



U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

**JUL 23 2021**

The Honorable Elise Stefanik  
U.S. House of Representatives  
Washington, DC 20515

Dear Congresswoman Stefanik:

This responds to your letter dated February 3, 2021 addressed to the Attorney General regarding New York's response to COVID-19 in nursing facilities. We are sending an identical response to the other Members who joined in your letter.

The Department of Justice (Department), through the Civil Rights Division, has authority under the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997, to investigate allegations about a pattern or practice of unlawful conditions in certain residential institutions, including nursing facilities, operated by or on behalf of a state or local governmental entity.

The Civil Rights Division requested information from New York, by letter dated August 26, 2020, regarding COVID-19 and nursing facilities run by, or for, the State of New York. The letter stated that the requested information would assist the Department in determining whether to open an investigation under CRIPA. New York provided information in response to the request.

We have reviewed the information provided by New York along with additional information available to the Department. Based on that review, we have decided not to open a CRIPA investigation of any public nursing facility within New York at this time. If we were to open a CRIPA investigation at a later date, we would follow the procedures required by CRIPA, which includes written notice to the jurisdiction. *See* 42 U.S.C. §1997.

We hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Gaeta".

Joe Gaeta

Deputy Assistant Attorney General