



FEDERATION OF PROTESTANT WELFARE AGENCIES

281 Park Avenue South • New York, NY 10010  
Phone: (212) 777-4800 Fax: (212) 414-1328  
Web site: [www.fpwa.org](http://www.fpwa.org)

## 2010-2011 New York State Legislative and Budget Agenda

### Outcomes Report

The Federation of Protestant Welfare Agencies (FPWA) promotes the social and economic well-being of greater New York's most vulnerable by strengthening human service organizations and advocating for just public policies. FPWA's substantial team of expert policy analysts combine policy analyses along with input from member agency executives and staff, our Board of Directors, and coalition members to create an advocacy agenda that reflects the needs of our member agencies and the New Yorkers they serve.

This document updates FPWA's progress on specific state legislative and budget agenda items across our primary portfolio areas:

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For additional information or questions, please contact us.

<b>Bich Ha Pham, J.D.</b>	Director of Policy, Advocacy & Research 212.801.1311	email: <a href="mailto:bhpham@fpwa.org">bhpham@fpwa.org</a>
<b>Esther W. Y. Lok, M.P.A. &amp; M.Ed.</b> HIV and AIDS	Assistant Director of Policy, Advocacy & Research & Senior Policy Analyst 212.801.1312	email: <a href="mailto:esther@fpwa.org">esther@fpwa.org</a>
<b>Nicole Lavan, Ph.D.</b> Child Welfare & Workforce Development	Senior Policy Analyst 212.801.1376	email: <a href="mailto:nlavan@fpwa.org">nlavan@fpwa.org</a>
<b>Liz Accles</b> Income Security & Early Childhood Education	Senior Policy Analyst 212.801.1393	email: <a href="mailto:laccles@fpwa.org">laccles@fpwa.org</a>
<b>Kathleen Fitzgibbons, M.P.A.</b> Elderly Welfare & Youth Services	Senior Policy Analyst 212.801.1341	email: <a href="mailto:kfitzgibbons@fpwa.org">kfitzgibbons@fpwa.org</a>
<b>Greg Richane</b>	Legislative and Policy Organizer 212.801.1316	email: <a href="mailto:grichane@fpwa.org">grichane@fpwa.org</a>



## Child Welfare

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### **FPWA calls on New York State to restore vital preventive services funding streams that were cut, including the following:**

- **Preventive Service contracts.** The FY2011 budget proposes to completely eliminate \$18.8 million for TANF funded Preventive Service contracts, which will result in the elimination of these programs upon the end of the contract. Prevention initiatives allocate funds to not-for-profit agencies for the development of services to prevent out-of-home placement. TANF Prevention Services focus upon the delivery of prevention of foster care services which enhance overall case practice and case outcomes. These are crucial services that families rely upon to strengthen families and protect children. Preventive programs are designed to help youth who are at-risk of foster care placement and their families create stronger relationships, stronger assets and ties to the community, better quality of life, and long-term stability in family relationships. The TANF Preventive Program identifies and builds upon existing strengths for the youth and family, builds support from professional and natural support systems, and helps maintain relationships by providing follow-up education, training, and support.

Preventive services were partially restored at \$6 million.

- **Community Optional Preventive Services (COPS).** Restore \$4.9 million to the previous level of \$34 million. COPS programs are designed to serve children or youth who are considered at general risk of future foster care or crisis by virtue of one or more identified characteristics.

COPS was funded at \$24.3 million.

Preventive programs are an extremely cost-effective way to keep children safe and strengthen families in comparison to costly out-of-home placements. High quality, flexible Preventive programs are a sound investment for the child welfare system that should be fully supported.

### **Establish the 65/35 open-ended child welfare services funding stream.**

FPWA urges the Governor and the Legislature to reimburse counties for the full amount of the 65% State match for open-ended child welfare services. While we appreciate that reimbursement was not further reduced from 63.7%, and understand the difficult budget climate, it is essential that New York State reimburse the full State match for these critical services, including protective, preventive, aftercare, post-adoption, and independent living services. This funding, and in particular the 65/35 match, encourages counties to invest in high-quality services that strengthen families, improve child safety, decrease the use of costly foster care, and will save the State money in the long run.

The child welfare match was reduced to 62% which was about a \$700 million cut to the program.



**Invest \$2.14 million in a pilot program offering higher education scholarships for older and former foster care youth attending an in-state undergraduate program or vocational training program (A.6002).**

The expense of attending college is out of reach for most foster care youth. Foster youth with any hope of affording a post-secondary education are forced to piece together numerous grants and take on loans, a process that can be extremely daunting without family help, guidance counselors, or the many other supports upon which non-foster youth rely. A state-funded scholarship program that provides tuition and non-tuition assistance would encourage older and former foster care youth to obtain a post-secondary education, ultimately giving them the power to fully compete in the workforce, earn higher wages, and pursue opportunities for advancement. Our initial draft estimate indicates that the total State investment needed to support a pilot version of this legislation for roughly 330 students would be \$2.14 million in its first year of operation.

Funding: TANF funds (regular TANF, regular TANF contingency and federal stimulus funds) can be used to fund this pilot.

The pilot version of the Foster Care Higher Education Scholarship, S8036/A11474, was introduced this session. It was referred to the Senate Higher Education Committee on 6/2/2010 and the Assembly Higher Education Committee on 6/16/2010.

**Invest in subsidized guardianship as an alternate permanency option for children in foster care.**

FPWA is pleased to see the inclusion of subsidized guardianship in the Governor's FY 2011 proposed Executive budget. FPWA is a strong supporter of subsidized kinship guardianship as a permanency option for children in foster care. Adoption does not work for every family, and subsidized guardianship would allow children in long-term care who are unable to return to their parents to exit the system into secure living situations, with kinship caregivers. Research shows that kinship care is associated with improved permanency and social outcomes for foster children and that kinship guardianship is an important option for both older youth, who are at risk of aging out of the system, and communities of color, whose cultural norms already support care-giving for children by extended family members. However, we are concerned with the requirement that children be in foster care for six months prior to a family's eligibility for subsidized guardianship. FPWA encourages the State to consider alternatives to this eligibility requirement as it may discourage kinship caretakers from participation in the program, thus denying children care and supports.

No Additional Cost: Since funds are already paid to foster care parents, and because of the potential reduction in agency administrative costs, subsidized guardianships should be cost neutral, and may be a cost savings.

Subsidized guardianship is funded at \$500,000.

**Restore funding for Kinship Care Programs.**

For FY 2010-11 funding for the Kinship Care programs is recommended at \$677,500, a 10 percent reduction, and nearly \$2 million of TANF Federal funds have been entirely eliminated. The New York State Kinship Caregiver Program is designed to assist persons caring for related children because although grandparents and other relatives raising their kin exhibit a wide variety of strengths, these "kinship caregivers" also may face a number of challenges in accessing health, education, financial, and legal services for the children in their care. A statewide network of programs is used to support kinship placements by promoting household stability and permanency through services for kinship caregivers and their kin. The Kinship



Caregiver Program allows community-based organizations to deliver a wide range of services that address the multiple needs of caregivers and the children in their care including counseling, legal information, support groups, parenting skills, and education. In addition, the New York State Kinship Navigator Program is funded as part of this initiative. This program is designed to creatively assist kinship caregivers in gaining access to information and community support services. The Navigator Program operates a toll-free phone line and website to identify kinship care related services and make available specialists to assess caregiver needs and develop action plans.

Kinship care is funded at \$677,000.

**Support S.2233-A/A5462-A The Adoption and Safe Family Act Expanded Discretion Bill.**

This bill will give foster care agencies additional discretion before filing a termination of parental rights ensuring that children whose parents are in residential drug-treatment or are incarcerated have a chance to maintain their relationship.

The ASFA expanded discretion bill passed the Senate and Assembly and was signed into law by the Governor.

**Implement child welfare caseload guidelines recommended by the NYS Office of Children and Family Services.**

The 2006 New York State Child Welfare Workload Study published by OCFS examined the effects of high caseloads on child protective, foster care, and preventive services caseworkers and found that excessive caseloads undermine their ability to provide families in the child welfare system with high-quality services. The study suggests caseloads of 11-12 children per foster care case planner and 12-16 families per preventive case planner, which would allow caseworkers to spend more time with the children and families that they serve. FPWA urges the State to implement caseload guidelines and to provide counties with the necessary resources to support caseload reductions.

Caseload guidelines have not been implemented.

**FPWA supports increased funding of the following child welfare programs:**

- **Open-ended, un-capped funding for child welfare services** at \$701.9 million (an increase of \$77.2 million)
- **Bridges to Health (B2H)** program at \$72.5 million (an increase of \$41.4 million)
- **Medical Care for Foster Care** program at \$34.6 million (and increase of \$600,000)

Open-ended, un-capped funding for child welfare was funded at \$669.5 million.

Bridges to Health was funded at \$72.5 million.

Medical Care for Foster care was funded at \$34.6 million.

For More Information, Contact:

Nicole Lavan – Senior Policy Analyst for Workforce Development and Child Welfare  
Phone: 212.801.1376 Email: [nlavan@fpwa.org](mailto:nlavan@fpwa.org)



## Early Childhood Education

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FPWA, working in coalition with Winning Beginning New York, believes New York State should strengthen its commitment to providing quality child care and early education programs to low-income families by investing in quality early care and education programs.

There is substantial evidence that high quality early childhood education has great benefit to individual families and society at large. A 2004 report by Legal Momentum and the MIT Workplace Center, "Early Childhood Education for All: A Wise Investment," found that every dollar invested in early childhood programs saves taxpayers \$13 in future costs. A few benefits of making high quality programs available to all children include: reduced costs for remedial education, increased school performance, and a foundation that sets young students on the path to earning higher income levels as adults.

### **Restore \$40 million to the child care block grant to maintain child care subsidies for the number of slots currently being served.**

Child care subsidies need to be preserved for children's educational and social development and to support parents' ability to maintain their jobs. This past fiscal year, hundreds of low-income families lost critically needed subsidies that serve as a major component in parents' ability to secure and maintain jobs. The current \$40 million shortfall in the Governor's budget, if not addressed, will further erode the capacity and quality of New York State's early care and education infrastructure. Moreover, thousands of children throughout the state will be at risk of losing vital care and educational services and their parents, many of whom are in tenuous work situations, will be at risk of losing their jobs.

The structural gap in childcare funding remains unfilled. The state released \$29 million in ARRA (federal stimulus) funding for Early Childhood Education. This is one-time funding that, although very helpful in the short term, does not address the growing structural state child care deficit.

### **Restore TANF funding for SUNY/CUNY child care, migrant child care, and child care demonstration programs.**

The Executive budget proposed to zero out funding for SUNY/CUNY child care, migrant child care, and child care demonstration programs that are currently funded by TANF Initiatives funds. FPWA urges the restoration of these important funds to ensure that these children are able to access quality, affordable early care and education.

These programs were initially targeted by the Governor to lose all of their funding. Instead these programs were restored by 48%, therefore losing 52% of their total budgets. SUNY childcare was reduced from \$1.96 million in FY 2009-10 to \$947,000 in the extender bill. CUNY childcare was reduced from \$1.44 million in FY 2009-10 to \$696,000 in the extender bill. Childcare demonstration projects were reduced from \$10.9 million in FY 2009-10 to \$5,265,000 in the extender bill. Migrant Worker childcare was restored to last year's amount of \$1.754 million.



**Increase flexibility for districts utilizing Universal Pre-Kindergarten funding to better meet community needs.**

FPWA supports S.6777/A.9900 sponsored by Senator Suzi Oppenheimer and Assemblywoman Cathy Nolan which would provide school districts greater flexibility to spend UPK funds on related needs, such as full day pre-kindergarten options that better fit the schedules of working parents and transportation. Districts will have the ability to implement and expand UPK in ways that best meet the unique needs of the children and families they serve.

Many parents need full day Pre-K for their children in order to match their work schedules. Part day programs limits access to parents whose schedules lack flexibility. Children will only benefit from full day programs that expand the hours of time spent in the educationally and developmentally enriched model of Universal Pre-Kindergarten.

S.6777 passed in the Senate on March 15, 2010. A.990 was referred to the Assembly Education Committee with no further actions taken.

**Cap child care co-payments at 10% of gross family income and eliminate co-pays for families living under the federal poverty level.**

S.1274/A.5460, sponsored by Senator Velmanette Montgomery and Assemblymember Michele Titus, caps the co-payment at 10% of the gross family income and eliminates co-payments for households with income below the federal poverty line. By doing this, the legislation also addresses county-by-county disparities in child care co-pays and creates a statewide co-payment system that is both equitable and affordable. According to Empire Justice Center, a household of three in Albany County receiving subsidized care with an income of \$36,620 is responsible for a copayment of \$53 per week per child. A parent in Onondaga County with the same income and family size is responsible for \$105 per week.

S.1274/A.5460 was referred to the Children and Families Committees in their respective houses with no further actions taken.

**Invest in Qualitystars NY, New York's Quality Rating and Improvement System (QRIS).**

Provide financial supports and incentives for providers who implement quality improvements under QualityStars NY. Programmatic and facility improvements require a significant commitment of time and resources on the part of child care programs and financial support is crucial to helping programs sustain advancements in quality.

Quality Stars received no state funding this budget session.

**For More Information, Contact:**

Liz Accles – Senior Policy Analyst for Income Security and Early Childhood Education  
Phone: 212.801.1393 Email: laccles@fpwa.org



## Elderly Welfare

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Caregiver support services and community resources help caregivers provide assistance to their loved ones longer and may also help delay or prevent nursing home placement of dependent elders. Social adult day services are an integral component of the senior service delivery system and, due to the increased demand, need to be adequately funded so caregivers may have access to these programs. We urge New York State to fund social adult day programs with future federal caregiver funding that becomes available.

### **Oppose Title XX Funding Changes in the Executive Budget**

The Governor has proposed to direct all Social Security Title XX-Social Service Block Grant funds to be used for Adult Protective Services and Domestic Violence (AP/DV) programs. Currently, \$103 million in Title XX funds is allocated throughout New York State by the Office of Children and Family Services. Of the total \$103 million, \$66 million is directed to AP/DV services and \$37 million is to be distributed to counties to fund programs at their discretion. With this proposed change, nearly \$25 million in funding will be eliminated for aging services in New York City for senior centers, meal programs, transportation, educational and recreational programs. We ask the Legislature to work to prevent this dramatic change from occurring.

The budget did not include the Executive Budget Proposal to reallocate Title XX funds to Adult Protective Service and Domestic Violence Programs.

### **Support \$1.9 million for senior transportation services.**

The Executive budget proposes to continue funding for senior transportation at \$921,000, down from \$1.9 million in 2008-09, for vehicle operating expenses for elderly service providers. In addition to meal delivery to homebound seniors, these vehicles transport the elderly to important services and activities including medical/doctor appointments, food shopping, banking, adult day services and senior centers. Operating expenses include costs for insurance, maintenance, and fuel. Funding at a minimum needs to be restored to \$1.9 million so agencies can keep their vehicles in working order.

The budget includes \$921,000 for senior transportation.

### **Support \$1 million in funding for Social Model Adult Day Service (SADS) Programs.**

The Executive Budget Proposal includes \$872,000 in funding to support social model adult day care services which maintains the funding level from the 2009-10 enacted budget but which is down from \$1.2 million in the 2008-09 adopted budget for social model adult day service programs. SADS programs are designed to provide a variety of long term care services to older New Yorkers with functional impairments in a congregate setting and according to an individualized service plan. Social Adult Day Services are a cost effective way to care for frail elders and enable them to live in their homes and communities, averting premature nursing home placement. For example, the cost of a year in a SADS program is \$18,500 and is significantly less than the cost for a year in a nursing home at \$123,420. Due to the current and projected increased need for these programs, an allocation of \$1 million is greatly needed to help meet the demand.

The budget includes \$872,000 for social model adult day services.



**Support enriched social adult day services.**

The Governor included \$245,000 in the Executive Budget for the enriched social adult day services demonstration program which maintains the funding level from the 2009-10 enacted budget. The enriched model of social adult day services affords program providers the opportunity to expand the range of services offered, allows the elderly to remain in the community longer and deters or delays nursing home placement. These programs give caregivers peace of mind and they are able to work, maintain their households, and keep their loved ones home with them longer. Facilities need the flexibility to adjust to the range of services needed by the clients they serve. Examples of services provided under this program include assistance with toileting, mobility, transferring, eating, and medication dispensing by a Registered Nurse.

The budget includes \$245,000 for enriched social adult day services.

**Restore trend factors for Certified Home Health Care Agencies (CHHA), Long Term Home Health Care Programs (LTHHCP), personal care providers and nursing homes.**

The Executive Budget Proposal includes eliminating trend factors for CHHA, LTHHCP, and for nursing homes. FPWA is concerned about the impact any proposed reductions will have on program providers and the seniors who need to access these critical services. For example the current LTHHCP rate of reimbursement to social adult day care programs is currently far less than the actual cost of services. The highest rate of reimbursement to one program is \$45 per day when the actual cost for a social adult care day is \$70. With the projected growth of the elderly in the coming years, sufficient financial resources need to be in place for the continued provision of home care and long term home health care services for seniors. Provision of home health care services is also beneficial to caregivers who need a respite from caring for their loved ones. An investment in these community options needs to be made as nursing home placement is a much more expensive option. We urge the legislature to restore this critical funding.

The trend factor was eliminated which is a cut of \$ 25.8 million to these programs.

**Rescind the proposal to increase the gross receipts tax on home care revenue from 0.35 percent to 0.70 percent.**

The Executive Budget proposes increasing the assessment on home and personal care providers from 0.35 percent to 0.70 percent. This increased assessment will place financial burdens on home care providers of service who are also facing further potential funding reductions with the proposed trend factor elimination. With the projected growth of the elderly population throughout the coming years, agencies need sufficient financial resources in place to meet the future demand for service.

This proposal was rejected.

**Support a \$2 million restoration for the Expanded In-Home Services for the Elderly Program (EISEP)**

The Executive Budget proposes \$46.04 million for the EISEP program, a decrease of \$2 million from 2009-2010. An essential part of the EISEP program is case management. EISEP provides non-medical in-home services, case management, non-institutional respite and ancillary services to seniors. EISEP assists seniors with Activities of Daily Living (ADLs) such as dressing, bathing, and personal care. It also helps the elderly with Instrumental Activities of Daily Living (IADLs) such as shopping and cooking so seniors may remain in their homes. EISEP targets low-income seniors who are not eligible for Medicaid. Funding for this program is



critical as providers report waiting lists for service. We urge the Legislature to restore the \$2 million for this program to make the total EISEP allocation \$48.04 million for 2010-11.

A total of \$46 million has been allocated for this program.

**Support the Supplemental Security Income (SSI) state benefit.**

FPWA strongly supports the Governor's proposal to pass through the federal cost of living adjustment (COLA) to all SSI recipients. Supplemental Security Income (SSI) is a critical program that provides a monthly income to poor elderly, disabled and visually impaired individuals of any age. New York State's portion of the SSI benefit is not indexed to inflation and has been increased only once since 1989. Currently, SSI recipients must survive on a benefit which is about \$140 per month below the poverty level. FPWA also urges New York State to institute an increase in the SSI benefit level for the elderly, disabled and visually impaired target populations and continue to ensure the federal COLA gets passed through each year to recipients.

The pass through of the federal cost of living adjustment was included in the budget.

**Continue to Support \$2 million in funding for Geriatric Mental Health Services.**

The Governor has included \$2 million for geriatric mental health programs in the Executive Budget for the creation of state of the art service demonstration programs to provide innovative geriatric mental health services as well as education and training programs for primary care physicians in the identification and treatment of depression among older adults. Due to the dramatic increase in the older adult population, we urge the legislature to support the continued funding of \$2 million to provide these innovative geriatric mental health services to older adults.

Geriatric Mental Health Services is funded at \$2 million.

Note: Providers of EISEP, Community Services for the Elderly (CSE) and Supplemental Nutrition Assistance Program (SNAP) Providers were granted Cost of Living Adjustments (COLA) in the amount totaling \$14.7 million and another \$1.5 million in Federal Medical Assistance Percentage (FMAP) and American Recovery and Reinvestment Act (ARRA) funding.

**For More Information, Contact:**

Kathy Fitzgibbons – Senior Policy Analyst for Elderly Services & Youth Services  
Phone: 212.801.1341      Email: [kfitzgibbons@fpwa.org](mailto:kfitzgibbons@fpwa.org)



## HIV and AIDS

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FPWA urges the Governor and Legislature to continue protecting direct service provision to people living with HIV or AIDS. This epidemic continues to disproportionately impact people of color in poor communities. In New York State, more than 65 percent of people living with HIV/AIDS are either on Medicaid or pending to receive Medicaid. Moreover, a recent study from the NYC Department of Health and Mental Hygiene (DOHMH) showed that the HIV infection rate in New York City is spreading at three times the national rate. HIV/AIDS service providers that receive state funding already have experienced a number of cuts in the past and current fiscal years (2% + 6% in FY 2009 and 6% in FY 2010). We urge the Governor and the New York State Legislature to protect the system of coordination and the quality of care which took many years to build.

### **Strongly oppose the Governor's proposal to consolidate AIDS Institute budget.**

The Governor's proposal to consolidate the AIDS Institute budget from roughly 60 budget lines to 5 large categories will severely undermine state agency transparency, thus making it difficult for legislators as well as the general public to learn about the budget allocations. It also eliminates statutory protections for certain programs, including those funded by Community Development Initiatives/Multi Service Agency lines and the Community Service Provider lines. This adds incredible uncertainty to service providers' ability to leverage private and government funds in a difficult economic environment. If this proposal is adopted, it will set an unprecedented example that the AIDS Institute will no longer be required to disclose budget allocations for each program. **FPWA urges the Legislature to oppose the AIDS Institute budget consolidation and instead continue to maintain separate budget line allocations for each program to preserve transparency.**

Because of resubmission issues, the Legislature could not undo the consolidation of the AIDS Institute's budget. The total funding amount of the AIDS Institute is \$114.7 million. A COLA was included at \$6.2 million; however, officials at the NYS Department of Health (DOH) have indicated that it will be subject to a one year deferral. The Executive takes a "savings" by delaying the cost-of-living increase.

### **Preserve Medicaid Wrap-around coverage for Medicare Part D.**

In the Executive budget, the Governor proposed to eliminate Medicaid wrap-around coverage for Medicare Part D in order to achieve savings of \$4.3 million in FY 2010-11 and \$5.1 million in FY 2011-12. The current wrap-around coverage pays for four specific categories of drugs including atypical anti-psychotics, anti-depressants, anti-retrovirals used to treat HIV/AIDS, and anti-rejection drugs used by organ and tissue transplant recipients. Currently, prior authorization for these prescription drugs is exempted to ensure unrestricted access for these particularly vulnerable people who rely on them.

The elimination of wrap-around coverage means that those who are dual eligible would be limited to their Part D plan's formulary and subject to utilization requirements. Typically, clients will not know which prescription drug is not covered by the formulary of their medical plans until they are told by the technician at the pharmacy. Similarly, clients may not know prior authorization is required until Part D denies their coverage. Unless their doctor intervenes immediately to help them through the utilization process, clients may leave the pharmacy without the medication they need. Although FPWA understands that the state is not required by



law to provide coverage for these medications, the elimination of this coverage would disrupt and compromise the continuity of care of approximately 11,000 HIV positive individuals in New York State who are dually eligible for both Medicaid and Medicare. FPWA strongly recommends that New York State continue supporting Medicaid wrap-around coverage for Medicare Part D.

The final budget rejected this proposal.

**Support an amendment to the New York Social Service Law limiting shelter costs (A.2565/S.2664 passed the Assembly in February 2010).**

Cost Savings

FPWA believes that A.2565/S.2664 should become law because it not only alleviates the financial burden of low-income persons living with HIV or AIDS, but it is also a cost-saving measure that will allow both the city and state governments of New York to save close to \$12 million annually by reducing the frequency of evictions and rent arrears, reducing the use of emergency room visits and inpatient admissions, and promoting stable and permanent housing.

The existing government policy contrasts with other enhanced rental assistance programs, such as supportive housing, NYC Housing Authority and Section 8, where the rent share burden is calculated at 30% of income, which is the HUD-established standard for affordable housing. It also leads to disproportionate rates of rent arrears and evictions among HASA clients receiving rental assistance. HASA ultimately pays either the cost of rent arrears or moves clients who have been evicted into emergency housing that costs an average of 2.5 times as much as a private market apartment.

According to the cost-benefits analysis conducted by Shubert Botein Policy Associates in August 2009, the cost of this group of clients to continue receiving rental assistance would only be about \$4 million, which would be \$5 million less than the cost incurred as a result of eviction. The New York City Council recognized the importance and cost-saving impact of this proposal and passed a resolution (no. 2145) in 2009 to support the passage of this bill. FPWA believes that a limit on the amount of household income paid towards rent will allow medically-vulnerable, low-income New Yorkers with HIV or AIDS to stay in stable housing, which has proved to be critical to treatment adherence. The Assembly has recently passed this bill; the bill is now in the Finance Committee in the Senate. FPWA urges the Senate to re-pass this bill, and asks the Governor to sign it into law.

This bill was passed by both houses and was delivered to the Governor on September 7 to either sign into law or veto.

**Support an amendment to the New York Public Health Law in relation to HIV related testing (A.7610/S.3293).**

No Additional Cost: This bill revises the informed consent requirements associated with HIV/AIDS testing by providing an option for a durable written general consent that would specifically include HIV testing. This legislation updates current testing requirements to reflect medical advances, tailors counseling information and protects health care workers.

A compromised version of this bill was developed by Senator Duane and Assembly Member Gottfried. FPWA supports the new version of this bill, A11487/S.8227, which was passed by the NYS Legislature and signed into law by the Governor on July 30, 2010.



### **Ensure sufficient outreach resources for the expansion of mandatory managed care enrollment to HIV + Medicaid beneficiaries.**

No Additional Cost: FPWA, representing more than fifty HIV and AIDS service providers and working closely with Medicaid Matters New York and the New York AIDS Coalition, believes that sufficient outreach and education resources is crucial in ensuring no medical care and services received by HIV+ Medicaid beneficiaries will be disrupted during the expansion of mandatory managed care enrollment. Alarmed about the experience of navigational challenges posed when people with serious and persistent mental illness and SSI recipients move to managed care plans, FPWA urges the NYS Department of Health (DOH) and the AIDS Institute to consider offering a longer grace period for HIV+ Medicaid beneficiaries before they are locked in with a managed care plan. Before any attempt is made to implement mandatory managed care enrollment, FPWA asks DOH and the AIDS Institute to disclose details of its implementation plan and timeline with clients and service providers.

The NYS Department of Health (DOH) has received final approval from the federal government to implement this policy change. DOH will begin implementing the new policy on September 1, 2010. FPWA will continue monitoring this issue closely.

### **Support mandatory comprehensive sex education.**

- **FPWA supports the passage of an amendment to the New York Education Law in relation to mandating sex education in elementary and high schools (S.1295)** – This bill proposes to add a new section to the existing education law to “create and establish a comprehensive, medically accurate and age appropriate sex education curriculum which shall be taught in grades one through twelve in all public and charter schools.”

The bill was referred to the Senate Education Committee with no further actions taken.

- **FPWA supports the passage of an amendment to the Public Health Law in relation to establishing the age-appropriate sex education grant program, to be referred to as the healthy teens act (A.1806A/S.3836)** – This bill would establish an age-appropriate sex education grant program within the Department of Health. The Department, from amounts annually appropriated, will make grants to school districts, boards of cooperative educational services, school-based health centers, and community-based organizations with a proven history of success in reaching the adolescents of this state, to assist them in conducting a thorough and comprehensive education program aimed at preventing unwanted pregnancies and occurrences of sexually transmitted diseases among youth.

The bill was put on the Assembly Floor Calendar and in the Senate was referred to the Senate Health Committee with no further actions taken.

### **Support HIV Welfare-to-Work Program**

FPWA urges the Governor and Legislature to allocate adequate funding for the HIV Welfare-to-Work Program – a joint project that was created between the NYS Department of Health (DOH)’s AIDS Institute and the Office of Temporary and Disability Assistance (OTDA) in 1999. As the only employment program designed specifically for this population in New York State, the HIV Welfare-to-Work program provides vocational training and sustainable employment with health benefits to individuals who are living with HIV/AIDS. Organizations serving this



population must offer intensive job placement services to help HIV positive individuals enter or re-enter the workforce.

Organizations that receive this contract are also required to provide the necessary case management services to ensure that the continued health and supportive services needs of participants are not compromised once they go to work. Employment that participants obtain through this initiative must offer health benefits, and selected contractors must ensure that other health coverage is in place until employer health benefits become effective. Participants of this program are able to improve their overall well being and are equipped with the vocational skills needed to obtain living wage employment. FPWA asks the Governor and Legislature to restore \$129,000 to this vital program that responds to the employment needs of individuals living with HIV and AIDS on public assistance in New York State.

Funding for this program was reduced from \$1.29M to \$1.161M.

#### **HIV Prevention and Education for Older Adults in New York State.**

The HIV/AIDS annual surveillance reports between 2005 and 2007 consistently show that about 30 percent of newly diagnosed HIV cases were people aged 50 or above. A recent study – Research on Older Adults with HIV (ROAH) – conducted by the AIDS Community Research Initiative of America (ACRIA), demonstrates the disheartening fact that this population has been and continues to be largely ignored in local HIV prevention and education initiatives. Social stigma and assumptions regarding the elderly, sex, and substance abuse, as well as confusion about HIV symptoms and age-related illnesses, are factors contributing to a steady increase in the number of HIV infection among people aged 50 or above.

In the past few years, the New York City Council has appropriated \$640,000 each year to conduct HIV prevention and education activities targeted at older adults throughout the city. FPWA urges the Governor and Legislature to allocate funds that would allow aging service providers and older adults living in New York State to be more informed about HIV in the context of aging.

Some funding may be made available through the State Office for the Aging to develop policy recommendations regarding HIV prevention among older adults.

For More Information, Contact:

Esther W. Y. Lok – Assistant Director and Senior Policy Analyst for HIV and AIDS  
Phone: 212.801.1312      Email: esther@fpwa.org



## Income Security

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### **Restore the funding needed to complete implementation of the grant increase to its initial 30% over three year time frame.**

After 19 years of stagnant welfare grant levels that dropped more deeply beneath the poverty level each year, we applauded the much needed increase enacted last session. This long overdue increase should not be deferred. Even with the increase the state's lowest income families live significantly below the poverty line and need the assistance now. Benefits to households have a direct benefit to the economy as the funds are spent quickly on basic necessities. FPWA urges the reversal of the Governor's proposal to delay the welfare grant increase and restore the funding needed to complete the implementation in the initially enacted time frame of 30% over three years.

For a household with below subsistence income levels the proposed reduction of the grant increase can mean the difference between a \$16 increase in income per month (at the proposed 5%) or \$32 per month (at the original 10% increase). This can make the difference between having money to provide enough diapers for your baby, being able to do the laundry for your family, buying essential personal hygiene products, or buying a child shoes for school.

The original time frame for implementing the grant increase was preserved.

## Welfare Access

### **End Durational Sanctions and strengthen sanction prevention requirements.**

The pervasive case sanctioning practice keeps eligible very low-income households from receiving critical cash assistance. Sanctions sink households more deeply into poverty and make it even more difficult to provide food, housing and other basic necessities. With more than 25 percent of the public assistance caseload currently being sanctioned, reform of the sanctioning rules needs to be made. The bias of the current policy and practice presumes recipients' guilt of willful non-compliance with program rules. Current policy is implemented with minimal acknowledgement of wide spread agency administrative error, inadequate assessments for determining "employability," and inflexible and onerous reporting requirements. Durational sanctions should be ended so that a sanction is lifted immediately upon compliance. Sanction prevention measures must be adopted.

A.11409, the bill drafted by the Economic Justice and Social Welfare Network's Policy and Advocacy Committee, was introduced in the Assembly and referred to the Rules Committee.

### **Eliminate the 185% of Standard of Need (SON) income eligibility requirement for Public Assistance (A.1296 of 2009).**

Current State Social Services Law makes families ineligible for public assistance once their income reaches 185 percent of the Standard of Need (SON) for their household size and county of residence. Since this measure now falls below the federal poverty level in all counties, families are disqualified even before they earn their way up to the federal poverty level. Since the federal poverty level, although a severely inadequate measure, is adjusted upward every year to reflect the rise in inflation, the gap between the income eligibility level (fixed at 185% of SON) and the poverty level increases each year. This means that each year families need to fall more deeply into poverty before they are eligible for public assistance.

There was no action taken on A.1296 this session.



**Increase the Earned Income Disregard (EID); Extend EID to all households, including those without dependent children (A.1296 of 2009).**

The Earned Income Disregard (EID) allows those welfare recipients who begin a job but earn low wages to increase their income by not counting each dollar earned against benefits they receive. This enables low wage earners to retain some of their cash assistance when their employment is low.

We support A.1296 of 2009 introduced by Assemblymember Keith Wright, which would increase the EID to 67% in Social Services Law. However, the State should ultimately increase the EID to 100% of wages below FPL to stabilize economic security for families as they increase their earnings to rise out of poverty. The State should also extend the EID percentage to all households, including those without dependent children.

There were no votes on A.1296 this session.

**Weigh treating practitioner's opinion in the welfare agencies determination of applicants/recipients work limitations or disabilities.**

FPWA supports A.1417/S.5547 sponsored by Assemblymember Keith Wright and Senator Martin Dilan that changes Social Services Law to weigh the treating practitioner's assessment in the determination of disability or limitations when there is disagreement with the agencies' medical assessment.

Current law does not require the agencies' evaluating practitioner to give any weight to the applicant or recipients treating physician's opinion. The agency has full discretion and could choose to completely disregard the treating physician's medical opinion. Given the cursory nature of the agencies' medical exams, it is important to require a more inclusive picture of a person's medical condition. Inappropriate referral to welfare work requirements for people with disabilities or work limitations means that applicants are subject to work requirements that they will be unable to meet and therefore denied assistance.

A welfare applicant may have an illness that is cyclical yet debilitating, such as depression or lupus, which may not be captured in a one time assessment by the agencies' doctors. Consideration of a medical practitioner's knowledge that is intimately familiar with the person's medical history is only reasonable when determining critical requirements for the eligibility for assistance.

A.1417 passed in the Assembly on March 15, 2010. There was no further action in the Senate on S.5547.

**Reduce the welfare application time frame for Safety Net applicants from 45 to 30 days, bringing it in line with Family Assistance requirements (A.1288 of 2009).**

FPWA supports A.1288 of 2009 sponsored by Assemblymember Keith Wright. The bill equalizes the application time line for Family Assistance and Safety Net applicants. Districts currently can not provide assistance to Safety Net applicants until the 45th day after submission of an application for assistance. For eligible Family Assistance applicants, benefits must be provided by the 30th day after the submission of an application.

A.1288 was referred to the Assembly Ways and Means Committee with no further action taken.



### Educational Opportunity

#### **Count educational activities through 4-year college to count toward fulfilling work requirements. Include classroom and homework hours.**

FPWA supports A.1827/S.5846 sponsored by Assemblymember Keith Wright and Senator Velmanette Montgomery which would allow classroom time and related homework hours to count toward work requirements. This bill would allow the state to make use of the federal rule changes that expand access to education including four-year college.

According to the United States Department of Labor, workers earn increasingly more with higher levels of education. Approximate median weekly earnings by education level for full-time workers age 25 and over in 2008 are as follows:

Less than high school graduate: \$453  
High school graduate (includes GED recipients): \$618  
Some college, no degree: \$699  
Associate degree: \$757  
Bachelor's degree: \$1,012  
Master's degree: \$1,233

In addition, higher poverty rates amongst single mothers and women of color make access to four-year higher education programs even more important for this population. Due to the lingering gender wage gap, a four-year degree is necessary for women to have the same earning potential as men with a lesser amount of education. Access to baccalaureate and advanced degree programs significantly reduces the likelihood that families will remain on public assistance or return to public assistance for financial support in the future.

No Additional Cost: This is mostly a policy change with little or no welfare funding impact since the students would be responsible for obtaining financing for their education, as other students do. Since the welfare program already pays for child care and some other services towards various welfare required activities, there should be little or no change in these expenditures.

A.1827 passed the Assembly on February 22, 2010. S.5846 was referred to the Senate Finance committee with no further action taken.

#### **For More Information, Contact:**

Liz Accles – Senior Policy Analyst for Income Security and Early Childhood Education  
Phone: 212.801.1393      Email: laccles@fpwa.org



## Workforce Development

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### **Create a Young Worker Earned Income Tax Credit (EITC) (A.4875/S2720).**

The State EITC is a valuable support for working poor families. For childless workers age 25 and over, the combined maximum federal and state EITC provides up to approximately \$594 for Tax Year 2009. Yet, there are many young low-income workers between the ages of 16 and 24 who are not eligible for the EITC, simply because of their age and that they are not parents. While New York recently established a State-funded EITC for non-custodial parents who are current in their child support payments, the young adult working population without children remains excluded from eligibility for any federal or state EITC. The State should create an EITC for working young adults between ages 17-24 who are established as an independent household and do not have children equal to 1.3 times the amount of the federal EITC for childless workers (equal to State + Federal EITC that childless workers over age 25 currently receive).

A.4875/S.2720 was referred to the Assembly Ways and Means Committee and then to the Senate Investigations and Operations Committee with no further action taken. Funding continues to be a challenge to enactment of the legislation.

### **Restore \$4 million to the Green Jobs Corps Program.**

In times of economic recession, it becomes more important than ever to coordinate sustainable economic development strategies with policies aimed at permanently lifting families out of poverty through education and training opportunities and job creation. Moreover, in the midst of simultaneous economic, environmental, and energy problems facing our State, it is essential that our workforce development plan to improve the State's energy efficiency create "Green Pathways" out of poverty. Funding for the Green Jobs Corps program, originally funded at \$8 million, has been reduced by a total of \$4 million – the TANF allocation has been reduced by \$2M and the State allocation has been reduced by \$2 million as well. The Green Jobs Corps program is an excellent opportunity to utilize a consortium model to provide training and subsidized employment in the green sector. Low-income communities are hit hardest by both financial hardship and environmental hazards. Families in these areas often face a double burden of limited educational and employment opportunities. Communities of color and low-income communities are also disproportionately likely to live and work in toxic environments. Therefore, now is the ideal moment to craft a workforce development policy plan that achieves economic, social, and environmental justice goals for families in poverty.

The Green Jobs Corps program was funded at \$2 million.

### **Restore proposed reduction of \$2.6 million for Adult Literacy Education (ALE).**

ALE funding enables hundreds of organizations to support workforce development through Basic Education, GED and ESOL classes. Over 1.5 million NYC residents 16 years of age or older are out of school and do not have a high school diploma; more than 20 percent of New York State's population is foreign-born (twice the national average); and more than one million New Yorkers are not yet proficient in English. Despite the vast need for adult education and training opportunities – especially during these difficult times – fewer than 60,000 spaces in free or low-cost government-funded adult literacy/ESL classes are available – leaving over 97 percent of the need for adult education classes unmet. Thus, ALE needs to be fully funded at \$6.9M.

Funding for ALE was cut by \$2.6 million.



FEDERATION OF PROTESTANT WELFARE AGENCIES

**Restore TANF funding that has been completely eliminated for the following programs:**

- Advanced Technology Training and Information Networking (ATTAIN) - \$7 million
- BRIDGE - \$8.5 million
- Career Pathways - \$10 million
- Local Interagency VESID Employment Services (LIVES) - \$1.5 million
- Wage Subsidy - \$14 million
- Wheels for Work - \$7 million

- ATTAIN – \$7 million
- BRIDGE – \$1 million
- Career Pathways – \$5 million
- VESID/LIVES – \$0 million
- Wage Subsidy – \$0 million
- Wheels for Work - \$409,000

**For More Information, Contact:**

Nicole Lavan – Senior Policy Analyst for Workforce Development and Child Welfare

Phone: 212.801.1376

Email: [nlavan@fpwa.org](mailto:nlavan@fpwa.org)



## Youth Services

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### **Restore Funding for the Summer Youth Employment Program (SYEP).**

The Governor proposed eliminating \$35 million in Temporary Assistance for Needy Families (TANF) funding for this program in the Executive Budget. SYEP provides youth between the ages of 14 and 21 with summer employment and educational experiences that build on their individual strengths and incorporate youth development principles. Employment opportunities such as those offered by SYEP are critical for youth. Of the nearly 900,000 young adults 16 to 24 years of age in New York City, almost 25 percent live below the federal poverty line, compared to 19 percent of all New Yorkers regardless of age. The summer of 2009 saw the highest rates of teen unemployment since 1948. In New York City, over 52,000 teens worked in the SYEP but 139,000 applied to the program. New York State needs to invest in SYEP now more than ever. We urge the legislature to restore this critical funding.

SYEP is funded at \$15.5 million.

### **Restore Funding for the Advantage Afterschool Program (AASP).**

The Governor has proposed reducing funding for the AASP from \$28.2 million down to \$17.3 million. This represents a reduction of \$10.9 million in TANF funding for this program. AASP provides quality youth development opportunities to school-age children and youth for three hours directly after school. Funding levels to program providers are currently insufficient so further reductions will have a devastating impact on the Advantage funding stream and in particular to Round 4 programs. These programs offer a broad range of educational, recreational and culturally age-appropriate activities that integrate school day experiences. Investing in after-school programs can help school districts increase student retention and increase student achievement at a low cost. Where there is a decrease in juvenile crime due to a program, communities can also save resources. It is estimated that preventing one youth from lifelong involvement with the criminal justice system saves \$1.3-\$1.5 million. We urge the legislature to restore this essential funding.

Advantage After-School is funded at \$22.65 million.

### **Support Attendance Improvement Dropout Prevention (AIDP) Initiatives.**

The Governor has included language authorizing the funding of AIDP through set aside funding in the education formula. AIDP provides students identified as having attendance and academic problems with a variety of services including counseling, attendance outreach, alternative learning strategies and case management. One of the major goals of the AIDP program is to engage schools in collaborative initiatives with community-based organizations to prevent students from dropping out of school. We request that the Legislature ensure this important funding is included in the final budget.

The funding has been eliminated as part of the Governor's vetoes. The legislature has not yet addressed the Governor vetoing the entire Article VII bill.



**Support funding for Special Delinquency and Prevention Programs (SDDP), Runaway and Homeless Youth Act (RHYA) and Youth Development and Delinquency Prevention (YDDP).**

The Governor has proposed funding YDDP and SDDP programs at \$28.2 million, an increase of \$784,567 from SFY 2009-10. We urge the legislature to support this increased funding for these critical programs. SDPP funds critical services such as alternatives to institutional care, dropout prevention, crisis intervention, family mediation and counseling. Additionally, the Executive budget proposes RHYA funding at \$4,711,600 an increase of \$130,933 from SFY 2009-10. Examples of services in this funding stream include street outreach and referral services, drop-in centers, crisis shelters, and transitional independent living programs. These programs were originally included in the 2009-10 youth services block grant proposal which was ultimately rejected in the final budget.

The budget includes \$28.24 million for YDDP and SDPP and \$4.71 million for Runaway and Homeless Youth Services.

**Support Redirect New York Legislation (A.7872/S.5378).**

The purpose of the bill is to give counties across New York State a fiscal incentive and support to divert youth from detention and incarceration settings into community-based alternative programs. In addition, the legislation will encourage localities to build a community-based infrastructure that will provide alternative programs, prevention, and early prevention options to youth and their families.

The bill is currently in the Children and Families Committees of both Houses.

For More Information, Contact:

Kathy Fitzgibbons – Senior Policy Analyst for Elderly Services & Youth Services  
Phone: 212.801.1341                      Email: [kfitzgibbons@fpwa.org](mailto:kfitzgibbons@fpwa.org)