



2018 ANNUAL REPORT

New York State Assembly

Carl E. Heastie

Speaker

Committee on
Social Services

Andrew D. Hevesi

Chair





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, 2018

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 2018 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.

The New York State Assembly Social Services committee's agenda for the 2019 legislative session will comprise of legislation and budget actions focused on reducing poverty and homelessness in New York State, as well as cementing opportunities for the disabled, survivors of domestic violence, sexual abuse, and human trafficking, and those effected by childhood trauma.

In 2016, our 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 housing the recipients, will also provide mental health and substance use disorder, counseling, and other comprehensive services to assist those who are homeless, or who are on the verge of homelessness, spanning populations from children, to veterans, to domestic violence victims, and the elderly. This effort received bipartisan support from 133 members of the Assembly, as well as bipartisan support in the New York State Senate. The Mayor of the City of New York also publicly committed, and is currently in the process of building, 15,000 units of supportive housing in New York City. Subsequently, the Governor announced in his 2016 State of the State Address that New York State would fund 20,000 of these units, and in the 2016-2017 enacted budget, \$1 Billion was allocated to build the first 6,000 units.

Moreover, along with my colleagues in government, as well as the Coalition for the Homeless, Empire Justice Center, the Legal Aid Society, and other advocacy organizations, this coming session, the Social Services Committee will again be focused on implementing A.8178 (2018), which will enact the Home Stability Support (HSS) rent supplement program. There are now over 250,000 homeless people in New York State each year, and 3 out of 5 homeless New Yorkers are school-aged children. Last year in New York, 23,000 more people became homeless. To combat this epidemic, the committee will reaffirm the need for HSS, a statewide rental supplement for families and individuals who are eligible for public assistance benefits and are facing eviction and homelessness. This program would be 100% state funded and will provide mandate relief to financially strained counties.

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

Along with our continued efforts for HSS and supportive housing, I partnered with organizations such as the New York State Coalition Against Domestic Violence, Mayor's Taskforce Against Domestic Violence, and Lawyers Committee Against Domestic Violence to start constructing legislation to assist survivors of domestic violence. We will again support A.11056 (2018), which will allow survivors of domestic violence to terminate leases that are under the name of the perpetrators of these crimes. This bill is essential to allow survivors to safely remove themselves and their loved ones from these hazardous circumstances.

Further, the committee will continue to introduce legislation focused on helping survivors of human trafficking. At the end of the 2018 session, bill A.9566 (2018) was introduced, which was signed into law by Governor Cuomo, establishing culturally competent short-term and long-term safe house residential facilities and services operated by not-for-profit agencies for survivors of human trafficking. The placement in these facilities shall be available for survivors of human trafficking at the initial point of contact with law enforcement, a local social services district, or social or legal service providers. These services shall be culturally competent to the extent practicable to include helping these survivors with services such as case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation and translation services, English language instruction, job training and placement assistance, and post-employment services for job retention. We will also look to pass legislation providing temporary housing assistance to a single trafficking survivor, while allowing the program provider to be reimbursed by New York State for any payment differential for housing a single individual in a room intended for double occupancy, in order to address the system-wide lack of shelter for single adults.

Additionally, during the 2018-2019 session, we will continue to be bringing to light A.11375 (2018), a bill that will make it easier for prosecutors to bring charges against those who exploit disabled individuals for sex trafficking, and would establish the crime of predatory sex trafficking as a class A-II felony. Children are particularly vulnerable to being trafficked for sex. The Legislature recognized both the heinousness of this crime and the difficulty in bringing perpetrators to justice when it enacted Chapter 189 of the laws of 2018. Chapter 189 of the laws of 2018 established the critically needed criminal charge of sex trafficking of a child by eliminating the need to prove force, fraud or coercion. A similar vulnerability exists with respect to victims of sex trafficking who are mentally disabled, mentally

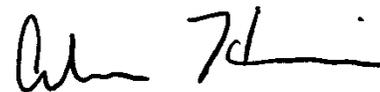
incapacitated or physically helpless. This bill therefore amends Penal Law § 130.97 to add the sex trafficking of vulnerable persons to the current law regarding the sex trafficking of children. Preying upon children and vulnerable persons for sex trafficking is especially heinous conduct, and by establishing predatory sex trafficking as a class A-II felony, we can help combat these atrocious crimes.

Lastly, the Social Services Committee will continue to support legislation to combat the effects of Adverse Childhood Experiences (ACEs). ACEs is the term given to describe traumatic experiences that occur to individuals under the age of 18, including physical, emotional, and sexual abuse; physical and emotional neglect; parental mental illness, substance abuse, or incarceration; parental separation or divorce; and domestic violence. ACEs harm children's developing brains so profoundly that the effects show up decades later if left unaddressed. The long term effects of ACEs may include chronic disease, mental illness, and the adoption of risk behaviors as coping mechanisms. Currently, New York offers no consistent ACEs training. The committee supports legislation A.9565 (2018) which mandates trainings for screenings in domestic violence shelters. In these shelters, directors and staff see the day-to-day impacts of ACEs on a two-generation level - the mother and child(ren). Yet staff may not know exactly what they are seeing, or how to appropriately address what they are seeing. Similarly, A.11081 would provide training for day care providers to recognize the signs of and how to address ACEs. Physicians, particularly pediatricians are also uniquely suited to recognize ACEs in their patients, and A.11077 would ensure that physicians would take continuing medical education training to be better prepared to screen their patients for ACEs. Consistent training would lay the foundation for staff in these various environments to understand the prevalence of ACEs, learn about efforts to reduce and prevent them, and start to understand the long-term consequences of ACEs, the associations between ACEs and Executive Functioning, health risk behaviors, and chronic conditions.

The single most effective tool in combatting ACEs is the presence of a supportive adult relationship. Beginning with these pieces of legislation we will continue to consider how to provide every adult who comes into contact with a child in a professional setting training to recognize ACEs, which will allow them to in turn provide children and their families the tools they need to succeed despite these experiences. Children's brains are resilient and with the proper tools and support, exposure to traumatic, adverse childhood experiences does not have to yield lifelong negative impacts.

Overall, the Social Services committee has a wide net of policy initiatives which we plan to implement and support this upcoming session. These programs will greatly help some of New York State's most vulnerable individuals.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Hevesi". The signature is fluid and cursive, with a distinct "A" and "H".

Andrew Hevesi, Chair
Committee on Social Services

**2018 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
Maritza Davila
Nathalia Fernandez
Pamela Hunter
Latoya Joyner
Ron Kim
Victor Pichardo
Daniel Rosenthal
Michaëlle Solages
Anthony D'Urso

Minority

Andrew Goodell (Ranker)
Anthony H. Palumbo
Daniel G. Stec
Brian D. Miller
Melissa Miller

Committee Staff

Rebecca Rasmussen, Committee Clerk

Program and Counsel Staff

Jennifer Sacco, Assistant Secretary for Program and Policy
Jennifer Marrero, Principal Analyst
Jessica Barry, Counsel
Sarah Conklin, 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 – 2018

A. HUMAN TRAFFICKING

Services for Victims of Human Trafficking A.9566 (Hevesi)/S.8305 (Golden)

For many survivors of human trafficking, one of their most immediate needs is a safe, supportive place to stay. Especially for survivors who are fleeing an exploitative work or living situation, temporary housing may be one of the most important factors in determining whether he or she can safely seek help. This legislation creates culturally competent short- and long-term housing and services for victims of human trafficking. Housing and services would be operated and run by non-for-profit agencies for victims human trafficking.

This bill was Chaptered #238.

Human Trafficking Recognition Training A.10869 (Hunter)

Many human traffickers are reliant on public transportation to move their victims throughout the United States. The U.S. Department of Transportation has recognized this issue and now Amtrak employees are trained in recognizing the indications that an individual is being trafficked. To further combat human trafficking, this bill expands the scope of transportation employees that would be trained in recognizing when a person might be a victim of trafficking.

This bill passed the Assembly.

B. INCOME MAINTENANCE

Health Care Practitioners and Disability Determinations A.3045 (Hevesi)/S.4195 (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.

C. OTHER LEGISLATIVE INITIATIVES

Expands Domestic Violence Crimes

A.1330 (Weinstein)/ S.6239 (Lanza)

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.

Purchase of Multivitamins with SNAP

A.10697 (Hevesi)/S.8453 (Croci)

Currently, recipients of SNAP are restricted from using their benefits towards the purchase of multivitamin-mineral dietary supplements. This legislation would require New York State to apply for a federal waiver to allow SNAP recipients to use their benefit to purchase multivitamins.

Veto Memo 305.

III. SFY 2018-19 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 \$2.442 billion for the Family Assistance program through the federal TANF block grant. The 2018-19 state budget included approximately \$1.5 billion to support benefit payments to low-income New Yorkers.

B. TANF Programs and Allocations

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 2018-19 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 2018-19:

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. \$40 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. \$750,000 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, nonprofit 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 that are funded with the Federal TANF Services Block Grant. The SFY 2018-19 allocations for FFFS is \$964 million.

APPENDIX A

2018 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

SOCIAL SERVICES

| | <u>ASSEMBLY BILLS</u> | <u>SENATE BILLS</u> | <u>TOTAL BILLS</u> |
|---|---------------------------|-------------------------|------------------------|
| BILLS REPORTED FAVORABLE TO: | | | |
| FLOOR | 2 | 0 | 2 |
| WAYS AND MEANS | 6 | 0 | 6 |
| CODES | 1 | 0 | 1 |
| RULES | 0 | 0 | 0 |
| JUDICIARY | 0 | 0 | 0 |
| TOTAL | 9 | 0 | 9 |
| BILLS HAVING COMMITTEE REFERENCE CHANGED | | | |
| TO <u>Children and Families</u> | 4 | 0 | 4 |
| TOTAL | 4 | 0 | 4 |
| COMMITTEE ACTION | | | |
| HELD FOR CONSIDERATION | 10 | 0 | 10 |
| ENACTING CLAUSES STRICKEN | 2 | 0 | 2 |
| DEFEATED | 0 | 0 | 0 |
| REMAINING BILLS IN COMMITTEE | 66 | 5 | 71 |
| TOTAL NUMBER OF COMMITTEE MEETINGS HELD | 5 | | |

APPENDIX B

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

| ASSEMBLY BILL # SPONSOR | SENATE BILL # SPONSOR | FINAL ACTION | DESCRIPTION |
|--|--------------------------------------|-------------------------------|---|
| A.1330 Weinstein | S.6293 Lanza | 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.3045 Hevesi | S.4195 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.4371 Titus | S.9035 Persaud | Third Calendar Reading | Would exempt funds in a qualified 529 tuition account when determining the household income for a public assistance benefit. |
| A.5188 Titus | | Third Calendar Reading | Would allow homework completed for the purposes of education and training activities to count toward an individual's work participation requirement. |
| A.9552C Rosenthal, L | | Referred to Codes | Would require any provider of temporary housing assistance to have trained employee on duty at all times to administer opioid antagonist. Twice a year all providers of temporary housing assistance would be required to offer training to all individuals residing in shelter on how to administer opioid antagonist. This training would be provided by a registered opioid overdoes prevention program. |
| A.9566 Hevesi | S.8305 Golden | Chapter 238 | Would create culturally competent short- and long-term housing and services for victims of human trafficking. Housing and services would be operated and run by non-for-profit agencies for victims human trafficking. |
| A.9672 Hevesi | | Referred to Ways and Means | Would provide that residential domestic violence providers be reimbursed by New York State for any payment differential for housing a single individual in a room intended for double occupancy in order to address the system-wide lack of shelter for single adults. |

| ASSEMBLY BILL # SPONSOR | SENATE BILL # SPONSOR | FINAL ACTION | DESCRIPTION |
|--|--------------------------------------|-------------------------------|--|
| A.9684A Hevesi | | Referred to Ways and Means | Would require each local social service district to assist an individual with HIV/AIDS to secure needed paperwork for eligibility for assistance, face-to-face interviews and provide referrals for services. Would also require OTDA to work with DOH to make sure the DOH website has the most update to date information regarding resources and services for this population throughout state. |
| A.10317 Hevesi | | Referred to Ways and Means | Would increase the standard of need allowance for individuals and families residing in a homeless shelter that provide 3 meals a day. |
| A.10697 Hevesi | S.8453 Crocini | Veto Memo 305 | Would require New York State to apply for a federal waiver to allow SNAP recipients to use their benefit to purchase multivitamins. |
| A.10869 Hunter | | Passed Assembly | Would require public transportation workers, who have direct contact with customers, to be trained in recognizing possible victims of human trafficking. |

APPENDIX C

LEGISLATIVE HEARINGS/ROUNDTABLES

Community Services Block Grant Hearing

June 6, 2018

Albany, New York

The Community Services Block Grant (CSBG) is a federal program created by the Omnibus Budget Reconciliation Act to ameliorate the causes of poverty in communities. The CSBG provides federal anti-poverty funding to a statewide network consisting of Community Action Agencies (CAAs), Community Action Programs (CAPs), and migrant and seasonal farm worker organizations, as designated by federal laws.

The New York State network is comprised of 52 CSBG grantees serving all 62 counties, which provide a range of services to meet the needs of low-income New Yorkers. Funding is also provided to four Indian Tribes/Tribal organizations, for a total of 56 entities.

The CSBG program purposes are to provide assistance to states and local communities working through a network of CAAs and other neighborhood organizations to reduce poverty, revitalize low-income communities, and empower low-income families and individuals in rural and urban areas to become fully self-sufficient.

Local services are directed toward goals of achieving self-sufficiency, family stability, and community revitalization based on local assessments to determine need and resources available.

Pipeline into the Homeless Shelter System - Roundtable

September 13, 2018

New York City

The September roundtable discussed various pipelines into the homeless shelter system, including nursing homes and prisons. Present at the roundtable were members of the Fortune Society, Homeless Services United, The Coalition for the Homeless, Empire Justice Center, Legal Aid Society, and The Center for Independence of the Disabled. It was noted that nursing homes are discharging patients with nowhere else to go, get referred into the homeless shelter system, regardless of the availability of services. Another trend noted, parole officers funneling parolees into the homeless shelter system for ease of follow-up, irrespective of what may actually be best for the parolee. The committee will continue to examine these current practices and begin to develop legislation to address existing issues.