

New York State Assembly

Carl E. Heastie

Speaker



Committee on
Social Services

Andrew Hevesi

Chair

2016

ANNUAL REPORT



ANDREW HEVESI
Assemblyman 28th District
Queens County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Social Services Committee

COMMITTEES
Energy
Health
Labor
Insurance

December 15, 2016

The Honorable Carl Heastie
Speaker of the Assembly
Room 932
Legislative Office Building
Albany, New York 12248

Dear Speaker Heastie:

On behalf of the Assembly Committee on Social Services, I respectfully submit to you the Committee's 2016 Annual Report. The Committee secured enactment of policies and continued investments in programs that will help low-income individuals and families achieve greater economic security, thereby providing enhanced opportunities for them to escape poverty.

In the 2016 legislative session, the committee took action on a number of substantive bills including legislation that would allow low income families to have certain resources exempt from consideration when determining their eligibility for public assistance. These exemptions include savings accounts, the ability to have one automobile per driver per household, individual retirement accounts, and all 529 college savings plans. Also, legislation was advanced that would provide extra support to individuals with mental or physical disabilities and/or cognitive impairments, including executive function deficits, to help them navigate the complex public assistance system.

Further, in 2016, the committee spearheaded the fight to ensure that the 35,000 supportive housing units for vulnerable New Yorkers will be built. These units, in addition to providing permanent and safe housing for the recipients also provide mental health counseling, and other services to those who are, or who are on the verge of homelessness spanning all populations from children, to veterans, to domestic violence victims, and the elderly. This effort received bi-partisan support from 133 Assembly members, as well as bi-partisan support in the New York State Senate, and a commitment from the Mayor of New York City to invest \$2.6 billion and create 15,000 units of supportive housing. We have also received a commitment from the Governor of New York to fund and create the remaining 20,000 supportive housing units, with a total of 30,000 units in New York City and 5,000 units upstate.

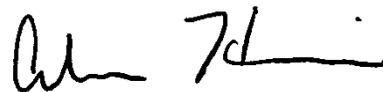
Moreover, along with my colleagues and the help from a number of community organizations, we will be focused on implementing the Home Stability Support (HSS) program. There are currently 62,306 homeless individuals in New York City, as of October 2015, which includes 24,121 children. New York State reported to The Federal Department of Housing and Urban Development (HUD) that in New York, over 19,000 more people enter homelessness per year in New York State than exit homelessness each year. To combat this epidemic, the committee will propose HSS, a statewide rental supplement for families and individuals who are eligible for public assistance benefits and are facing eviction and homelessness. This program will be 100% federal and state-funded and will provide mandate relief to financially strained counties.

Supportive Housing and Home Stability Support will reduce the use of ancillary services such as visits to detoxification centers, hospitalizations, and emergency room use. This in turn will save taxpayers money. These programs are innovative and effective ways to combat the worst homeless crisis our state has encountered since the Great Depression.

Overall, the Social Services committee has a wide net of policy initiatives which we plan to implement this upcoming session. These programs will greatly help some of New York State's most vulnerable people. The committee will continue to focus on reducing poverty and homelessness in New York State by improving the public assistance system; ensuring individuals and families receive the assistance and support needed to become self-sufficient. The committee will continue to support and advocate for expanding affordable child care and afterschool programs, and improving the state's foster care system.

I would like to take this opportunity to thank the Committee members for all their hard work and dedication. Also, I would like to thank you for your support and leadership throughout the past session. We look forward to working with you in the 2016 legislative session in order to protect and improve vital services for the neediest people of our state.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Hevesi', written in a cursive style.

Andrew Hevesi, Chair
Committee on Social Services

**2016 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON SOCIAL SERVICES**

**Andrew D. Hevesi
Chair**

Committee Members

Majority

Jeffrion L. Aubry
Charles Barron
Rodneyse Bichotte
Maritza Davila
Latoya Joyner
Ron Kim
Shelley Mayer
Victor Pichardo
Michaëlle Solages
Matthew Titone

Minority

Andrew Goodell (Ranker)
Steven F. McLaughlin
Anthony H. Palumbo
Daniel G. Stec
Claudia Tenney

Committee Staff

Rebecca Rasmussen, Committee Clerk

Program and Counsel Staff

Rebecca Mudie, Assistant Secretary for Program and Policy
Jennifer Marrero, Senior Analyst
Jennifer Sacco, Counsel
Logan Hardy, Committee Assistant
Terri Zaleski, Executive Secretary

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I. INTRODUCTION

The Assembly Social Services Committee has jurisdiction over legislation affecting programs providing financial and support services to indigent households in New York State. The work of the Committee also affects the aged, blind, and disabled residing in the community and in residential care facilities. The statutory basis for these programs is contained in the State Social Services Law.

The Committee works with the Committees on Health, Children and Families, Aging, Labor, Housing, and the Task Force on Homelessness. The Committee has legislative oversight responsibilities for programs administered by the Office of Temporary and Disability Assistance (OTDA).

OTDA is responsible for supervising programs that provide assistance and support to eligible families and individuals in the state. Some of OTDA's functions include: providing temporary cash assistance; providing assistance in paying for food; providing heating assistance; overseeing New York State's child support enforcement program; determining certain aspects of eligibility for Social Security Disability benefits; supervising homeless housing and services programs; and providing assistance to certain immigrant populations.

The Legislature enacted the Social Services Law to authorize the administration of basic temporary assistance and emergency support programs statewide. The local Departments of Social Services (DSS), or Human Resource Administration (HRA) in New York City, implement the Social Service Law to provide temporary help to individuals and families with their economic and social services needs to assist them in reaching self-sufficiency. These programs include Family Assistance, Safety Net Assistance, Emergency Assistance to Needy Families with Children, Emergency Assistance for Adults, and certain parts of the Supplemental Security Income Program.

- Family Assistance (FA) - FA is a federally funded temporary assistance (TA) program for families. FA can only be provided to a family that includes a minor child living with a parent or caretaker relative, or to a pregnant woman. As a TANF-funded program, FA is subject to the state 60-month lifetime limit on assistance.
- Safety Net Assistance (SNA) - established by the Welfare Reform Act (WRA) of 1997 to provide assistance to individuals and families who are ineligible for Family Assistance (FA) or other federal temporary assistance programs. The SNA program is comprised of cash and non-cash components.
- Emergency Assistance to Needy Families with Children (EAF) - is a federally funded program which provides assistance to deal with crisis situations threatening a family with a child under the age of 18, or under 19 and attending full-time secondary school or the equivalent level of vocational or technical training. EAF is designed to meet needs resulting from a sudden occurrence or a set of circumstances that was unforeseen and beyond the applicant's control that demand immediate attention.
- Emergency Assistance for Adults (EAA) - are grants to assist aged, blind or disabled individuals and couples who have been determined eligible for or are receiving Federal Supplemental Security Income (SSI) benefits or additional state payments and applied for such assistance to meet emergency needs that cannot be met by the regular monthly benefits of SSI and additional state payments.

- Supplemental Security Income (SSI) Program- established by Congress in 1974 under Title XVI of the Social Security Act. The Social Security Administration (SSA) administers the program which provides a federal grant to individuals and couples who are aged, blind, or disabled.

Homeless Services

Local social services districts also have a responsibility to provide services and assistance to individuals in an effort to prevent homelessness, to meet the temporary housing and other immediate needs of eligible homeless persons, and to assist homeless persons in securing permanent housing. Individuals eligible for such assistance are those who are both homeless and eligible for TA.

Domestic Violence

The federal Wellstone-Murray Family Violence Option allows states to address the safety needs of domestic violence victims and their children within the state's TANF plan. The Family Violence Option includes procedures for screening for domestic violence, assessment, service referrals, and temporary waivers of TA requirements which would place the victim at further risk.

Supplemental Nutrition Assistance Program (SNAP)

New York administers the federal Supplemental Nutrition Assistance Program (SNAP), which issues monthly benefits that can be used to purchase food at authorized retail food stores. Benefits are provided through an electronic benefit card, similar to a debit or credit card. Eligibility and benefit levels are based on household size, income, expenses and other factors.

Any person has the right to file an application for a type of temporary assistance or care with the local social services district at any time. Each applicant for services is required to meet all eligibility requirements in order to receive benefits. OTDA has created a website, Mybenefits.com, where individuals are able to learn about available benefits and the requirements to receive such benefits.

II. SIGNIFICANT LEGISLATION – 2016

A. INCOME MAINTENANCE

1. Health Care Practitioners and Disability Determinations A.3450 (Wright)/S.1840 (Dilan)

The federal government recognizes the importance of giving sufficient consideration to a physician's medical opinion, and follows this practice in SSI determination treating procedures, detailed in 20 CFR 416.927. Under New York State law, currently, there is little to no consideration given to the treating health care practitioner's opinion when an individual applying for PA has work limitations, disabilities or health issues that have been identified by their treating health care practitioner. This bill would require physicians of local social service districts who examine PA applicants or recipients for possible work limitations and/or exemptions due to a potential disability, to consider the recipient's/applicant's treating health care practitioner's diagnosis when making a determination.

This bill passed the Assembly.

B. OTHER LEGISLATIVE INITIATIVES

1. Consolidated Service Plans A.1861-C (Mayer)/S.3449-B (Stewart-Cousins)

Some counties restrict child care access and limit availability of child care subsidies even when their County Legislature has expressly authorized funding for these services. This bill would correct that deficiency by requiring that prior to submission of an amended consolidated service plan to reduce eligibility or increase co-payments for subsidized child care, the county's local advisory board must approve the application.

This bill passed the Assembly.

2. Human Trafficking Posters A.4967-A (Simotas) S. 4732-A (Funke)

Each year millions people are trafficked worldwide. This bill requires the Commissioner of OTDA to make available on its website a poster with information regarding the national human trafficking resource center hotline. Posting information regarding the hotline in locations where victims of human trafficking are likely to see it, including highway rest stops, bus stations, truck stops, airports, adult or sexually oriented businesses and emergency rooms and emergency care centers.

Signed, Chapter 311 of 2016.

3. Expands Domestic Violence Crimes

A.7871 (Weinstein)

We know that in addition to physical and psychological tactics, abusers employ economic means to control and otherwise abuse their victim making it harder for victims to secure their safety. Recognizing economic abuse as a form of domestic abuse, in 2013 via Chapter 526, New York enacted changes to the family offense laws of New York State to add certain forms of economic abuse to the definition of a family offense. At the time, the Social Services Law was inadvertently not amended. This bill would address this issue by expanding the definition of “victims of domestic violence” to include identify theft, grand larceny and coercion.

This bill passed the Assembly.

4. Therapy Dogs A.9167 (Rosenthal)/S.6386-A (Carlucci)

Victims of domestic violence who own service or therapy dogs are often reluctant to leave their abusers for the safety of a shelter without taking their animals with them. This reluctance is often due to the need to have their trusted companion with them as well as the fear that their abuser might also harm the animal. Without a guarantee that the animal can accompany them, victims will remain in abusive situations indefinitely. Only two State programs have specific policies permitting these animals to accompany their owners, and it is crucial that all shelters have the same policy.

In situations where a dog serves the dual purpose of being a service or therapy dog, as well as providing companionship to its owner, it is particularly important that residential domestic violence programs permit residents to bring their animal with them. This bill would allow victims of domestic violence to be accompanied by service animals or therapy dogs within residential programs.

Signed, Chapter 7 of 2016.

5. Human Trafficking Task Force A.9317 (Hevesi)/S.7278 (Funke)

This Human Trafficking Task Force was originally created in 2007 which established criminal penalties for human trafficking in New York State. Specifically, the task force was charged with: coordinating the implementation of the new law; studying issues that may need further reform, including ensuring that victims are properly protected and assisted; collecting data on the extent of trafficking in the state; and recommending best practices for training and community outreach to help law enforcement, social service providers, prosecutors, defense attorneys, and the general public to recognize trafficking situations. The Task Force was also responsible for measuring and evaluating the state's progress in preventing human trafficking and prosecuting persons engaged in such trafficking. In order to bolster the efficiency and the effectiveness of the task force, many duties, membership requirements and reporting information will now be required from this task force.

Signed, Chapter 413 of 2016.

**6. Report on Homeless Services throughout the State
A.10192 (Titus)**

Homelessness in New York State continues to be at record high levels. In New York City alone, more than 62,306 people, including over 24,121 children, sleep in a New York City shelter as of October 2016. In order to acquire a comprehensive view of efforts to battle homelessness in New York State, it is essential that there is an accounting of the programs and services available in each locality. This bill would require each local social services district to submit a report to the Governor and the Legislature on the programs and services for homeless persons living in the district and their funding sources.

This bill passed the Assembly.

III. SFY 2016-17 STATE BUDGET HIGHLIGHTS

A. Overview of the TANF Block Grant

The nation's welfare system was dramatically reformed with the enactment of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The federal law adopted a "work first" approach, eliminated the entitlement to cash assistance, and imposed time limits, work requirements and sanctions on recipients. The cornerstone of the law was the creation of the TANF block grant, which provides states funds for their cash assistance and welfare-to-work programs.

New York received \$2.443 billion for the Family Assistance program through the federal TANF block grant. The 2016-17 state budget included approximately \$1.5 billion to support benefit payments to low-income New Yorkers.

B. TANF Programs

New York's TANF program has developed into the state's most critical system of support and assistance for children and families who struggle to make ends meet. In New York, programs including wage supplements, tax credits, job training and skill development, case management and counseling, child care and transportation were developed to assist families in need during the transition from poverty to self-sufficiency through work. For several years, New York has been authorized to utilize TANF funds not only for families eligible for federal assistance through the FA program, but also for families whose income does not exceed 200 percent of the federal poverty level.

The 2016-17 budget included a Flexible Fund for Family Services (FFFS) to provide local districts with a block grant. In order for a program to receive funding out of the TANF surplus, it must meet one of the four TANF purposes:

1. Provide assistance to needy families;
2. End the dependence of needy parents by promoting job preparation, work and marriage;
3. Prevent and reduce out-of-wedlock pregnancies; and
4. Encourage the formation and maintenance of two-parent families.

Below is a breakdown of State spending of the TANF dollars for the SFY 2016-17:

CHILD CARE INVESTMENTS

The child care subsidy program provided by local social services districts enables an income-eligible parent or caretaker to work or engage in other approved activities by helping parent(s)/caretaker(s) to pay some or all of the cost of child care services. A \$310 million block grant was included in the budget to provide subsidies to parents.

EMPLOYMENT AND TRANSITIONAL INITIATIVES

Rochester-Genesee Regional Transportation Authority (RGRTA): This program provides a monthly bus pass to allow eligible individuals from seven member counties to travel to and from work, or to participate in work related activities. In Wayne County, funds are used to support the transportation costs of individuals who use the WATS Demand Response Bus Services or TANF

work participation activities. Funds are also used to extend the WATS service hours to accommodate employees at Kraft. RGRTA was awarded \$82,000 in the budget.

Summer Youth Employment Program (SYEP): The purpose of the TANF SYEP is to provide eligible youth with a quality employment and educational experience during the summer months. For many youth, this is their first introduction to the world of work. Valuable lessons which center on employment, including work ethic, appropriate workplace behavior, interaction with co-workers and supervisors, receiving a paycheck and money management are learned. \$31 million was allocated to fund the employment program.

Domestic Violence Screening: Domestic Violence Screening involves identifying persons who are currently victims of domestic violence and offering temporary waivers from the public assistance (PA) program requirements where compliance with such requirements would place the victim and/or victim's children at greater risk of harm or make it more difficult for them to escape from abuse. \$3 million was budgeted to provide these services.

Wage Subsidy Program: Employers are reimbursed for wages and related benefits that the employer paid to the participant during the subsidy period. Using wage subsidies as a hiring incentive, non-profit agencies work with employers to develop positions for individuals who have been unable to find employment through conventional means. This program was allocated \$475,000 to provide subsidies.

LEGISLATIVE INITIATIVES

ACCESS – Welfare to Careers: Metropolitan College's Welfare-to-Careers Consortium Program is collaboration among three major higher educational institutions in New York City (Metropolitan College, Medgar Evers College and Pace University). The Consortium affords participants the opportunity to earn their two-year degree or a baccalaureate degree, thereby greatly increasing their chances of gaining permanent, full-time employment at a sustainable salary level. \$800,000 was allocated for the ACCESS program.

Disability Advocacy Program: This program provides for the legal representation of individuals whose federal disability benefits have been denied or may be discontinued and received \$3.63 million in this year's budget.

FLEXIBLE FUND FOR FAMILY SERVICES (FFFS)

The FFFS encompasses a number of Temporary Assistance for Needy Families (TANF) programs administered by local departments of social services which are funded with the Federal TANF Services Block Grant. The SFY 2016-17 allocations for FFFS is \$964 million.

APPENDIX A

2016 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON

SOCIAL SERVICES

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	5	0	5
TO WAYS AND MEANS	11	0	11
TO CODES	1	0	1
TO RULES	4	0	4
TO JUDICIARY	0	0	0
TOTAL	21	0	21
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TOTAL	0	0	0
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		2	2
RECALLED		1	1
TOTAL		3	3
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE	15	0	15
BILLS NEVER REPORTED, DIED IN COMMITTEE	59	7	66
BILLS HAVING ENACTING CLAUSES STRICKEN	1	0	1
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	96	10	106
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	4		

APPENDIX B

**FINAL ACTION ON BILLS REPORTED BY THE
SOCIAL SERVICES COMMITTEE**

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.1805A Titus	S.5176A Avella	Third Reading Calendar	Would modify the work requirements for single parent head of households receiving public assistance (PA) with a child under the age of 1.
A.1861C Mayer	S.3449B Stewart- Cousins	Passed Assembly	Would require that when a local social services district amends their consolidated services plan (to either increase copayments, or lower eligibility for child care subsidies) they must first submit it to the local advisory board for approval.
A.2942B Sepulveda		Third Reading Calendar	Would require applicants for public assistance to be fully informed that they may be liable to reimburse the state for benefits received.
A.3450 Wright	S.1840 Dilan	Passed Assembly	Would require that in instances where a certified DSS practitioner is evaluating an applicant, the opinion of the applicant's treating physician be considered in the determination, and that any denial must include a written explanation that presents evidence to support the certified practitioner's differing opinion.
A.3844A Wright		Referred to Ways and Means	Would increase the amount of earned income that would be disregarded when doing public assistance budgeting from 42% to 67% and repeals the 185% standard of need, which is used to determine the benefit amount for a household.
A.3884 Wright		Third Reading Calendar	Would require local districts to allow participation in a 4 year post-secondary education program to count as work participation for purposes of an individual's public assistance employment requirement.
A.4206 Titus		Third Reading Calendar	Would allow homework completed for the purposes of education and training activities to count toward an individual's work participation requirement.
A.4967A Simotas	S.4732A Funke	Chapter 311	Would require certain establishments to display a poster with information regarding the national human trafficking resource center hotline.
A.5936A Wright	S.3597 Savino	Referred to Ways and Means	Would prohibit the work experience programs in New York State.
A.6174B Russell		Referred to Ways and Means	Would standardize the child care co-payments across the state to be no greater than 20% of a families earned income.

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.7489 Rosenthal		Referred to Ways and Means	Would provide an increase to the monthly state assistance for food and vet expenses for guide dogs, hearing dogs and service dogs of individuals qualifying for social service benefits.
A.7871 Weinstein		Passed Assembly	Would make the corresponding changes that were made to the Family Court Act regarding the expansion of certain crimes against victim of domestic violence to include identity theft, grand larceny and coercion
A.9053 Hevesi		Referred to Ways and Means	Would provide emergency assistance for the replacement of property as a result of a bedbug infestation.
A.9167 Rosenthal	S.6386A Carlucci	Chapter 7	Would require service animals or therapy dogs to accompany victims of domestic violence at residential programs. Service animals are already required to be permitted under the ADA, as long as any needed accommodation would not impose an undue financial or administrative burden.
A.9317 Hevesi	S.7278 Funke	Chapter 413	Would codify composition of the interagency task force on human trafficking and the duties and meeting requirements of the task force.
A.10166 Barron		Referred to Ways and Means	Would eliminate the requirement to have a lien placed on a home as condition of eligibility for public assistance.
A.10191 Wright		Referred to Ways and Means	Would require local social services districts, prior to imposing a sanction on a PA recipient for failure to comply with work rules, to confirm that the recipient is not exempt from the work requirement, and that the recipient had appropriate child care, transportation, and disability accommodations.
A10192 Titus		Passed Assembly	Would require a detailed report by local social services districts identifying funding sources to reflect the efforts of each district to identify, prevent, and address homelessness.
A.10224 Brindisi	S.7333 Serino	Referred to Ways and Means	Would increase the SSI COLA for individuals and couples receiving enhanced residential care for the next three years.
A.10132 Hevesi	S.7787 Carlucci	Third Reading Calendar	Would expand the current income and resources exemptions that are allowable when applying for public assistance.
A.10313 Hevesi	S.7780 Carlucci	Third Reading Calendar	Would ensure that individuals on public assistance with a disability are provided appropriate and reasonable work accommodations according to the Americans with Disabilities Act.

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.10420 Joyner		Referred to Ways and Means	Would require the department of labor to conduct a study that would measure the income adequacy in New York State by determining the amount of income necessary to meet the basic needs of families.