpayer can navigate the ins and outs of the Payment Tool, they will likely still not be able to get their hands on their EIP for one of the two reasons described above. If the taxpayer allows the EIP to be sent to an invalid address, “[t]he IRS will hold [the taxpayer’s] Economic Impact Payment until [it] receive[s] [an] updated address.”⁷⁴ The IRS offers four methods of changing the address on file: (1) giving oral notification, (2) submitting IRS Forms, (3) filing a new tax return, or (4) providing a written statement.⁷⁵ These procedures are burdensome on the taxpayer, and, due to the limited staffing of the IRS, wait times for these modifications will be very long.⁷⁶

The other option available to individuals experiencing homelessness to receive their EIP is the Non-Filer Tool.⁷⁷ Before getting access to this tool, the taxpayer must create an account with an email address and phone number, as seen in Appendix E.⁷⁸ Assuming that the taxpayer has this required information, they will be granted access to the Non-Filer Tool, which essentially generates a minimal tax return for the individual.⁷⁹ Appendix F shows this minimal return, which requires the taxpayer to include an address.⁸⁰ Without an address, a tax return of

⁶⁹ See NAT’L HEALTH CARE FOR THE HOMELESS COUNCIL, ASK & CODE: DOCUMENTING HOMELESSNESS THROUGHOUT THE HEALTH CARE SYSTEM 4 (2016), <https://nhchc.org/wp-content/uploads/2019/08/ask-code-documenting-homelessness-throughout-the-healthcare-system.pdf> (noting that housing status changes frequently for people experiencing homelessness).

⁷⁰ See *infra* Appendix D.

⁷¹ See *Get My Payment*, *supra* note 56.

⁷² *Get My Payment Frequently Asked Questions*, IRS, <https://www.irs.gov/coronavirus/get-my-payment-frequently-asked-questions#bank> (last updated May 13, 2021); see *infra* Appendix D.

⁷³ See Bob Sullivan, *For Many US Households, Bank Account Is a Luxury*, CNBC (Oct. 30, 2014, 3:44 PM), <https://www.cnn.com/id/100661088>; Edwards, *supra* note 67.

⁷⁴ *Where’s My Stimulus Check? Frequently Asked Questions Answered by the IRS*, WDSU, <https://www.wdsu.com/article/wheres-my-stimulus-check-frequently-asked-questions-answered-by-the-irs/35245689> (last updated Oct. 18, 2021, 8:03 AM).

⁷⁵ *Address Changes*, IRS, <https://www.irs.gov/faqs/irs-procedures/address-changes> (last visited Oct. 30, 2020).

⁷⁶ See *What to Know About the First Stimulus Check*, GET IT BACK CAMPAIGN, <https://www.eitc Outreach.org/tax-filing/coronavirus/what-to-know-about-the-economic-impact-payments-stimulus-checks/> (last updated Nov. 12, 2021).

⁷⁷ (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

⁷⁸ *Id.*; see *infra* Appendix E. The issues related to lack of email address, phone number, and access to technology will be discussed in the next section. See *infra* Part III.B.

⁷⁹ See (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

⁸⁰ *Id.*; see *infra* Appendix F.

any sort will not be accepted.⁸¹ As evidenced by Appendix G, the Non-Filer Tool will not allow an individual to submit an EIP registration without an address.⁸² Because the Non-Filer Tool acts as an informational return, the EIP will be sent to the address that is entered.⁸³ Therefore, the Non-Filer Tool creates the same problems as the Payment Tool. If an individual does not have an address, they cannot continue.⁸⁴ If the individual only has an old address, their EIP will be sent to a location that does not help the taxpayer.⁸⁵ This demonstrates the bind that individuals experiencing homelessness are in when it comes to the EIP. Without a physical address that is least semipermanent, they have no way to collect the funds they are entitled to.

The only solutions currently available for people experiencing homelessness are the use of a P.O. box or other nonpersonal address.⁸⁶ Shelters, faced with the dangers of COVID-19, are facing difficult decisions regarding how many individuals to take in.⁸⁷ This could lead to even more individuals being unsheltered and not able to rely on a shelter address for the Non-Filer Tool.⁸⁸ Beyond that, an individual can use the address of a trusted loved one or friend,⁸⁹ but this method may not be the most reliable,⁹⁰ especially amid a pandemic. That just leaves the option of having a P.O. box, which the IRS can use to deliver an EIP check.⁹¹

The cost of P.O. boxes varies by location, size, and length of rental but can range from seventeen dollars to eighty-seven dollars for just a small box.⁹² Although that may seem nominal, it can be an unworkable expense for people with little to no income. Additionally, not all individuals experiencing homelessness will even be eligible for a P.O. box.⁹³ According to the United States Postal Service, a homeless person may submit an application for a P.O. box but will only be approved if one of three conditions are satisfied.⁹⁴ The individual must either (1) personally know the

⁸¹ See *id.*; *How to File Taxes If You're Experiencing Homelessness*, GET IT BACK CAMPAIGN (Dec. 9, 2021), <https://www.eitc outreach.org/blog/how-to-file-taxes-if-youre-experiencing-homelessness/>.

⁸² See (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38; see *infra* Appendix G.

⁸³ See *Questions and Answers About the First Economic Impact Payment — Topic D: Receiving My Payment*, IRS, <https://www.irs.gov/newsroom/economic-impact-payment-information-center-topic-d-receiving-my-payment> (last visited Dec. 22, 2021).

⁸⁴ See (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

⁸⁵ See *id.*

⁸⁶ See *How to File Taxes If You're Experiencing Homelessness*, *supra* note 81.

⁸⁷ See Amy Maxmen, *Coronavirus Spreads Under the Radar in US Homeless Shelters*, 581 NATURE 129, 130 (2020).

⁸⁸ See *id.* at 129–30.

⁸⁹ (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

⁹⁰ See Gemma Byrne, *The Postal Paradox: How Having No Address Keeps People Homeless*, CITIZENS ADVICE 7–8 (2018), <https://www.citizensadvice.org.uk/Global/CitizensAdvice/Post%20and%20Telecoms/Homelessness%20report%20-%20Final.pdf>.

⁹¹ (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

⁹² *How Much Is a PO Box?*, UPDATER (Sept. 21, 2021), <https://www.updater.com/moving-tips/how-much-is-a-po-box> (noting that P.O. boxes require a minimum three month rental and these prices reflect the cost for three months).

⁹³ See *Is There Mail Service for the Homeless?*, USPS (Nov. 1, 2018), <https://faq.usps.com/s/article/Is-there-mail-service-for-the-homeless>.

⁹⁴ *Id.*

window clerk or Postmaster, (2) submit proper identification with the application, or (3) provide a verifiable point of contact such as place of employment or shelter.⁹⁵ It is entirely possible that an individual cannot meet any of these requirements and therefore will not be allowed to rent a P.O. box.⁹⁶ It is clear that the solutions to the “no address” issue being provided by the government are falling short.

B. No Access to Technology

Although some shelters provide internet access, many do not.⁹⁷ And shelters that do offer internet and other technology clearly provide no help to unsheltered Americans who remaining living on the street.⁹⁸ There has been a push in recent years to provide more accessible technology to Americans experiencing homelessness, but many U.S. citizens (both sheltered and unsheltered) still live without the internet today.⁹⁹ According to the Pew Research Center, 7% of American adults do not use the internet at all,¹⁰⁰ and roughly 15% of Americans do not have access to a smartphone.¹⁰¹ This creates a broad systemic problem in collecting the EIP for all Americans without technology, including individuals experiencing homelessness. As previously discussed, and seen in Appendix E,¹⁰² the Non-Filer Tool is the *only* option for nonfiling taxpayers to claim their EIP, and it requires internet access as well as a valid email address.¹⁰³

The government should never assume that all Americans have equal access to certain technologies, such as a computers, smartphones, or email addresses. According to the Pew Research Center, 43% of low-income Americans (defined as households with combined annual incomes below \$30,000) do not have home broadband services, and 24% of low-income Americans do not own a smartphone.¹⁰⁴ These low-income Americans are the most likely to have to use the Non-Filer Tool given that they likely do not have a filing obligation; paradoxically, however, these individual face the biggest challenge to gaining access to the internet.¹⁰⁵

⁹⁵ *Id.*

⁹⁶ *See id.*

⁹⁷ *See* John Whittaker, *Looming Fight for Broadband Internet Access in Homeless Shelters Statewide*, OBSERVER (Oct. 10, 2020), <https://www.observertoday.com/news/local-region/2020/10/looming-fight-for-broadband-internet-access-in-homeless-shelters-statewide/>.

⁹⁸ *See id.*; OFFICE OF CMTY. PLAN. & DEV., *supra* note 12.

⁹⁹ *See* FED. COMM’NS COMM’N, No. 12-90, EIGHTH BROADBAND PROGRESS REPORT 10346 (2012); Whittaker, *supra* note 97.

¹⁰⁰ *Internet/Broadband Fact Sheet*, PEW RSCH. CTR. (Apr. 7, 2021), <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/>; Andrew Perrin & Sara Atske, *7% of Americans Don’t Use the Internet. Who Are They?*, PEW RSCH. CTR. (Apr. 2, 2021), <https://www.pewresearch.org/fact-tank/2021/04/02/7-of-americans-dont-use-the-internet-who-are-they/>.

¹⁰¹ *See Mobile Fact Sheet*, PEW RSCH. CTR. (Apr. 7, 2021), <https://www.pewresearch.org/internet/fact-sheet/mobile/>.

¹⁰² *See infra* Appendix E.

¹⁰³ (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

¹⁰⁴ Emily A. Vogels, *Digital Divide Persists Even as Americans with Lower Incomes Make Gains in Tech Adoption*, PEW RSCH. CTR. (June 22, 2021), <https://www.pewresearch.org/fact-tank/2021/06/22/digital-divide-persists-even-as-americans-with-lower-incomes-make-gains-in-tech-adoption/>.

¹⁰⁵ *See* (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

Additionally, the Pew Research Center reports that roughly 30% of Americans without internet access have not completed high school.¹⁰⁶ This is another indicator that individuals experiencing homelessness are more likely to not have access to the internet; studies have shown that individuals with lower educational attainment, especially those who have not completed high school, are at higher risk of unemployment, poverty, and homelessness.¹⁰⁷

It is entirely unfair for the CARES Act, through the decisions of the IRS, to neglect all of these Americans when distributing the EIP. There is no doubt that the circumstances surrounding the COVID-19 pandemic have made Americans more reliant on technology and remote activities.¹⁰⁸ However, the government should be making alternative options available for those unable to rely on such technology. One circumstance that has remained prevalent in the COVID-19 pandemic is that a majority of libraries have closed.¹⁰⁹ According to the American Libraries Association, 62% of U.S. libraries remained fully closed through May 2020, with an additional 26% only operating with curbside pickup.¹¹⁰ Of the closed libraries, 47% had no plan to reopen to the public in the foreseeable future.¹¹¹ In other words, the most reliable source of internet and technologies—U.S. libraries—were not widely available to low-income Americans in the midst of the pandemic.¹¹² This is particularly detrimental to individuals experiencing homelessness, who often rely on libraries to gain access to the internet, books, and an overall sense of comfort.¹¹³ Without library resources, there is no practical way for Americans without internet access to receive their EIP through the Non-Filer Tool.

The internet access barrier created by the Non-Filer Tool is problematic for many Americans, including those experiencing homelessness. However, even if some individuals can get access to the internet, whether it be through one of the few libraries that are open or their own technology, there are additional barriers for the homeless in receiving their EIP.

¹⁰⁶ See *Internet/Broadband Fact Sheet*, *supra* note 100.

¹⁰⁷ Ambar Aleman, *Education & Homelessness*, HOMELESS HUB (Sept. 6, 2016), <https://www.homelesshub.ca/blog/education-homelessness>; see Christina Dukes, *Strengthening Partnerships Between Education and Homelessness Services*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS (May 3, 2018), <https://www.usich.gov/news/strengthening-partnerships-between-education-and-homelessness-services>.

¹⁰⁸ See Yan Xiao & Ziyang Fan, *10 Technology Trends to Watch in the COVID-19 Pandemic*, WORLD ECON. F. (Apr. 27, 2020), <https://www.weforum.org/agenda/2020/04/10-technology-trends-coronavirus-covid19-pandemic-robotics-telehealth/>.

¹⁰⁹ See AM. LIBR. ASS'N, *LIBRARIES RESPOND: COVID-19 SURVEY* (2020), http://www.ilovelibraries.org/sites/default/files/PLA-MAY-2020-COVID-19-Survey-Results_PDF-Summary-web.pdf.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² See *id.*

¹¹³ Devin Coldewey, *As Tech Changes Homelessness, Libraries Roll with the Punches*, TECHCRUNCH (July 31, 2019, 2:03 PM), <https://techcrunch.com/2019/07/31/as-tech-changes-homelessness-libraries-roll-with-the-punches/>; *Homeless People Need Libraries, and Libraries Need Them, Too*, DESERET NEWS (Feb. 24, 2015, 5:22 PM), <https://www.deseret.com/2015/2/24/20477977/homeless-people-need-libraries-and-libraries-need-them-too>.

C. No Bank Account

Once the IRS has an eligible taxpayer's information through a tax return or the Non-Filer Tool, the IRS will send the EIP to that individual.¹¹⁴ The IRS will send the payment to the bank account provided on the taxpayer's most recently filed tax return, if available.¹¹⁵ If the individual uses the Non-Filer Tool to obtain their EIP, they have the option of entering their bank account information in order to receive a direct deposit.¹¹⁶ This method of payment is significantly faster, and the taxpayer will benefit from quickly receiving their EIP.¹¹⁷ The Non-Filer Tool can be used without entering bank account information, but this would require the EIP to be received by mail, increasing wait times.¹¹⁸

As previously described, individuals experiencing homelessness without a permanent address likely cannot receive the EIP by mail, making direct deposit their only option for receiving the EIP.¹¹⁹ However, it is incredibly difficult for homeless individuals to get bank accounts.¹²⁰ First, The USA PATRIOT Act requires that individuals provide a physical address when opening a bank account, intended by the legislature to serve as an antiterrorism measure.¹²¹ Already, the unsheltered American population is disqualified from opening a bank account until they can provide proof of a permanent address.

Second, most banks require two forms of identification, including a government-issued photo identification.¹²² One of the biggest barriers homeless individuals face is obtaining this form of identification because "most states require multiple proofs of identity or permanent residence, such as utility bills, Social Security cards or birth certificates."¹²³ Unsheltered individuals experiencing homelessness are unable to provide this necessary documentation and often live

¹¹⁴ (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

¹¹⁵ *See id.*; Jessica Dolcourt & Clifford Colby, *Stimulus Checks: Last Day for Direct Deposit Payment Before the IRS Mails Your \$1,400*, CNET: MONEY (Mar. 24, 2021, 8:17 AM), <https://www.cnet.com/personal-finance/stimulus-checks-and-direct-deposit-when-and-how-you-can-sign-up-to-get-the-payment-sent-to-your-bank/#:~:text=Taxpayers%20with%20direct%20deposit%20information,than%20with%20a%20paper%20check>.

¹¹⁶ *Use IRS Non-Filers: Enter Payment Info Here Tool to Get Economic Impact Payment; Many Low-Income, Homeless Qualify*, IRS (Apr. 28, 2020), <https://www.irs.gov/newsroom/use-irs-non-filers-enter-payment-info-here-tool-to-get-economic-impact-payment-many-low-income-homeless-qualify>.

¹¹⁷ *See id.*

¹¹⁸ *Id.*

¹¹⁹ *See supra* text accompanying notes 54–96.

¹²⁰ *See* DM Traylor, *Getting a Bank Account Can Be Tricky When You're Homeless, so Here's How I Did It*, OUR ECON. (Mar. 3, 2016), <https://www.ecnmy.org/engage/getting-a-bank-account-can-be-tricky-when-youre-homeless-so-heres-how-i-did-it/>.

¹²¹ *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001*, Pub. L. No. 107-56, § 326, 115 Stat. 272, 317 (2001) (codified at 31 U.S.C. § 5318); *Patriot Act Compliance*, FCN BANK (2022), <https://www.fcncbank.com/patriot-act/#:~:text=This%20information%20is%20used%20to,of%20birth%20and%20other%20information>.

¹²² Chanelle Bessette, *What You Need to Open a Bank Account*, NERDWALLET (Nov. 18, 2020), <https://www.nerdwallet.com/article/banking/how-to-open-a-bank-account-what-you-need>.

¹²³ Teresa Wiltz, *Without ID, Homeless Trapped in Vicious Cycle*, PEW CHARITABLE TRS. (May 15, 2017), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/05/15/without-id-homeless-trapped-in-vicious-cycle>.

without any form of identification.¹²⁴ Without government-issued identification, it becomes nearly impossible to get a bank account in the United States.¹²⁵

And lastly, some banks require an initial deposit or balance minimums.¹²⁶ Banks often require these initial deposits or minimums to ensure that financial institutions profit off of each customer and can cover their overhead costs.¹²⁷ Many individuals experiencing homelessness live off little to no income and struggle to maintain the minimums required by most bank accounts.¹²⁸ Online banks, an alternative to traditional bank accounts, often do not have minimum balance requirements because they have much lower operating costs.¹²⁹ However, these online bank accounts, and the required technology, are not readily available to all Americans, particularly those experiencing homelessness.¹³⁰

These three barriers to obtaining a bank account make it very difficult for individuals experiencing homelessness to set up direct deposit. This leaves individuals experiencing homelessness in a very troublesome position. They cannot have a paper check mailed to them, as they likely do not have a physical address, but they also cannot have the EIP direct deposited into a bank account, resulting in many Americans experiencing homelessness without any valid method of obtaining the \$1,200 EIP they were entitled to.

D. Dangers of Holding Cash

There are clearly many difficult hurdles in front of individuals experiencing homelessness that must be jumped before they can collect their EIP. The easiest path to collecting the EIP is using direct deposit, either by an old tax return or the Non-Filer Tool, which is only available if the taxpayer has a bank account. As previously discussed, this option is not available to many Americans experiencing homelessness, so they will be relying on receiving a paper check.¹³¹ Assuming that an individual experiencing homelessness can overcome all of the barriers discussed so far in this Note, they will need to cash the check in order to use the funds.

Twelve hundred dollars is a significant amount of money for individuals currently, or on the verge of, experiencing homelessness.¹³² Research has indicated

¹²⁴ See *id.*

¹²⁵ See Bessette, *supra* note 122.

¹²⁶ *Id.*

¹²⁷ See Barri Segal, *Why Banks Require a Minimum Balance*, GOBANKINGRATES (Nov. 18, 2017), <https://www.gobankingrates.com/banking/banks/why-banks-require-minimum-balance/>.

¹²⁸ See Metraux et al., *supra* note 44, at 184–85, 190; *Banking and Poverty: Why the Poor Turn to Alternative Financial Services*, BERKELEY ECON. REV. (Apr. 15, 2019), <https://econreview.berkeley.edu/banking-and-poverty-why-the-poor-turn-to-alternative-financial-services/>.

¹²⁹ Segal, *supra* note 127.

¹³⁰ See *Internet/Broadband Fact Sheet*, *supra* note 100; Joe Supan, *Homelessness and the Digital Divide: What It Means and How To Help*, ALL CONNECT (June 30, 2021), <https://www.allconnect.com/blog/technology-and-homeless#:~:text=1%20in%203%20people%20experiencing,barrier%20to%20accessing%20necessary%20resources..>

¹³¹ See Sullivan, *supra* note 73; see *supra* text accompanying notes 115–31.

¹³² See David Shultz, *A Bit of Cash Can Keep Someone Off the Streets for 2 Years or More*, SCIENCE (Aug. 11, 2016), <https://www.sciencemag.org/news/2016/08/bit-cash-can-keep-someone-streets-2-years-or-more>.

that direct depositing funds into the accounts of individuals experiencing homelessness can have incredible benefits on their lives.¹³³ Although many assume that individuals experiencing homelessness spend their money on drugs and alcohol, this is not a fair representation.¹³⁴ A study found that when given roughly \$5,700 by direct deposit, research participants experiencing homelessness used their money to get off of the streets rather than spending it on drugs and alcohol.¹³⁵ But so far, there isn't much research on how physical cash affects the behavior of individuals experiencing homelessness. It has been speculated that without a bank account to save up funds, individuals are more incentivized to use cash on short-term relief, such as drugs and alcohol.¹³⁶ In other words, the EIP system is, again, setting individuals experiencing homelessness up for failure, as the cash payment will likely hurt them more than help them.

In addition to cash creating spending issues, it can also be physically dangerous for Americans experiencing homelessness to carry \$1,200 in cash. For a variety of reasons, individuals experiencing homelessness are "disproportionately victimized by violence and crime."¹³⁷ They are frequent victims of burglary, larceny, robbery, and physical assault.¹³⁸ An estimated 54% of individuals experiencing homelessness report being victimized in some way while living unsheltered, and roughly 50% of individuals experiencing homelessness report being victims of theft specifically.¹³⁹ These victimization patterns suggest that it would be dangerous for individuals experiencing homelessness to keep \$1,200 in cash on them when they are at such high risk for theft. By not considering Americans that do not have access to a bank account and only providing a paper check alternative, the government is putting Americans experiencing homelessness at risk of criminal victimization.

IV. SOLUTIONS

The four primary barriers to accessing the EIP discussed in this Note create issues for individuals experiencing homelessness in many different ways.¹⁴⁰ However, homelessness should never be an obstacle to obtaining government benefits. Welfare and relief programs are designed to help people with little-to-no

¹³³ See Ronnie Koenig, *Researchers Gave Homeless People Money and What They Did with It Might Surprise You*, YAHOO!NEWS (Oct. 14, 2020), <https://news.yahoo.com/researchers-gave-homeless-people-money-165317805.html>.

¹³⁴ *Id.*

¹³⁵ *See id.*

¹³⁶ Derek Thompson, *Should You Give Money to Homeless People?*, ATLANTIC (Mar. 22, 2011), <https://www.theatlantic.com/business/archive/2011/03/should-you-give-money-to-homeless-people/72820/>.

¹³⁷ Marion M. Turner, Simon P. Funge & Wesley J. Gabbard, *Victimization of the Homeless: Perceptions, Policies, and Implications for Social Work Practice*, 3 J. SOC. WORK IN GLOB. CMTY. 1, 1 (2018).

¹³⁸ *Id.* at 2.

¹³⁹ Barrett A. Lee & Christopher J. Schreck, *Danger on the Streets: Marginality and Victimization Among Homeless People*, 48 AM. BEHAV. SCIENTIST 1055, 1067 (2005).

¹⁴⁰ *See* Golabek-Goldman, *supra* note 50, at 1795–96.

income and to assist citizens who are facing hardship.¹⁴¹ Americans experiencing homelessness fit squarely within this purpose and should be specifically considered when drafting welfare and relief legislation. Although the deadline to claim the first, second, and third EIPs in advance has passed, a fourth EIP could be coming in 2022.¹⁴² Therefore, it is critical that the U.S. government consider some relatively simple solutions to the previously discussed EIP implementation issues to provide relief to more individuals experiencing homelessness.

A. No Permanent Physical Address

In order to ensure that Americans experiencing homelessness have equal access to the EIP, we must change the physical address requirement of the Non-Filer and Payment Tools. As demonstrated, both of these IRS tools require a street address in order to proceed.¹⁴³ First, the Payment Tool should include a “No Fixed Address” option that, at the very least, would allow taxpayers to check their EIP eligibility without considering a permanent address at all. The Payment Tool should be equally available to all Americans because it provides essential EIP information. Because the Payment Tool requires the taxpayer’s name and Social Security Number,¹⁴⁴ there should be no reason to require a physical address as well. The system should be able to match the taxpayer to their EIP status without an address. This would be helpful for many Americans—not just those experiencing homelessness—as the address function of the Payment Tool has not worked very well for many.¹⁴⁵ By eliminating this step, more Americans would be able to check the status of their payments and figure out what they need to do to receive each payment. On the other hand, the Non-Filer Tool would still need to require either bank account information for direct deposit, a physical address to send a paper check to, or an alternative such as General Delivery or a pickup service.

The United States Postal Service offers General Delivery, “a mail service for those without a permanent address.”¹⁴⁶ Many post offices across the country offer General Delivery, with typically at least one facility under each Postmaster.¹⁴⁷ General Delivery allows an individual to send mail to the post office directly, under their own name, by simply indicating “General Delivery” on the address line followed by the city, state, and zip code of the post office they would like to pick up at.¹⁴⁸ Depending on instructions from the sender, General Delivery mail will be held

¹⁴¹ *How US Welfare Services Can Be Used*, WELFARE INFO, <https://www.welfareinfo.org/uses/> (last visited Dec. 22, 2021).

¹⁴² Aimee Picchi, *What’s Behind the Push for a Fourth Stimulus Check*, CBS NEWS (Dec. 15, 2021, 7:36 AM), <https://www.cbsnews.com/news/fourth-stimulus-check-update-2022-02-11/>.

¹⁴³ (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38; *Get My Payment*, *supra* note 56.

¹⁴⁴ *See Get My Payment*, *supra* note 56.

¹⁴⁵ *See Ana Gonzalez, Struggling with the IRS Website? Here’s a Trick: Enter Your Street Address in All Caps*, CLICK2HOUSTON (Apr. 28, 2020, 3:30 PM), <https://www.click2houston.com/news/local/2020/04/28/struggling-with-the-irs-website-heres-a-trick-enter-your-street-address-in-all-caps/>.

¹⁴⁶ *What is General Delivery?*, USPS (Oct. 25, 2019), <https://faq.usps.com/s/article/What-is-General-Delivery>.

¹⁴⁷ *See id.*

¹⁴⁸ *Id.*

for ten to thirty days.¹⁴⁹ Within that window, the recipient must show some form of identification at the pickup location in order to claim their package.¹⁵⁰ The IRS has asked that individuals only use P.O. boxes for their EIPs when the post office does not deliver mail to their homes.¹⁵¹ However, P.O. boxes are not available to everyone,¹⁵² and the IRS makes no mention of the General Delivery service.¹⁵³ This is a terrible oversight on the U.S. government's part given how much it would help individuals experiencing homelessness. General Delivery is a system that already exists that is intended in part to "serve transients (people who travel extensively) and those without a permanent address."¹⁵⁴ There is no discernable reason for the government not to promote the use of General Delivery for individuals without a permanent address of their own.

If the government is interested in lightening the load of the U.S. Postal Service, the IRS could offer its own pickup system. There are roughly 400 Taxpayer Assistance Centers (TACs) across the country.¹⁵⁵ TACs help taxpayers with a variety of issues, including troubleshooting EIP problems.¹⁵⁶ It would be relatively easy for the IRS to provide pickup services at these TACs. An option for TAC pickup could be included on the Non-Filer Tool so that taxpayers without permanent addresses could pick up their EIP at the TAC location closest to them.

As demonstrated, there are several possible solutions to the issues created by Americans not having a permanent physical address. Implementing any of these solutions seems incredibly plausible, and it would be easy to educate taxpayers on these newly available procedures. By promoting General Delivery or creating a TAC pickup system, taxpayers would not need to rely on their own physical address but would still know that their EIP is safe and secure.

B. No Access to Technology

An email address is not required to file a regular tax return,¹⁵⁷ so there is no reason it should be required to use the Non-Filer Tool. Having an account linked to an email address may be helpful for some individuals who cannot complete the return in one sitting and wish to finish the form at a different time. However, it

¹⁴⁹ *Id.*

¹⁵⁰ *See id.*

¹⁵¹ CONSUMER FIN. PROT. BUREAU, HELPING CONSUMERS CLAIM THEIR ECONOMIC IMPACT PAYMENT: A GUIDE FOR INTERMEDIARY ORGANIZATIONS 13 n.23 (2020) https://files.consumerfinance.gov/f/documents/cfpb_helping-consumers-claim-eip_guide.pdf (citing *What is General Delivery?*, USPS (Oct. 25, 2019), <https://faq.usps.com/s/article/What-is-General-Delivery>).

¹⁵² *See supra* text accompanying notes 87–97.

¹⁵³ *People Experiencing Homelessness May Qualify for an Economic Impact Payment*, IRS (Nov. 21, 2020), <https://www.irs.gov/newsroom/people-experiencing-homelessness-may-qualify-for-an-economic-impact-payment>.

¹⁵⁴ *What is General Delivery?*, *supra* note 146.

¹⁵⁵ *Ways to Obtain IRS Forms and Publications*, IRS (June 26, 2021), <https://www.irs.gov/newsroom/ways-to-obtain-irs-forms-and-publications>.

¹⁵⁶ *See IRS Statement on Taxpayer Assistance Centers*, IRS (June 26, 2020), <https://www.irs.gov/newsroom/irs-statement-on-taxpayer-assistance-centers>.

¹⁵⁷ *See How to File*, IRS, <https://www.irs.gov/filing/individuals/how-to-file> (last updated Dec. 6, 2021).

should not be required. Requiring an email address does not verify the taxpayer's identity or add anything to the Non-Filer Tool except make it harder for those who do not use email. The Tool should be modified to make the email address optional while still requiring the taxpayer to create a username and password in order to allow them to log in at a later time.

Beyond making the Non-Filer Tool accessible to those without a readily available email address, the IRS needs to create a system for claiming the EIP without use of the internet at all. As previously discussed, many Americans do not have access to the internet.¹⁵⁸ Without an offline system for obtaining the EIP, these individuals will continue to live without the payments they are entitled to. As the government continues issuing COVID-19 relief,¹⁵⁹ the IRS should focus its efforts on getting stimulus checks to those who have been left out so far. Although there are no exact numbers regarding how many taxpayers missed out on the first payment due to lack of technology, the available data suggest that many low-income Americans were stuck in this position.¹⁶⁰ Therefore, the IRS should require TACs to offer either a telephone or office option for those without internet access.

TACs operate by appointment and have continued to help taxpayers through the COVID-19 pandemic.¹⁶¹ Because the IRS already has a system for helping taxpayers in person or by phone,¹⁶² it should not be a challenge to extend the services offered by TACs to include claiming the EIP. As additional EIPs get distributed, the IRS should offer appointments by phone or in person at TACs across the country to help Americans register for the EIP without use of the internet. This measure would benefit many low-income Americans, not just those experiencing homelessness.

C. No Bank Account and Dangers of Holding Cash

At a minimum, the Non-Filer Tool should clarify that a bank account is not required to use the tool.¹⁶³ The IRS has advised taxpayers to receive the EIP by direct deposit on many of their web pages, but they hardly ever discuss the alternative options.¹⁶⁴ By implicitly discouraging any form of receipt other than direct deposit, the IRS could be discouraging taxpayers from using the Non-Filer Tool altogether. The IRS should have an obligation to inform taxpayers of all of their options, not only those that are most convenient for the government. The government should be considering the difficulty that many Americans face when trying to open a bank account and should include more information about how to receive the EIP by mail, by pickup, or by debit card.

¹⁵⁸ See *Internet/Broadband Fact Sheet*, *supra* note 100; see *supra* text accompanying notes 98–113.

¹⁵⁹ See Picchi, *supra* note 142.

¹⁶⁰ See *Internet/Broadband Fact Sheet*, *supra* note 100.

¹⁶¹ See *Contact Your Local IRS Office*, IRS, <https://www.irs.gov/help/contact-your-local-irs-office> (last updated Jan. 10, 2022).

¹⁶² *Id.*

¹⁶³ See (ARCHIVE) *How to Fill Out the IRS Non-Filer Form*, *supra* note 38.

¹⁶⁴ See, e.g., *Economic Impact Payments: What You Need to Know*, IRS (Mar. 30, 2021; last updated Nov. 23, 2021), <https://www.irs.gov/newsroom/economic-impact-payments-what-you-need-to-know>.

Nearly four million Americans received their EIP by debit card by June 2020.¹⁶⁵ The EIP Card was sponsored by the Treasury Department's Bureau of the Fiscal Service and operated as a prepaid Visa debit card.¹⁶⁶ Taxpayers without bank account information, whose returns were processed by the Andover, Massachusetts, or Austin, Texas, IRS Service Centers, were issued the EIP Card.¹⁶⁷ The Card provided many benefits to taxpayers. First, the Card could be used like any other debit card on items at the grocery store, gas station, or anywhere else that accepted Visa payments.¹⁶⁸ Second, the Card could also be used to make online purchases, pay rent or utilities, and make reoccurring payments.¹⁶⁹ Third, the Card could be used at an ATM and was allowed to be used for cash withdrawals, up to \$1,000 per day.¹⁷⁰ This provided taxpayers with the option of getting cash even without a bank account, but did not require them to have cash if they did not want it. Lastly, the EIP Card funds could easily be transferred to a bank account if a taxpayer had one and preferred to use their EIP that way.¹⁷¹ The EIP Card provides the same benefits of direct deposit for those without access to a bank account.

It is unclear why the IRS only issued EIP cards from two locations and not nationwide.¹⁷² However, the IRS has demonstrated that it has the ability to issue the EIP in the form of a debit card, and this should have been an option for all Americans. The EIP Card is convenient, safe, and accessible for all Americans¹⁷³ and would provide a secure alternative for individuals experiencing homelessness. During additional rounds of EIPs, the government should either issue EIP Cards for every American without bank account information on file or at least provide every American with the option to select the EIP Card on the Non-Filer Tool. The government is clearly capable of providing this alternative, as they did so for millions of Americans already, but it needs to be better advertised and more broadly available.¹⁷⁴

¹⁶⁵ Susannah Snider, *What to Know About Stimulus Checks Via Debit Card*, U.S. NEWS (June 1, 2020), <https://money.usnews.com/money/personal-finance/family-finance/articles/what-to-know-about-stimulus-checks-via-debit-card>.

¹⁶⁶ *Start Using Your EIP Card*, MONEY NETWORK, <https://www.eipcard.com/> (last updated Mar. 17, 2021).

¹⁶⁷ Snider, *supra* note 165.

¹⁶⁸ *See Help Center*, MONEY NETWORK, <https://www.eipcard.com/faq/> (last visited Feb. 18, 2022).

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *See* Snider, *supra* note 165.

¹⁷³ Press Release, U.S. DEPT TREAS., Treasury is Delivering Millions of Economic Impact Payments by Prepaid Debit Card (Jan. 7, 2021), <https://home.treasury.gov/news/press-releases/sm1229#:~:text=EIP%20Cards%20are%20safe%2C%20convenient,needed%20without%20incurring%20any%20fees.>

¹⁷⁴ *See id.*

D. Additional EIPs

As previously discussed, two additional stimulus checks were issued to eligible Americans in 2021.¹⁷⁵ The IRS acknowledged that low-income Americans were less likely to actually receive the EIPs that they were entitled to and has noted that this group should be prioritized in issuing any further relief.¹⁷⁶ IRS Commissioner Charles Rettig specifically stated that the IRS was focusing their efforts on getting payments to people outside of their routine methods of communication, such as individuals experiencing homelessness.¹⁷⁷ Additionally, as Urban-Brookings Tax Policy Center senior fellow Janet Holtzblatt stated, “[w]ith a second round of payments, the IRS has more information about the non-filers who overcame those barriers . . . [b]ut reaching the remaining non-filers and ensuring that they receive both rounds of payments remains a challenge.”¹⁷⁸ This Note has examined the barriers that Holtzblatt is referring to and has offered solutions to each. The IRS needs to take additional action to get eligible homeless Americans their EIPs.

As Holtzblatt and IRS commissioner Charles Rettig have noted, outreach is essential in the implementation of these solutions.¹⁷⁹ If taxpayers do not know their options or do not know how to claim their EIP, the solutions become much less effective. The IRS has sought assistance from community organizations and tax clinics to distribute information about the EIP process.¹⁸⁰ This outreach needs to continue across the country, and the government needs to educate the public, including those experiencing homelessness, about the changes that come with each EIP.

CONCLUSION

Homelessness has been on the rise in America for years, and this trend will continue throughout the COVID-19 pandemic.¹⁸¹ More and more Americans are finding themselves living unsheltered and without access to many resources.¹⁸² The government has to make legislation like the CARES Act work for individuals experiencing homelessness, as this population should be a critical part of any welfare or relief discussion. The government failed to consider the needs and limitations of homeless Americans when implementing the EIPs.

¹⁷⁵ Picchi, *supra* note 142.

¹⁷⁶ Sigalos, *supra* note 11.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *See id.*

¹⁸¹ *See Population At-Risk: Homelessness and the COVID-19 Crisis*, *supra* note 18.

¹⁸² *See id.*

There is no question that the CARES Act was abrupt, and that the first EIP was hastily distributed.¹⁸³ There were bound to be hiccups in the implementation of the CARES Act given how much money was set to be dispersed in such a short period of time. However, the government failed to correct any of these problems when they distributed the second or third EIPs. And unfortunately, the brunt of these setbacks were felt by low-income Americans, particularly individuals experiencing homelessness who could benefit from the EIPs the most.¹⁸⁴ Now that we are past the 2020 tax filing deadline, there is not much that can be done to help Americans that missed the first or second EIP.¹⁸⁵ However, eligible Americans can still claim the third EIP on their 2021 tax return,¹⁸⁶ and the possibility of a fourth EIP is still being debated in Congress.¹⁸⁷ Implementing the solutions discussed in this Note will give Americans experiencing homelessness greater accessibility to the EIPs and allow the government to provide relief to even more eligible citizens.

¹⁸³ See Grace Enda, William G. Gale & Claire Haldeman, *Careful or Careless? Perspectives on the CARES Act*, BROOKINGS (Mar. 27, 2020), <https://www.brookings.edu/blog/up-front/2020/03/27/careful-or-careless-perspectives-on-the-cares-act/>.

¹⁸⁴ See Sigalos, *supra* note 11.

¹⁸⁵ See *Economic Impact Payments*, IRS, <https://www.irs.gov/coronavirus/economic-impact-payments> (last updated Jan. 18, 2022).

¹⁸⁶ *Id.*

¹⁸⁷ Picchi, *supra* note 142.

APPENDIX A

Get My Payment

If you need additional help, please visit our [Frequently Asked Questions](#) page.

All fields marked with an * (asterisk) are required.

Social Security Number (SSN) or Individual Tax ID Number (ITIN) * [?](#)

Date of Birth *

MM/DD/YYYY



Street Address * [?](#)

ZIP or Postal Code (* Required except for countries without ZIP or postal codes) [?](#)

CONTINUE

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¹⁸⁸ *Get My Payment*, IRS, <https://sa.www4.irs.gov/irfof-wmsp/login> (last visited Oct. 30, 2020).

APPENDIX B

Get My Payment

If you need additional help, please visit our [Frequently Asked Questions](#) page.

All fields marked with an * (asterisk) are required.

! Error has occurred. See below for more information.

- [Street Address: Input is required](#)

Social Security Number (SSN) or Individual Tax ID Number (ITIN) * ?

Date of Birth *

MM/DD/YYYY

05/29/1997



Street Address * ?

Street Address: Input is required

ZIP or Postal Code (* Required except for countries without ZIP or postal codes) ?

47401

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APPENDIX C

Payment Status Not Available

We are unable to provide the status of your payment right now because:

- We don't have enough information yet (we're working on this), or
- You're not eligible for a payment.

For more information about why you're receiving this message, see our [Frequently Asked Questions](#).

You can check the application again to see whether there has been an update to your information. Get My Payment data is updated once per day, so there's no need to check back more often.

EXIT

APPENDIX D

Payment Status

We scheduled your payment to be deposited on **May 13, 2020** to the bank account below.

Bank Account Number: *****[REDACTED]

If you don't see your payment credited to your account, check with your bank to verify they received it. We will mail you a letter with additional information on this payment.

If you need additional help, please visit our [Frequently Asked Questions](#) page.

EXIT

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¹⁹¹ *Get My Payment*, IRS, <https://sa.www4.irs.gov/irfof-wmsp/status> (last visited Oct. 30, 2020).

APPENDIX E

Create an Account

Create a new account to file a minimal return for the Economic Impact Payment.

This service is delivered by Intuit. For details on how we process your personal information, see the [Privacy Statement](#).

Email address

Confirm email

User ID

Phone (recommended)

Or Continue Filing

Sign In

[I forgot my user ID or password](#)

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¹⁹² *Non-Filers: Enter Payment Info*, IRS, <https://www.freefilefillableforms.com/#/fd/createaccount> (last visited Oct. 31, 2020).

APPENDIX F

This is a Free File Fillable Forms product.

Save **Print Return** **Start Over**

STEP 1. Fill Out Your Tax Forms **STEP 2. E-File Your Tax Forms**

Enter Your Information

Filing Status
☐ Single ☐ Married filing jointly
 If there is one adult on this registration, select Single. If there are two, select Married filing jointly.

Personal Info

Your first name and middle initial	Last name	Your social security number
If joint return, spouse's first name and middle initial	Last name	Spouse's social security number
Home address (number and street). If you have a P.O. box, enter the P.O. box only if no mail is delivered to your home.		Apt. no.
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below.		
City/town/post office	US state	US ZIP code
Foreign country name	Foreign province/state/county	Foreign postal code

Delete This Form **Done With This Form**

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¹⁹³ *Non-Filers: Enter Payment Info*, IRS, <https://www.freefilefillableforms.com/-fd/home/form/F1040S/0/0/0> (last visited Oct. 31, 2020) (This site has been periodically opened and taken down by the IRS; screenshots of the form have thus been provided in Appendices F and G to ensure readers are able to see the form discussed in the Note.).

APPENDIX G

This is a Free File Fillable Forms product.

Save Print Return Start Over

STEP 1. Fill Out Your Tax Forms **STEP 2. E-Filing Information is Incomplete**

D. Date of birth (mm/dd/yyyy)

If you do not have a driver's license or State issued ID number

E. Driver's license or State issued ID number

F. Driver's license or State issued ID state

G. Driver's license or State issued ID issue date

H. Driver's license or State issued ID expiration date

Email Verification

Filing status emails will be sent to: mlcicotte@gmail.com

To verify your email address, select [Update Your Account](#). Return here to complete filing.

Required information is missing in your return.

Please verify that your name, social security number, filing status, and complete address are entered in your main form, and all sections in Step 2 have the required information.

Click on the E-File Instructions button at the bottom of previous page for more information.

Back to STEP 2

Continue to E-File

Electronic Filing Instructions

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¹⁹⁴ *Non-Filers: Enter Payment Info*, IRS, <https://www.freefilefillableforms.com/#fd/home/efile> (last visited Oct. 31, 2020).