

New York State Assembly | Sheldon Silver, Speaker



2009 ANNUAL REPORT

committee on

Social Services

Keith L.T. Wright, Chair



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

KEITH L. T. WRIGHT
Assemblyman 70th District
New York County

REPLY TO:
Harlem State Office Building
163 West 125th Street, Suite 911
New York, New York 10027
212-866-5809
FAX 212-864-1368
wrightk@assembly.state.ny.us

Room 844
Legislative Office Building
Albany, New York 12248
518-455-4793
FAX 518-455-3890

CHAIR
Social Services Committee

MEMBER
Black, Puerto Rican, Hispanic and
Asian Legislative Caucus
Puerto Rican/Hispanic Task Force

COMMITTEES
Codes
Correction
Housing

December 15, 2009

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

Dear Speaker Silver:

On behalf of the Assembly Committee on Social Services, I respectfully submit to you the Committee's 2009 Annual Report. Again this year, the Committee was successful in securing passage of a number of measures that will assist low-income individuals and families achieve greater economic security, thereby providing enhanced opportunities for them to escape poverty.

The Committee continues to stand committed to advancing legislation that will improve the current welfare system in order to assist the transition of indigent New Yorkers from public assistance to economic independence. To demonstrate this commitment, the Committee secured more money using the Federal Stimulus for Wheels for Work, homeless intervention programs, Displaced Homemakers Program, Welfare to Careers and Vocational Education and Job Skills Training bill. I was very pleased that Career Pathways received additional funding in this year's budget. Career Pathways is a workforce development strategy that links basic education to occupational training.

The Committee applauded the Governor's proposal to increase the Public Assistance grant this year, which increased the cash portion of the grant 10 percent per year for three years. The Legislature was able to secure funds which expedited the start of the increase from January 2010 to July 2009 and covered the local share associated with this increase for the first three years. According to the 2008 Census Bureau, 39.8 million people lived below the poverty line. The proposal helps thousands of Public Assistance recipients by offering the first increase in 19 years to their monthly cash grant to adjust for inflation and to mitigate the impact of New York's high cost

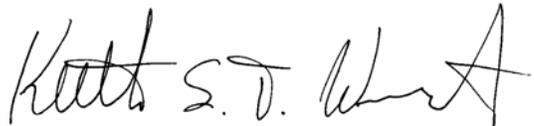
of living. For a typical family of three the subsidy was increased to \$321 a month from \$291 and for a single person the subsidy was increased to \$151.10 up from \$137.10 per month. This increase will help people and families buy items that cannot be purchased with food stamps; personal hygiene items, diapers, bus and subway fares, and laundromat fees.

Furthermore, the Committee advanced legislation that provides for an extension and an increase to the exemptions of certain income and resources when calculating public assistance benefits. In addition, the Committee reported legislation that would require local districts to place an emphasis on non-traditional employment and sustainable wage jobs. Finally, two new laws were enacted to provide victims of sexual assault with information on services available to them and prohibit them from having to contact their abuser for any reason.

Midyear, New York City began charging rent to homeless families who live in publicly run homeless shelters but have income from employment. I was very pleased bill A.8353-D passed the assembly, which provides that residents in a temporary housing are not required to make a financial contribution towards their stay in the shelter. Without this bill a family could be evicted from a shelter if they failed to pay the required "rent."

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 2010 legislative session in order to protect and improve vital services for the indigent of our State.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L.T. Wright". The signature is fluid and cursive, with a large, stylized initial "K" and "W".

Keith L.T. Wright
Chair
Committee on Social Services

**2009 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON SOCIAL SERVICES**

**Keith L.T. Wright
Chair**

Committee Members

Majority

Aurelia Greene
Vito Lopez
Jeffrion L. Aubry
John J. McEneny
Alec Brook-Krasny
Jonathan L. Bing
Luis M. Diaz
Crystal D. Peoples-Stokes
Matthew Titone
Charles Lavine
Alan Maisel
Nelson L. Castro
Inez D. Barron

Minority

Louis Tobacco,
Ranking Minority Member
James Tedisco
Janet Duprey
Thomas McKeivitt
Peter Lopez

Committee Staff

Jeanine Johnson, Esq. – Legislative Director
Francisco Polanco – Committee Clerk

Program and Counsel Staff

Giovanni Warren – Assistant Secretary for Program and Policy
Jennifer Marrero – Analyst
Elizabeth Sweeney – Executive Secretary

TABLE OF CONTENTS

I. INTRODUCTION	1
II. SIGNIFICANT LEGISLATION 2009	3
A. INCOME MAINTENANCE	3
1. Health Care Practitioners and Disability Determinations	3
2. Workfare and Confidentiality	3
3. Four Year College	3
4. Child Care Assistance	4
5. Safety Net Time Period.....	4
6. Utility Repayment	5
7. Income and Resource Exemptions	5
B. MEDICAID	5
1. School-Based Health Services.	5
2. Access to Dental Services Through Managed Care.....	6
3. Social Service Local Office Accessibility.....	6
C. HOUSING	6
1. Homeless Housing Task Force	6
2. Financial Contribution While Staying in a Shelter	7
D. OTHER	7
1. Adding Cooling Needs Assistance to the Home Energy Assistance Program.....	7
2. Information for Victims of Sexual Assault	7
3. Prohibits Domestic Abuse Victims to Contact Abuser	8
4. Delay in the Filing of a Petition to Terminate Parental Rights	8
III. SFY 2008-09 STATE BUDGET HIGHLIGHTS	9
A. OVERVIEW OF THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT	9
B. TANF SURPLUS	9
IV. LEGISLATIVE HEARINGS	14
A. FISCAL IMPACT OF THE 2009-2010 ENACTED STATE BUDGET	14
APPENDIX A	15
APPENDIX B	16
APPENDIX C	20
APPENDIX D	21
APPENDIX E	22

I. INTRODUCTION

The Assembly Social Services Committee has jurisdiction over legislation affecting programs providing financial, medical 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 closely with the Committees on Health, Children and Families, Labor and Housing and with the Task Forces on the Homeless and Food, Farm and Nutrition Policy. The Committee also has legislative oversight responsibilities for programs administered by the Office of Temporary and Disability Assistance (OTDA).

This year, the Committee reviewed 153 bills and investigated numerous issues affecting the lives of those in poverty throughout the State. The Committee reported several pieces of legislation aimed at improving the lives of senior citizens, children, the disabled, the working poor and those in receipt of public assistance (PA) or other forms of government funded assistance, such as Medicaid and subsidized housing. Some of these bills would:

- eliminate the finger imaging requirement for Food Stamps;
- increase the availability of emergency rent assistance to include people at 200% or below the poverty level;
- increase the Earned Income Disregard (EID);
- extend the period given to Supplemental Security Income (SSI) applicants to request a fair hearing from 10 to 60 days;
- provide a 30% rent cap for people living with HIV or AIDS;
- repeal statutory authority of social services officials to receive and dispose of a deed, mortgage or lien;
- create an equal waiting period of 30 days for all applicants of public assistance;
- provide rent vouchers for working families; and
- delay filing a petition to terminate the parental rights of a parent who is incarcerated or participating in a court ordered residential substance abuse treatment program when it is in the best interest of the child.

Lack of education is one of the leading causes of long term dependence on public assistance. Most of the PA caseload is without a high school diploma and/or basic literacy skills, and many require English as a Second Language (ESL) programs. Low-income workers without a high school diploma or the equivalent are lucky to find a minimum wage job, and the opportunity for career advancement is limited. These are the same people who are likely to remain on PA throughout their lives, since the New York State constitution requires the State to care for the needy. Federal assistance for poor New York families stops after five years. At that point, those families move to the State and locally funded Safety Net Program.

Many people receiving welfare have recent work history, albeit in low-wage, unskilled work. They are able to connect with the benefits their families need when the jobs disappear or illness or some other crisis presents itself. After families are stabilized, government plays a crucial role in making policy that enhances employability. In February 2008, the Department of Health and Human Services (HHS) issued final TANF regulations implementing the Deficit Reduction Act of 2005. A number of important changes to the rules support New York's intention to make education and training the center of our economic engine. The final rules created a unique window of opportunity for the consideration of new policies. To

ensure that New York State utilizes these new regulations, the Assembly sponsored on bill A.1827-A, which would provide these new educational opportunities. Additionally, there are undeniable long-term positive effects for children if parents are able to become better educated. Child poverty is directly related to family income, and the higher parental education levels, the higher the family income. It is reasonable to advance the goal of a more economically vibrant and secure New York by making access to education and training attainable for people receiving welfare. Access to education and training across the continuum should be open, free and available to all New Yorkers. Making New York State policies conform to the new federal regulations is smart policy and shows good governance.

Subsequent to enacting the SFY 2009-10 budget, the Governor asked the Legislature to approve a Deficit Reduction Plan to close the current year deficit. In the fall of 2009, the Legislature passed a bill which reduced funding for many programs, including Homelessness Intervention Program and Single Room Occupancy (SRO). Such action was difficult, but necessary to respond to the fiscal crisis facing the State. Other vital funding for Public Assistance, Child Support Enforcement, Adult Shelter's and Supplemental Security Income (SSI) were not cut, so as to avoid shifting costs to localities responsible for providing vital, mandated services.

II. SIGNIFICANT LEGISLATION – 2009

A. INCOME MAINTENANCE

1. Health Care Practitioners and Disability Determinations

A.1417-A (Wright) / S.5547 (Dilan)

If an individual applying for PA has work limitations, disabilities or health issues that have been identified by their treating health care practitioner, their diagnosis and recommendations should be considered to be accurate in the absence of any contradictory findings. As the current law is written, there is limited, if any, consideration given to the treating health care practitioner's opinion.

The federal government recognizes the importance of giving sufficient consideration to a treating physician's medical opinion, and follows this practice in SSI determination procedures, detailed in 20 CFR 416.927. This section of federal regulation outlines evaluating opinion evidence and it is after this federal regulation that this bill has been modeled.

This bill passed the Assembly but was not acted upon by the Senate.

2. Workfare and Confidentiality

A.1547 (Wright)

Current law prohibits a public employer from utilizing workfare participants in such a manner as to result in the displacement or partial displacement, of the regular workforce. In order to permit a collective bargaining representative to monitor a public employer, such employer must provide a monthly statement containing the number, location, agency and assignment of workfare participants. Although the public employer discloses no information about individual participants, the law nevertheless requires the collective bargaining representative to keep such information confidential.

This structure deprives the collective bargaining representative of the ability to fully inform its members of the employer's use of workfare participants. It further prevents a union from notifying interested members of the public as to the number of workfare participants and how the public employer is utilizing them to perform work for the public. The proposed legislation would allow designated representatives to receive certain participant information, and at the same time would protect welfare recipients from the disclosure of confidential information.

This bill passed the Assembly but was not acted upon by the Senate.

3. Four Year College

A.1827-A (Wright) / S.5846-A (Montgomery)

In February 2008, the Department of Health and Human Services (HHS) issued final TANF regulations implementing the Deficit Reduction Act of 2005. A number of important changes to the rules support New York's intention to make education and training the center of our economic engine. In particular, HHS made two important changes in the final rules. First, Baccalaureate and advanced degree programs are now countable towards a state's work participation rate. Second, for each hour of class time, up to one hour of unsupervised homework time required or advised by an educational program may now count towards the work participation rate.

Public recipients who are able to work are required to work or participate in approved programming for 30 hours per work to meet their work participation requirement. This bill would allow participation in a four year post secondary education program to count as work participation for purposes of an individual's public assistance employment requirement in accordance with recent Federal requirements. New York State Regulations are currently in place to count time spent doing homework towards a person's work requirement. This bill would bring New York State into compliance with the final federal rules.

This bill passed the Assembly but was not acted upon by the Senate.

**4. Child Care Assistance
A.3657 (Scarborough) / S.2091 (Montgomery)**

Office of Children and Family Services (OCFS) regulations, require a parent seeking child care subsidies to obtain a court order for child support as a condition of eligibility.

Access to child care is necessary to enable families to achieve financial security and to provide children with early learning skills. As day care providers struggle with under-enrollment, more and more families are turning away from quality care due to the unnecessary constraints of current regulation. Easing the process for low-income parents will benefit the parents, children, providers and the communities in which they live.

This law encourages a single parent to obtain a child support order but no longer mandates such an order as a condition of eligibility for child care assistance.

This law was signed into law; Chapter 233

**5. Safety Net Time Period
A.6812 (Kavanagh) / S. 2082 (Parker)**

Section 350(2)(a)(iii) of the Social Services Law provides that any month in which an individual receives cash assistance in the Safety Net Assistance (SNA) program must count against the 60-month limit imposed by the federal TANF rules according to federal legislation. This time limit actually prevents the State from utilizing federal funds to offset the cost of providing assistance to eligible individuals. For example, couples without children currently receive assistance through the SNA program. If a couple has a child at some point in the future, the household, if otherwise eligible, would receive TANF-funded assistance. However, current statute provides that up to 24 months in which the couple received cash SNA would count toward the federal time limit. Therefore, instead of receiving up to the maximum 60 months of federal assistance, the couple could only receive 36 months of federal TANF assistance. After exhausting the 36-month time period, if the couple remained eligible for assistance, they would be returned to the state and locally funded SNA program.

This bill would maximize the use of federal funds by ensuring that the period during which adults receive cash assistance in the SNA program, which was not funded in whole or in part with TANF funds, would not be included in the cumulative 60-month time limit on the receipt of federally funded assistance. This legislation would provide a rational step toward alleviating the fiscal burdens on the State and local governments, while continuing to meet our State Constitutional mandate of providing care for the needy.

This bill passed the Assembly but was not acted upon by the Senate.

6. Utility Repayment

A.7449 (Wright) / S. 3638 (Squadron)

SSL S 131-s (1) provides that social services districts may pay utility companies to avoid shut-offs or to restore service for arrearages in an amount of up to the four most recent months in which service was provided. Households with a gross income exceeding the applicable public assistance standard of need must sign repayment agreements and currently must repay the utility assistance within one year.

In the current home energy climate, utility costs are constantly in flux and can seriously affect the low-income population that social services districts serve. High monthly payments for repayment of utility assistance can result in households falling behind in their obligations. By extending the period of time for low income households to repay their utility arrears assistance from one year to two years, this law will reduce each household's monthly payment amounts, thus increasing their ability to comply with repayment agreements. This law may also improve social services districts' collections on utility repayments.

This bill was signed into law; Chapter 318.

7. Income and Resource Exemptions

A.7450 (Wright) / S.4147 (Krueger)

Section 131-n of Social Services Law prescribes the resources that are exempt and disregarded in calculating PA eligibility and benefit levels. This law extends these provisions for two years.

The legislation ensures that families can retain some of their essential assets needed to achieve self-sufficiency while remaining eligible for PA by exempting the following assets for consideration in a family's financial eligibility for PA: up to \$2,000 (\$3,000 if someone in the household is 60 or older), a primary residence, and an automobile valued up to \$4,650 (or up to \$9,300 if it is needed to seek or retain employment). If the existing provision were not extended, the type and amount of exemptions will be left to regulatory action by the Office of Temporary and Disability Assistance subject to the approval of the Division of the Budget.

This bill was signed into law; Chapter 123.

B. MEDICAID

1. School-Based Health Services

A.1022 (Gottfried)

School-based health centers are recognized as highly effective in delivering necessary and timely health care services to underserved and uninsured school-age children. Since school-based health centers use mostly nurse practitioners, physicians' assistants and certified social workers with back-up physicians and psychologists or psychiatrists, managed care programs are unlikely to contract with school-based health centers as primary care providers for eligible students who are enrolled in managed care.

Yet school-based health centers have become an integral part of the fabric of the communities where they are located. Often, they are the only accessible primary care and mental health providers for the most high-risk youth. This bill would include these health centers to the list of

services which need not be provided by a managed care program so that vulnerable children get the health services they need.

This bill passed the Assembly but was not acted upon by the Senate.

**2. Access to Dental Services Through Managed Care
A.1720 (Gottfried)**

The Medicaid Managed Care Program provides Medicaid recipients with improved health care through the services of Health Maintenance Organizations (HMO). HMOs establish a relationship between a patient and a primary care provider, who manages all of the patient's interactions within the health care system.

However, managed care programs have very little experience providing dental services. In addition, primary care practitioners have little training or experience in assessing the existence, type or remedy to dental problems. Consequently, it makes little sense to require them or the HMO to determine the necessity or type of treatment needed. This legislation preserves both the right of Medicaid HMOs to offer dental services and the ability for participants to access such services outside the network.

This bill passed the Assembly but was not acted upon by the Senate.

**3. Social Service Local Office Accessibility
A.2417 (Lopez, V.) / S.1650 (Dilan)**

Many social services applicants and recipients have to travel to offices which are far from their place of residence. This bill would require the assignment of these people to the local office which is the most accessible to their residence. By requiring this, social services applicants and recipients will not have to travel to a randomly assigned social services office and incur unnecessary expenses. In addition, the social services office will be accessible to the community it serves and more aware of the needs of its clients.

This bill passed the Assembly but was not acted upon by the Senate.

C. HOUSING

**1. Homeless Housing Task Force
A.1493 (Wright)**

The need to address homelessness in New York State has increased dramatically. The formation of 10-year homeless task forces in each county is necessary to address the long-term and short-term housing needs of homeless persons. After determining the cause of homelessness in each district, the task forces would be able to make suggestions and set guidelines to prevent or alleviate homelessness. This bill would give the power to fight homelessness back to the local communities, which are best able to determine effective solutions according to each area's unique needs.

This bill passed the Assembly but was not acted upon by the Senate.

**2. Financial Contribution While Staying in a Shelter
A.8353-D (Wright) / S.5605-A (Squadron)**

Mid year, New York City began charging rent to the homeless families who live in publicly run homeless shelters but have income from employment. This bill provides protection of homeless families seeking temporary shelter from being required to make rent payments.

This bill passed the Assembly but was not acted upon by the Senate.

D. OTHER

**1. Adding Cooling Needs Assistance to the Home Energy Assistance Program (HEAP)
A.1459 (Wright) / S. 2276 (Parker)**

The federal Home Energy Assistance Program (HEAP) provides benefits to low-income households in need of energy assistance. In New York State, HEAP is available to certain low-income households in need of energy assistance for heating assistance, crisis assistance (heating only), and weatherization assistance. Federal statute allows HEAP funds to be used toward heating, cooling and crisis energy needs. However, New York does not currently provide cooling needs assistance as part of HEAP.

This legislation would authorize the Office of Temporary and Disability Assistance (OTDA) to establish a plan within HEAP to help eligible low-income households meet their home cooling needs. This would enable some low-income households, especially those containing a vulnerable family member such as a child, elderly, or disabled individual, to receive assistance with cooling needs during the hottest summer months.

This bill passed the Assembly, but was not acted upon by the Senate.

**2. Information for Victims of Sexual Assault
A.3378 (Rosenthal) / S. 4077 (Squadron)**

Some studies have estimated that as many as 40% of all individuals receiving PA were sexually abused as children, and a consensus has been reached among leading researchers that sexual assault victims are more likely to suffer from substance abuse problems, mental illness or other emotional problems as a result of the long-term trauma associated with early sexual abuse. In addition, according to the New York City Alliance Against Sexual Assault, the connections between sexual assault and poverty are so strong they are impossible to ignore, and therefore, the movement to protect sexual assault victims should work hand in hand with the movement to help individuals rise up from poverty.

This bill would require social services districts to inform all applicants for and recipients of PA of their option to receive an informational packet containing referral and contact information for local programs that provide services to victims of sexual assault. The packet would contain a listing of local sexual assault examiner programs, including a list of any local hospitals offering sexual assault forensic examiner services, rape crisis centers, and other advocacy, counseling and hotline services appropriate for victims of sexual assault.

This bill was signed into law; Chapter 427.

**3. Prohibits Domestic Abuse Victims from Contacting Abuser
A.3843-A (Rosenthal) / S.5036 (Hassell-Thompson)**

Women seeking social services from New York State must undergo a stringent screening process that requires them to provide numerous forms of documentation. While requiring a great deal of documentation before providing services is an admirable goal for the state, this policy has the unintended consequence of putting many battered women at risk and even denying some of them (perhaps up to 3,500 domestic violence victims) access to services such as public housing. This is because a victim of domestic violence or abuse is often forced to contact her abuser in order to obtain all of the documentation required by the state. When women are unable to do this or refuse to contact their abuser, they are denied state services.

In the case of the domestic violence victim confidentiality and separation are essential for survival. Requiring men or women to make contact with their former abusers is endangering their well-being. This law will ensure that any agency or authority cannot compel a domestic violence victim to contact his or her abuser. Recognizing that at times contact must be made to comply with state or federal mandates, this law requires such contact be through a confidential intermediary to be provided by the governmental entity that requires such information in a way that protects the victim.

This law was signed into law; Chapter 428.

**4. Delay in the Filing of a Petition to Terminate Parental Rights
A.5462-A (Aubry) / S.2233-A (Montgomery)**

New York requires that social services agencies begin proceedings to terminate parental rights when a child has been in foster care for 15 of the most recent 22 months. This law was established pursuant to the federal Adoption and Safe Families Act (ASFA). Preliminary research suggests that ASFA's rigid requirements have had a negative effect on incarcerated parents and their children. This bill would make New York law more responsive to the particular circumstances of incarcerated parents.

This bill passed the Assembly but was not acted upon by the Senate.

III. SFY 2009-10 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. The cornerstone of the law was the creation of the TANF block grant, which provides \$16.5 billion to states to fund 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. SFY 2009-10 marked the thirteenth year of the TANF block grant. The amount of New York's allocation is based on the State's public assistance caseload and expenditures in the federal fiscal year (FFY) 1995. The State budget provides additional TANF Funds of \$209.4 million as a result of the TANF Contingency funds received by the State after the Executive Budget was released. The 2009-10 State budget included approximately \$500 million to support benefit payments to low-income New Yorkers and \$2.03 billion in funds commonly referred to as the "TANF Surplus."

B. TANF SURPLUS

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 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.

As in SFY 2008-09, the SFY 2009-10 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 surplus dollars for the 2009-10 fiscal year:

SUPPORT FOR LOW INCOME WORKING FAMILIES

Earned Income Tax Credit (EITC): the Federal, New York State, and New York City EITC are tax credits you can claim based on the money you earn from your job. The amounts vary, depending on your marital status, family's earned income, and number of qualified children. An allocation of \$441,150 was made in the budget to the tax credit. This EITC is just one of a number of New York State initiatives to address the needs of young, low-income working fathers in an attempt to help them become more involved in the economic and social well-being of their children.

CHILD CARE INVESTMENTS

There are a number of child care subsidy programs that are provided by social service districts to enable a parent or caretaker to work or engage in other approved activities. Child care subsidies helps parent(s)/caretaker(s) to pay some or all of the cost of child care services. Over \$373 million is put in the budget to provide subsidies to parents.

EMPLOYMENT/TRANSITIONAL INITIATIVES

Transportation:

Wheels for Work: Wheels for Work received \$7 million in the budget. These programs are designed to assist TANF eligible individuals with obtaining personal vehicles that are necessary for transportation to and from employment or other allowable work activities.

Community Solutions to Transportation: Forty-nine (49) local departments of social services were jointly awarded \$2.2 million in funding to provide transportation services to TANF eligible individuals who are employed or participating in allowable employment activities. Local districts collaborated with service providers from the public and private sectors to design a program to meet the transportation needs of TANF eligible individuals residing in their district. Services may include driver education, modified public transportation services, van pool programs, transit passes, gas cards, car repairs, license and registration fees, auto insurance and auto loan programs.

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 for work and TANF work participation activities. Funds are also used to extend the LATS service hours to accommodate employees at Kraft. RGRTA was awarded \$2 million in the budget.

Centro of Oneida: An allocation of \$125,000 was awarded Oneida County Department of Social Services to offer two services to provide TANF-eligible working adults with the transportation services needed to access employment sites. Project 1 is the distribution of gas cards. Project 2 is the enhancement of certain bus route services specifically designed to meet the needs of shift workers in the retail, service and healthcare sectors.

Domestic Violence Screening: Involves identifying persons who are currently victims of domestic violence and offering temporary waivers of 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.

Summer Youth Employment (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 around employment, including work ethic, appropriate workplace behavior, interaction with co-workers and supervisors, receiving a paycheck and money management are learned. \$345 million is used to fund the employment program.

Transitional Jobs Program: This program received \$5 million to provide a combination of employment and education and/or training, so individuals can gain direct work experience plus build their skills to increase their future employment options. Participants will be able to earn a paycheck and help provide for their families, while also receiving targeted education and training services to support job retention and career advancement.

Green Pathways Out of Poverty: The Green Jobs program received \$5 million to will allow the Albany County, Schenectady County, and Broome County Departments of Social Services to provide job skills training and subsidized employment opportunities in “green industries” for public assistance recipients and low-income individuals. Participants in the Green Jobs Corps program will develop occupational skills that will enable them to get jobs in addition to supporting their ability to remain employed and advance their careers.

Healthcare Outreach Job Subsidies: This new program received \$5 millions to establish subsidized employment opportunities for up to one year in the health care sector, including community outreach positions.

Nurse Family Partnership: This home visiting program in which a registered nurse provides case management and nursing services to at-risk pregnant women in order to prevent child abuse and promote healthy child development. This program received \$5 millions and currently exists in all five boroughs of New York City, Monroe and Onondaga County.

SERVICES AND HEALTH INITIATIVES

Refugee Program: This New York State funded program received \$1.4 million to supplement mainstream refugee services during the first 60 months of eligibility to fill in the gaps not covered by other programs, and to extend services beyond the time limits imposed by other programs.

LEGISLATIVE INITIATIVES

Bridge Program: The Bridge Program was allocated \$8.5 million, which operates in conjunction with the State University of New York’s University Center for Academic and Workforce Development, provides local social services districts with employment preparation services specifically designed to provide Family Assistance (FA) and other TANF eligible families with the skills and supports necessary to obtain employment.

Displaced Homemakers: The Displaced Homemaker Program has operated throughout New York State since the 1970s. It provides a continuum of support services for individuals who are primary caretakers in the home and who have experienced a loss of income due to separation, divorce, disability or death of an income-providing family member, or the individual has received federal or State assistance and is no longer eligible for this assistance. This program received \$5.5 million.

Wage Subsidy Program: Employers are reimbursed for wages and related benefits 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 \$14 million to provide subsidies.

ATTAIN/Technology Training: ATTAIN Labs are designed to promote digital parity for economically disadvantaged New Yorkers throughout New York State by using the latest vocational, customer service and life management software, computerized basic job skills training modules to supplement work experience, ESL, GED, computer literacy and job search and resume preparation, and Internet exploration training programs. The ATTAIN Labs received \$7 million.

VESID/LIVES: The purpose of the VESID/LIVES program is to address the employment related needs of individuals with physical and/or mental health issues. VESID/LIVES received \$1.5 million to continue services.

Supplemental Homeless Intervention Program (SHIP) : The SHIP Program was allocated \$5 million to assist households that are homeless or at-risk of being homeless with housing location, eviction prevention and aftercare services.

ACCESS – Welfare to Careers: Metropolitan College's Welfare-to-Careers Consortium Program represents a unique 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. \$500,000 was allocated the ACCESS program.

Strengthening Families through Stronger Fathers: The purpose of the program is to help low-income non-custodial parents (nearly all of whom are fathers) to work and pay their child support in full. The first provision of the legislation authorizes funding for pilot programs in five sites to provide intensive employment and other supportive services to low-income non-custodial parents. The second provision establishes a state refundable EITC for non-custodial parents with low earnings who pay the full amount of their current child support obligation in a given year and are otherwise eligible for the credit (NY Tax Law § 606 (d-1)). New York is the first state in the country to adopt this two-part strategy to strengthen families and is part of President Obama's agenda for strengthening families. This program received \$2.64 million.

Emergency Homeless Program: Provides assistance to organizations in local social services districts with a population in excess of 2,000,000. This program received \$2 million to help to meet the emergency needs of homeless individuals and families and those at risk of becoming homeless who are eligible for TANF benefits and whose incomes do not exceed 200 percent of the federal poverty level.

Disability Advocacy Program: Disability Advocacy Program provides for the legal representation of individuals whose federal disability benefits have been denied or may be discontinued and received \$1 million in this years budget.

Supportive Housing for Families and Young Adults (SHFYA): The SHFYA Program provides comprehensive support services designed to stabilize, enhance employability, and/or enhance self-sufficiency for those residents (eligible families and young adults between the ages of 18 and 25) of supported housing who are formerly homeless, at risk of homelessness, and/or have exceeded or risk exceeding the TANF time limits. SHFYA received \$5 million in the budget.

Intensive Case Services: Intensive case received \$3 million to provide services for parents and other TANF-eligible adults who are noncompliant with work requirements so they may become fully engaged in appropriate work or work preparation activities.

Career Pathways: Career Pathways is a workforce development strategy that links basic education to occupational training, and when combined with integrated support services, enables participants to advance over time to higher level training and education and to living wage jobs in specific industry sectors. Individuals targeted for this initiative include public assistance recipients, young adults between the ages of 18-24, low-wage workers and households with incomes at or below 200% of the federal poverty level. Participants are provided with a clear and reliable course of action for building skills to progress in their careers. Programs are organized as a series of steps that lead participants towards employment with industry recognized credentials, certificates and/or licenses. The Career Pathways program received \$10 million in the budget.

Public Assistance Grant Increase: The non shelter portion of the grant will be increase 10% for the next three years. \$175,682,000 was allocated in the budget for this increase.

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 (districts) which are funded with the Federal TANF Services Block Grant. Total allocation for FFFS is \$964.6 million.

IV. LEGISLATIVE HEARINGS

A. FISCAL IMPACT OF THE 2009-2010 ENACTED STATE BUDGET

Tuesday, December 15, 2009 at 10:30am

Hamilton Hearing Room B, Legislative Office Building, Albany

The Office of Temporary Disability Assistance (OTDA) is responsible for supervising a wide array of programs that provide assistance and support to eligible families and individuals, ranging from public assistance programs to employment and training programs. The State Fiscal Year (SFY) 2009-10 State Budget provides approximately \$5.65 billion for the programs administered by OTDA. The purpose of this hearing is to review OTDA's implementation of programs funded through the SFY 2009-10 State Budget, as well as the overall impact of the Budget on the programs.

Poverty in New York State is growing. New York has the 16th highest poverty rate in America at 14%. As poverty continues to increase in New York State it is important to ensure that the most vulnerable residents continue to receive the supports and services needed to become self sufficient. Witnesses at the hearing spoke of the growing number of people and families receiving food stamp assistance and how the number continues to grow each day. Community outreach has proven to be a great resource for many in need of services.

Many of witnesses talked about the growing need for affordable housing. Need is growing but services are decreasing due to a decrease of funding. Also, testimony was presented that underscored the importance of job training and readiness programs. Education and training provide opportunities for career advancement, skill development and higher wages.

APPENDIX A

2009 SUMMARY OF ACTION ON BILLS REFERRED TO THE SOCIAL SERVICES COMMITTEE

<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	3	0	3
To Ways and Means	25	0	25
To Codes	2	0	2
To Rules	1	0	1
Total	31	0	31
Bills Having Committee Reference Changed	0	0	0
Senate Bills Substituted or Recalled		0	0
Bills Never Reported, Held in Committee	3	0	3
Bills Never Reported, Died in Committee	115	0	115
Bills Having Enacting Clause Stricken	5	0	5
TOTAL Bills in Committee	154	0	154
 Total Number of Committee Meetings Held		8	

APPENDIX B

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

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.458 Jacobs	S.2513	Referred to Ways and Means	Would extend the authorization for medical assistance payments to certain clinics or diagnostic and treatment centers for Medicaid eligible pre-school special education children.
A.1022 Gottfried		Passed Assembly	Would assure that Medicaid managed care enrollees have continued access to school-based health services.
A.1288 Wright		Referred to Ways and Means	Requires a local social services district to accept or deny an application for public assistance no later than 30 days after the date of the application.
A.1296 Wright		Referred to Ways and Means	Would increase the earned income disregard and repeal the 185% standard of need for PA applicants and recipients.
A.1306 Wright	S.1703	Referred to Rules	Would extend the time period from 10 days to 60 days for an applicant or recipient to request a fair hearing or to contest the suitability of a work assignment based on a determination of a disability.
A.1406 Wright	S.4140	Referred to Ways and Means	Would eliminate the statutory authority that permits local social services districts to require PA recipients to execute a mortgage in favor of the county in the amount of assistance received as a condition of eligibility.
A.1417-A Wright	S.5547	Passed Assembly	Would ensure that the medical opinion of a PA applicant's treating health care practitioner is given sufficient regard when the district is making disability determinations. 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.1459 Wright	S.2276 Parker	Passed Assembly	Would authorize the OTDA to develop a plan to help eligible low-income households with their cooling needs under the Low-Income Home Energy Assistance Program(LI-HEAP).
A.1462 Wright		Referred to Ways and Means	Would increase the availability of emergency rent assistance to include grants for individuals at or below 200 percent of the federal poverty level.

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.1493 Wright	S.2086 Parker	Passed Assembly	Would require social services districts to establish a homeless housing task force for purposes of developing a 10 year plan and guidelines.
A.1545 Wright		Referred to Ways and Means	Would repeal the section of law that requires a person to live in NYS for 12 month (to establish residence) before being eligible for full public assistance benefits.
A.1546 Wright		Referred to Ways and Means	Would provide that a social services official may not recover assistance properly paid as permitted where a recipient or former recipient of such assistance was required to participate in a work experience program without first crediting against such recovery the number of hours that the recipient actually participated in such program multiplied by the higher of the applicable state or federal minimum wage.
A.1547 Wright		Passed Assembly	Would limit confidentiality of information given to certified collective bargaining representatives by public employers who supervise PA recipients participating in the work experience program.
A.1551 Wright		Referred to Ways and Means	Would allow working families whose income is below 200% of the federal poverty level (FPL) and who are not in receipt of public assistance to apply for a rental voucher to cover a portion of the cost of families' rental obligation.
A.1681 Wright		Third Calendar Reading 225	Would eliminate the finger imaging requirement for applicants or recipients of food stamps who are not also applicants for or recipients of Family Assistance or Safety Net Assistance.
A.1720 Gottfried		Passed Assembly	Would allow Medicaid clients who are members of a managed care program to obtain dental services outside of the medical program.
A.1827-A Wright	S.5846-A Montgomery	Passed Assembly	Would allow PA recipients to participate in post secondary education and to credit that time towards mandated work requirements, in accordance with federal law.
A.2417 Lopez, V.	S.1650 Dilan	Passed Assembly	Would allow applicants for public assistance to select the local social services office nearest to that person's residence provided that such office has the capacity to accept such person.

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.2565 Glick	S.2664 Duane	Referred to Ways & Means	Would ensure that persons living with HIV or AIDS, and who are receiving shelter assistance or an emergency shelter allowance, would not be required to pay more than 30 percent of the household's monthly unearned and/or earned income towards shelter costs, including rent and utilities.
A.3378 Rosenthal	S.4077 Squadron	Chapter 427	Would direct social services districts to inform applicants and recipients of public assistance of their option to receive an information packet appropriate for victims of sexual assault.
A.3657 Scarborough	S.2091 Montgomery	Chapter 233	Would increase access to child care for low-income families.
A.3843-A Rosenthal	S.5036 Hassell- Thompson	Chapter 428	Would prohibit the state, its political subdivisions, public authorities, and employees and agents thereof from compelling domestic abuse victims to contact their abusers, directly for any reason; requires such political entity to provide a confidential intermediary.
A.4096-A Millman	S.2098-A Montgomery	Third Calendar Reading 189	Would require local social service districts to give strong consideration to educational and training opportunities for sustainable wage jobs and nontraditional employment in their public assistance employment programs, for a person that has already obtained their high school diploma or GED.
A.4169 Cook	S.2369 Krueger	Referred to Ways and Means	Would require OTDA to apply to the federal department of agriculture for any federal food stamp program waivers that would make food stamps available to persons who would become eligible for food stamps benefits only under such waivers.
A.4347 Greene	S.3754 Hassell- Thompson	Codes/ Enacting Clause Stricken	Would require applicants for public assistance to be fully informed, orally and in writing, that they may be liable to reimburse the state for benefits received; requires and informed acknowledgment form to be signed by the applicant and kept in the applicant's file.
A.5462-A Aubry	S.2233-A Montgomery	Passed Assembly	Would allow the court to consider the special circumstances of a parent or parents who are incarcerated or in a court-ordered residential substance abuse treatment program when determining the guardianship and custody of their children and before terminating their parental rights.
A.5552 Lopez, V.		Referred to Ways and Means	Would direct OTDA to study fair hearing process utilized by local districts.

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.5948 Espaillat	S.1103 Dilan	Third Calendar Reading 662	Would provide for persons whose eligibility for medical assistance is terminated to receive 10 day written notice in advance of termination and speedy consideration of re-application.
A.6635 Wright	S.3637 Squadron	Referred to Ways and Means	Would change the name of Office of Temporary and Disability Assistance to the "Office of Economic Support and Opportunity."
A.6812 Kavanagh	S.2082 Parker	Passed Assembly	Would remove certain time periods in which an adult receives cash assistance in the Safety Net program.
A.7449 Wright	S.3638 Squadron	Chapter 318	Would extend the utility repayment agreement from one year to two in the case of persons applying for public assistance.
A.7450 Wright	S.4147 Krueger	Chapter 137	Would expend the current provisions for income and resources that are exempt when determining eligibility for public assistance programs.
A.8353-D Wright	S.5605-A Squadron	Passed Assembly	Would no longer require recipients of temporary housing assistance to make a financial contribution towards their housing costs.

APPENDIX C

LAWS ENACTED DURING THE 2009 SESSION

CHAPTER	ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	DESCRIPTION
Chapter 427	A.3378 Rosenthal	S.4077 Squadron	Allows social services districts to inform applicants and recipients of public assistance of their option to receive information regarding victims of sexual assault.
Chapter 233	A.3657 Scarborough	S.2091 Montgomery	Provides that no applicant, or recipient of, child care assistance shall be required to pursue a court order for child support to qualify for child care assistance.
Chapter 428	A.3843-A Rosenthal	S.5036 Hassell-Thompson	Prohibits domestic abuse victims to contact their abusers.
Chapter 318	A.7449 Wright	S.3638 Squadron	Extends utility repayment agreements from one year to two in the case of persons applying for public assistance.
Chapter 123	A.7450 Wright	S.4147 Krueger	Provides for the extension of current exemptions of income and resources to qualify for public assistance programs.

APPENDIX D

2010 COMMITTEE GOALS

It remains the Committee's goal to advance legislation that will improve the current welfare system in turn bettering the lives of New York State residents.

The Committee continues to advance legislation that will allow education at a four year college to count towards a Public Assistance recipient's work participation hours. In accordance with federal law, New York should include programs that lead to a baccalaureate degree in the definition of vocational education that can be a countable work activity, and allow homework time to count towards an individual's work requirements.

Each year it becomes more and more difficult for New Yorkers of all income levels to access adequate, safe and affordable housing. The Committee will continue to work to review and expand access to housing resources for low-income individuals and those in need of supportive housing. Supportive housing often provides supports and services an individual may need in order to live independently, keeping them out of the already burdened shelter system. Homeless shelters are seeing more and more individuals and families seeking shelter due to the economic downturn. The Committee stands committed to ensuring that homeless people, especially families find adequate and affordable housing.

Along with access to affordable and safe housing, hunger also poses a threat to the economic solvency of many low income New Yorkers. For over 40 years, the Food Stamp Program has been America's first line of defense against hunger. In New York State, it is the largest nutrition program for low-income individuals; helping to feed 2.5 million people. The number of people applying for Food Stamps has been increasing every month and yet there are still people who are not applying for assistance. The Committee will continue to work to remove the barriers that prevent or discourage individuals from applying for Food Stamps.

Increasing employment opportunities for low-income families and individuals remains a top priority for the Committee. The Committee will be looking at ways to increase employment opportunities through examination of existing jobs programs and development of new and innovative initiatives. One way will be to strengthen the partnership with the Public Housing Authorities to better utilize job opportunities that are offered. In collaboration with other committees, the lack of job opportunities for minority groups, particularly males, will be explored in hopes of addressing this problem. The ultimate goal is to provide employment opportunities so a person can be self-sufficient and self reliant.

Finally, the Committee is committed to aiding persons returning from incarceration whose transition back into society is stifled by many obstacles, including insufficient work opportunities, employment discrimination, and the inability to find suitable housing. Unfortunately, many inmates do not receive adequate programming while incarcerated to properly prepare for a return to the community. Additionally, there is a lack of continuity between prison and community programs that causes a gap in services for many people returning to the community from incarceration. The Committee will continue to work on facilitating and increasing access to social service programs for individuals who have completed periods of incarceration.

APPENDIX E

APPROPRIATIONS

CATEGORY/ITEM	APPROPRIATION (\$ in thousands)	
SUPPORT FOR LOW INCOME WORKING FAMILIES	\$441,150	
• EITC	\$441,150	
CHILD CARE INVESTMENTS	\$373,310	
• Child Care	\$356,300	
• Child Care Demos/Facilitated Enrollment	\$11,856	
• Child Care SUNY/CUNY	\$3,400	
• Child Care for Migrant Workers	\$1,754	
EMPLOYMENT/TRANSITIONAL INITIATIVES	\$49,325	
• Transportation <ul style="list-style-type: none"> ➤ Wheels for Work, \$7,000* ➤ Transportation, \$2,200 ➤ RGRTA, \$2,000 ➤ Centro of Oneida, \$125 	\$11,325	
• DV Screening		
• Summer Youth Employment		
SERVICES AND HEALTH INITIATIVES		\$1,425
• Refugee Program		\$1,425
LEGISLATIVE INITIATIVES	\$258,785	
• EDGE/Bridge	\$8,503	
• Displaced Homemakers	\$5,600*	
• Wage Subsidy Program	\$14,000*	
• ATTAIN/Technology Training	\$7,000	
• Public Assistance Grant Increase	\$175,682	
• VESID/LIVES	\$1,500	
• Supplemental Homeless Intervention Program (SHIP)	\$5,000*	
• Welfare to Careers	\$500*	
• Emergency Homeless	\$2,000*	

CATEGORY/ITEM	APPROPRIATION (\$ in thousands)
• Disability Advocacy Program (DAP)	\$1,000
• Supportive Housing for Families & Young Adults Ages 18-25 (SHFYA)	\$5,000
• Transitional Jobs Program	\$5,000
• Green Pathways out of Poverty	\$5,000
• Healthcare Outreach	\$5,000
• Nurse Family Partnership	\$5,000
• Intensive Case Services	\$3,000
• Career Pathways	\$10,000*
FLEXIBLE FUND FOR FAMILY SERVICES	\$964,600*
TOTAL TANF SURPLUS SPENDING	\$2,088,595

*Increase due to Federal Stimulus Money