

WRN News

WELFARE REFORM NETWORK

MARCH/ APRIL 2008

A Message from Assembly Social Services Chair, Keith L.T. Wright

My name is Keith L.T. Wright, and I'm Chair of the New York State Assembly Social Services Committee. I represent the 70th district of New York City. I appreciate the opportunity to reach out to all of you, from the advocates and attorneys fighting the good fight, to the people who need the services that New York provides to help low- and no-income families.

This year, I will sponsor a number of new bills that respond to the many concerns raised at my office since the 2007 legislative session. The bills I am introducing are also in response to some of the many stories I heard during the Committee's state-wide tour last year. For four months, representatives from the Assembly Social Services Committee visited 13 counties in New York with the highest poverty to learn more about the growth and impact of poverty on our communities. In every county we visited, we heard about countless obstacles people face as they try to afford the high cost of living in New York. This spring, a full report on our findings will be available on the Assembly's website (www.assembly.state.ny.us).

As some of you probably know, the Assembly tried very hard last year to raise the public assistance grant. I'm still fighting for that increase, and I'm not giving up until it happens.

My new bills include an increase in the Earned Income Disregard (EID) to 67%. Current law requires the EID to be adjusted annually, and it was last adjusted on June 1, 2007 to 48%. This bill would also eliminate the income eligibility standard that makes recipients ineligible for public assistance once their income equals 185% of the Standard of Need - an income level that is currently below the federal poverty level in all New York counties. Repealing the 185% rule and increasing the EID would allow public assistance recipients to work their way up to poverty before losing benefits. I am also introducing a bill to extend the work study and internship program for

another two years, and I am presenting legislation that would eliminate the 45 day wait for Safety Net Assistance. Right now, if you apply for Safety Net, you have to wait 45 days before you can be determined eligible.

Another bill I am sponsoring this session would amend the Circuit Breaker Law. This bill would provide relief to cash-strapped New Yorkers who pay way too much for rent and property taxes by changing the income eligibility calculation, credit amount and the value of a primary residence and rental unit. Right now, the ceilings are set too low at a time when rent and housing costs are out of control, and this initiative will give taxpayers a credit towards their rental and property costs at the end of each year.

These are just a handful of the bills I am introducing this session. Please call or stop by my office in Harlem or Albany to talk about legislative issues, or just to say hello and introduce yourself. I hope you all have a great year, and I look forward to hearing from you.

-Assemblymember Keith L.T. Wright

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WRN 07-08 FUNDRAISING COMES TO A CLOSE

We are excited to announce that the the annual membership dues drive has raised \$2,275 this year and would like to thank everyone for their commitment to WRN. Additionally Assemblymember Glick has provided WRN with member item support in the amount of \$3000.00 for which we are grateful.



These funds will enable us to provide you with exciting new forums in which to share knowledge and advocate effectively to improve the lives of low-income New Yorkers.

Proposed Increase in Child Support Pass-through a Victory for New York Families

Upon application for public assistance benefits, recipients of Family Assistance and Safety Net Assistance are required to assign their right to collect child support income to the local Department of Social Services (HRA in New York City). In lieu of collecting child support, each public assistance household is instead entitled to receive a "pass-through" or "bonus" payment, in addition to the regular public assistance grant. This pass-through payment was, until this month, \$50 per month per family; however, in Governor Spitzer's Executive Budget for 2008-2009, he proposed raising the pass-through payment to \$100 per month, which is a great victory for families throughout the State. If enacted by the Legislature, the child support pass through increase will take effect on October 1, 2008.

Child support funds collected by the Support Collection Units are designated to reimburse the City and State for a family's public assistance grant. However, if the Support Collection Unit collects more child support in a month than what is paid out in public assistance (plus the pass-through), families on public assistance are entitled to receive the "excess support" collected. For example, if a family of three receives \$691 in public assistance plus the \$50 pass-through, but the Support Collections Unit collects \$1,000 in that month, the family will be entitled to "excess support" in the amount of \$259.

As a result of past and current litigation in New York State, public assistance recipients who were wrongly denied, or granted an inadequate, pass-through or excess support payment may appeal through what is called a "desk review." Child sup-

port matters are not within the jurisdiction of the fair hearing process at Boerum Place, and, although the desk review does not provide all of the procedural protections of a fair hearing, desk reviews currently provide the only means of redress for pass-through and excess support payment problems.

On December 13, 2007, the Office of Temporary and Disability Assistance promulgated 06 ADM-16 (<http://onlineresources.wnyc.net/pb/docs/06-adm-16.pdf>) which sets forth the rather complicated and burdensome desk review procedures. Desk reviews are filed by filling out and sending a desk review form to the local Support Collection Unit. The requester may expect a response within 45 days detailing the amount of support collected, the amount paid out to the recipient, and the amount (if any) owed to the recipient. The desk review form may be obtained by calling the Child Support Helpline (888-208-4485), and it is also available as an attachment to 06 ADM-16.

In the past year, advocates who have submitted desk reviews on behalf of public assistance recipients have collected thousands of dollars for their clients in owed pass-through and excess support payments. Most welfare recipients are not aware that this appeal process even exists; therefore, it is important for advocates to spread the word and encourage public assistance recipients to file desk reviews if they feel that they have been denied pass-through or excess support payments. If you have questions or concerns about this process, please feel free to contact Jennifer Magida at the New York Legal Assistance Group (jmagida@nylag.org).

-Jennifer Magida, New York Legal Assistance Group

Recent Reports of Interest

- *The Family Assessment Program Trajectories and Effects*. The Vera Institute of Justice: http://www.vera.org/publication_pdf/415_798.pdf
- *Enhancing the Safety and Justice for Victims of Domestic Violence: Voices of Women in the Queens Integrated Domestic Violence Court*. The Vera Institute of Justice: http://www.vera.org/publication_pdf/471_867.pdf
- *Breaking through: Helping Low-skilled Adults Enter & Succeed in College and Careers*. The Center for Law and Social Policy (CLASP): <http://clasp.org/publications/bbtpolicyoverview.pdf>

WRN

WELFARE REFORM NETWORK

WRN Presents ~

A Special Journalist Panel Event
“HOW POVERTY IS PRESENTED IN THE MEDIA”

Featuring:



ERICA GONZÁLEZ, *El Diario* (Moderator)

NEIL DEMAUSE, *Metro NY*

ERROL LOUIS, *NY Daily News*

JARRETT MURPHY, *City Limits*

FRED SCAGLIONE, *NY Non-Profit Press*



Please Join Us

Tuesday, April 1, 2008

9:30 am ~ 11:30am

Federation of Protestant Welfare Agencies

Laura Parsons Pratt Conference Center Room A

281 Park Ave South (Corner of 22nd St)



About WRN. WRN, the Welfare Reform Network, is a coalition of organizations and individuals that advocates for humane income security policies. WRN is sponsored by the Federation of Protestant Welfare Agencies (FPWA). All meetings are open to the public. For more information about WRN, please contact Rachelle Rae House.

LEGAL UPDATE



This article provides a brief update on several important welfare-rights cases that are pending in the New York courts.

Reynolds v. Giuliani

The *Reynolds* case challenges New York City HRA's failure to provide timely expedited Food Stamps and immediate needs cash grants; to process Food Stamp and Medicaid applications separately from PA applications when an application for PA is denied or withdrawn; and to provide adequate and timely notice of decisions on cash assistance, food stamps, and Medicaid. In December 2004, the district court ordered HRA to comply with those requirements. To ensure that HRA was complying, it also ordered the agency to audit a sample of 200 applications every six months to determine whether determinations regarding expedited Food Stamps and immediate needs grants were properly made, and to review a sample of 50 withdrawn applications every six months and provide plaintiffs with copies of the complete case files.

In addition, the court ordered OTDA to supervise the HRA's compliance with federal requirements concerning Food Stamps and timely notice. It also ordered the State Department of Health (which supervises Medicaid) to supervise HRA's compliance with federal Medicaid aspects of the court's judgment. Both State agencies were ordered to provide plaintiffs' counsel with quarterly reports that track their performance in meeting these supervisory obligations.

HRA did *not* appeal from the judgment; the orders affecting HRA are final. The State agencies, however, did appeal from the final judgment. In October 2007, the Second Circuit held that the trial court could not order the State to "supervise" HRA without a finding that the State was "deliberately indifferent" to the rights of the plaintiff class. Two members of the Second Circuit panel found that the record did not support a finding of such "deliberate indifference." Therefore, the panel overturned the aspects of the judgment that affect the State agencies. This decision does *not* affect the rulings against HRA, which still stand. The plaintiffs have asked all of the active Second Circuit judges to re-hear the appeal (a request known as a motion for reconsideration "*en banc*"). That request was filed on November 14, 2007 and is still under consideration by the full court.

The plaintiffs are represented by The Legal Aid Society, the National Center for Law and Economic Justice, the New York Legal Assistance Group, and the Northern Manhattan Improvement Corp.

Jiggetts v. Dowling

The *Jiggetts* case challenges the adequacy of the public assistance shelter allowance in New York City for families with minor children who receive Family Assistance. When the Family Eviction Prevention Supplement (FEPS) program became effective in 2005, the plaintiffs in *Jiggetts* also challenged the adequacy of the FEPS rent-supplement levels and the various restrictions on eligibility for FEPS. On December 21, 2007, the trial court found that the FEPS rent-supplement schedule is lawful because the supplements are adequate to meet the needs of 93% of all affected households. The court reached no decision about the legality of restrictions on the FEPS program, which it considered "not ripe" for determination. A notice of appeal in *Jiggetts* has been filed. Motions to intervene in *Jiggetts* on behalf of families who are ineligible for FEPS cannot be heard at this time. Advocates who are assisting a client who is ineligible for FEPS because of a restriction on FEPS eligibility, and who would have intervened in *Jiggetts* in the past, should contact a member of the *Jiggetts* litigation team at The Legal Aid Society.



-Scott Rosenberg, Legal Aid Society

Final TANF Rules Released

Final TANF Rules:

Center on Budget and Policy Priorities memo: <http://www.cbpp.org/2-20-08tanf.htm>

CLASP memo: http://www.clasp.org/publications/summary_of_tanf_final_rule.pdf

Summary of the Education Changes in the Final TANF Rules:

- **Participation in a bachelor's degree 4-year program or advanced degree program (as well as 2-year degree programs and vocational certificate programs) counts within the definition of "Vocational Educational Training."** This work activity counts as a core activity (first 20 hours for most recipients) for up to 12 months. This is a change from the Interim Final Rule, which specifically excluded 4-year higher education programs. However, programs still must be directly related to preparation for employment in "current or emerging occupations." DHHS confirms that those who are in programs longer than 12 months may continue participation in their higher education program as a non-core activity (second 15 hours for PA recipients in NYC) and counted as "Job Skills Training Directly Related to Employment."
- **People engaged in education as a work activity can count up to one hour of unsupervised homework time for each hour of class time plus additional homework time that is supervised.** Total homework time cannot exceed the hours required or advised by the educational program. This is a change from the Interim Final Rule, which only allowed states to count supervised homework time.
- **People without a GED or high school diploma who are engaged in Basic Education or GED preparation programs as a non-core activity defined as "Education Directly Related to Employment" do NOT have to demonstrate "good and satisfactory" progress.** This is a change from the Interim Final Rule that required students to show good and satisfactory progress

****Note:** Final TANF Rules were officially published in the Federal Register on February 5, 2008. **The Final TANF Rule is effective on October 1, 2008.**

Therefore, all states will have to revise their Work Verification Plan by the date when these new rules take effect.

New York's current Work Verification Plan, which includes a summary of the current work activity definitions, is available at: http://www.acf.hhs.gov/programs/ofa/verification/wvp/36_092507.pdf

City Preliminary Budget Update - FY 09

As we expected, the Mayor's Preliminary Budget for FY 09 does not reflect significant new investments in social services programs that would help families in poverty achieve economic security. While the Mayor recently released a report on the new Center on Economic Opportunity (CEO) initiatives, funding for most of these programs was not baselined for future years. Therefore, it is unclear whether the City will maintain a continued investment in these "anti-poverty" initiatives moving forward.

Some vital programs that serve low-income families were actually cut in the Preliminary Budget. Most notably, the Mayor's Budget plan eliminates funding for 2,100 slots for the 2008 Summer Youth Employment Program. The Financial Plan for FY 09 also includes savings generated from projected welfare caseload declines, case closures, and grant adjustments. This is somewhat disturbing, since it is unclear what new policies the Human Resources Administration (HRA) will implement to achieve these projected goals. The Budget provides very limited details, except to note that HRA will "work with families to increase earnings and maximize child support, implement employment and income verification matches using a new automated system, and accelerate implementation of administrative hearing decisions." (*Continued on page 6*)

(City Budget ..continued from page 5)

The projected caseload for June 2008 is set at 342,509. Based on HRA statistics, as of December 2007, there were 349,816 public assistance recipients in the City. So, the Budget projects a drop of 7,307 individuals from the caseload during the 6-month period.

However, in his annual State of the City address, Mayor Bloomberg did mention some good news. First, the City will create the second Family Justice Center, which will open in Kew Gardens and provide domestic violence survivors with another “one stop” for services. In addition, the Preliminary Budget includes \$40 million in funding for 2,050 additional shelter units for homeless families and \$4 million for pre-placement capacity for overnight accommodations for families who arrive late at the Family Intake Center. The Mayor also mentioned the City’s intent to create “Health and Human Services Connect” - a new technological tool to allow multiple agencies to access client case files. WRN PAC members will monitor the progress of this new tool, particularly to ensure that agencies do not use this information to more easily track down previous public assistance recipients to recoup benefits.

CEO Update:

In regard to the CEO initiatives, the Mayor highlighted 30 innovative strategies put in motion in 2007 to “build on progress made in reducing the number of welfare recipients to the lowest it has been in nearly half a century.” The CEO initiatives are targeted at children, young adults and the working poor. In 2008, the Mayor said that 12 new CEO ideas will be implemented, and many will focus on young fathers. Specifically, the City plans to: 1) develop a partnership with three public libraries to promote literacy for disconnected youth, 2) move forward with the ‘NYC Dads’ project to help more young fathers connect with their children and employment, 3) build classrooms at Rikers Island and improve the education program, and 4) link inmates to benefits immediately upon release. In addition, the Mayor continues to advocate for changes to the federal Earned Income Tax Credit (EITC) to end the marriage penalty, lower the qualifying age for childless workers from 25 to 21, and withhold EITC payments for any non-custodial parent not up to date on child support payments.

View the CEO Strategy and Implementation Report at:http://www.nyc.gov/html/ceo/downloads/pdf/ceo_2007_report_small.pdf

-Jill Poklemba, FPWA

State Budget Outlook

Governor Eliot Spitzer released his 2008-09 Executive Budget proposal on January 22nd. The Legislature is now underway reviewing and revising that budget. This is not an easy budget year, the State faces many difficult budget choices with an almost \$5 billion dollar deficit, and many outstanding promises to uphold including investments in Child Health Plus and education. The Governor’s proposal includes ways to pull through fiscally, including closing more corporate tax loopholes, Medicaid cost containment, and several “one shots” like a monetization of the New York State Lottery.

The proposed budget for the Office of Temporary and Disability Assistance’s (OTDA) shows a decrease of \$244 million from the 2007-2008 budget, which is mainly a result of an increase in the county share of public assistance costs by 2%, and a transference of funds out of TANF to the state general fund for non-OTDA programs to other agencies, such as: adolescent pregnancy prevention (\$7M), alternatives to incarceration (\$4M), and the WIC Program (\$5M). Although we are happy to see these programs being funded out of general funds and the within their respective agencies, we are disappointed that the motivation is to free up more TANF funding to offset the cost of the State Earned Income Tax Credit (EITC), which should also come out of general funds.

Once again, the Executive Budget proposal includes almost all of the TANF allocations established by the Legislature in previous years. We continue to advocate for an increase in funding for the following allocations (the amount listed is the current allocation): adult and family literacy (\$1M), basic education (\$1M), language immersion/ESL (\$2M), BRIDGE (\$6.503M), transportation (\$6.2M), VESID/LIVES (\$1.5M), wage subsidy programs (\$4M). The TANF funding also includes \$35M for Summer Youth Employment, \$3M for nonresidential services to domestic violence victims, \$14M for intensive case management and \$25.75 for preventive services. *(continued on page 7)*

(State Budget ..continued from page 6)

Several programs funded in previous years by TANF surplus dollars are not included in the Executive Budget proposal, and we are advocating that separately lined-out funding be added for Technology Training/ATTAIN, Build NY and EDGE.

Funding for child care was once again included in the Flexible Fund for Family Services (FFFS) in the Executive Budget proposal. We are strongly urging the legislature to move this funding out of the FFFS and transfer a minimum of \$367 to the child care back grant. The Executive Budget also proposes an increase in the amount of child support payments that can be passed through to custodial parents on public assistance, from \$50 to a \$100 per month maximum.

Despite continued advocacy to raise the basic cash portion of the public assistance grant, which has been stagnant at \$291 for a family of three since 1990, it is not included in the Executive Budget proposal. We continue to advocate for this increase and we strongly urge the Legislature to increase the basic grant by 60% to reflect the full rise in the cost of living since 1990.

WRN continues to advocate for supports that will help to improve the lives of low income New Yorkers by increasing their ability to work in a more sustainable manner. We believe that incentivizing work for people on public assistance will help to stabilize families by allowing them to remain in jobs and achieve and accept promotions while doing so. To achieve this goal we are also continuing to work to eliminate the 185% Standard of Need income eligibility requirement for public assistance and increase the Earned Income Disregard (EID) to 100% of wages below the Federal Poverty Level and extend it to all families, including those without dependent children.

The Policy and Advocacy Committee (PAC) of WRN will be working on these goals and more this budget and legislative season. If you are interested in getting involved, please contact Rachelle House at rhouse@fpwa.org.

- *Rachelle Rae House, Federation of Protestant Welfare Agencies*

Ray Singleton: HRA Employment Services

The WRN general meeting on February 5, 2008 featured Ray Singleton, Assistant Deputy Commissioner who oversees Employment Services at the Human Resources Administration (HRA). He opened on a positive note: "HRA is open to changing the structure of how services are provided, especially through the workforce system," he said. However, he explained that the new structure would be designed to support clients' progress without creating "disincentives" to self-sufficiency. Suggesting that the alignment of workforce systems between HRA and the Workforce 1 Career Centers operated by the Department of Small Business Services (SBS) is needed to create seamless employment services for recipients, he said, "Clients should be able to get the same services that they get at SBS. Once linked to the labor market, they should then receive training and education services to make career advancements."

During the question and answer session, WRN members posed challenging questions based on their direct experiences in working with public assistance recipients, emphasizing the ways in which HRA's policies appear more focused on closing cases than

helping clients to access services. Mr. Singleton stated that the HRA Job Centers are "driven for performance." When asked if HRA would implement any new strategies to increase collaborations with other workforce agencies, Mr. Singleton replied, "HRA is driven by federal mandates and what counts toward the work participation rate. Contracts are defined by TANF regulations, yet other workforce programs are not bound by that."

Although it was not clear exactly how HRA would implement this new approach to link clients to a career path, Mr. Singleton committed to meeting with advocates to discuss ways to re-design services in specific areas, including: 1) literacy and language skills programs, 2) training needs and the link to sector-based strategies being implemented by SBS, and 3) work supports based on a family-centered approach to help clients connect to the workforce.

- *Jill Poklemba, Federation of Protestant Welfare Agencies*

Meeting Calendar

Meetings at the Federation of Protestant Welfare Agencies, 281 Park Avenue South (at 22nd St.), unless otherwise noted.

WRN General Membership Meetings:

April 1, 2008, 9:30 a.m.

Journalist Panel: How Poverty is Presented in the Media. Speakers: Erica Gonzalez, *El Diario* (Moderator); Neil deMause, *Metro NY*; Errol Louis, *NY Daily News*; Jarret Murphy, *City Limits*; Fred Scaglione, *NY Non-Profit Press*.

May 6, 2008, 9:30 a.m. **Guest speaker: Mishi Faruquee, "Juvenile Justice Reform"**, Director of Youth Justice, Children's Defense Fund

June 3, 2008, 9:30 a.m.

Guest speaker: Anna Marie Smith, Author of the Book "Welfare Reform and Sexual Regulation"

WRN Committee Meetings March-April

Child Care:

3/13/2008 and 4/10/2008,
2:00–4:00 pm at FPWA.
Contacts: Sandy Socolar, (212) 666-5925.

Policy & Advocacy Committee (PAC):

3/18/2008 and 4/22/2008,
3:00–5:00 pm at FPWA.
Contacts: (Chairs Rotate each month) Jill Poklemba, Federation of Protestant Welfare Agencies, (212) 801-1393 or jpoklemba@fpwa.org

Task Force on Domestic Violence & Economic Justice:

4/8/2008,
3pm –4:30pm at Sanctuary for Families.
Please RSVP to Diana Urquhart for location, (212) 349-6009, ext 308 or durquhart@sffny.org

Other Community Meetings

Education and Training Committee:

Call committee contact for information.
Contact: Brooke Richie, Resilience Law and Advocacy Project, richie@resiliencelaw.org

"Know Your Rights:" Client Empowerment trainings

3/26/08 and 4/23/08
1:00 -3:00 pm at Hunter College.
Hunter East Rm 1413
Contact: Roxanna Henry, Welfare Rights Initiative, (212) 650-3592

Queer Economic Justice Network:

Call committee contact for information.
Contact: Joseph DeFilippis, (212) 564-3608.

INFORMATION ON ACCESSING EDUCATION AND TRAINING THROUGH NYC HRA

Information about how to obtain an Individual Training Account (ITA) Voucher:

<http://www.nyc.gov/html/sbs/wf1/html/jobseekers/preparing.shtml>

HRA Approved Education and Training Provider List:

<https://a069-webapps1.nyc.gov/atp/search.cfm>

About WRN. WRN, the Welfare Reform Network, is a coalition of organizations and individuals that advocates for humane income security policies. WRN is sponsored by the Federation of Protestant Welfare Agencies (FPWA). All meetings are open to the public. For more information about WRN or if you would like to contribute an article, please contact Rachelle Rae House at rhouse@fpwa.org or by phone at (212)-801-1316.

The WRN News is edited by Rachelle Rae House.