

WRN News

WELFARE REFORM NETWORK

JULY/AUGUST 2008

Letting Advocates Advocate: Ensuring Public Benefits Applicants and Recipients Have Access to the Support They Need

In one public benefits office, there's no translator available and they tell you to either go find your own translator or to go learn the language. They're not making any effort at all to provide any kind of translator or to make it easier for people After I was here for six months, I finally went back and told them that by law I deserved an interpreter. They told me that basically they'd provide an interpreter but that I'd have to pay 20 dollars.

*- New York City Public
Benefits Applicant*

Experiences like the one above are all too common in New York City's public benefits system. Low-income New Yorkers face myriad obstacles to applying for and maintaining public benefits that keep their families housed, fed, and healthy. Throughout the application and maintenance process, New Yorkers often struggle with complicated public benefits policies and procedures, ensuring that agency records are accurate, securing necessary documents, and communicating with caseworkers. For people with limited English proficiency, victims of domestic violence, people with disabilities, and parents of young children, these obstacles can be insurmountable.

The good news is that a simple legislative fix could significantly ameliorate these problems. The New York City Council currently has before it a bill that would require New York City agencies to allow advocates from non-profit organizations to set up help desks inside the public spaces at the city's public benefits offices. The Ready Access to Assistance Act (REACT), introduced by Public Advocate Betsy Gotbaum and City Council Members Bill de Blasio and Eric Gioia, would be a cost-free way for the City to ensure that low-income New York-

ers have the support they need to secure the benefits for which they are eligible. Under REACT, non-profit advocates would be able to provide invaluable translation services, assist people in securing needed documents, and offer to guide clients through difficult procedural issues where they need it most: inside government offices.

Non-profit organizations, such as Make the Road New York and the New York City AIDS Housing Network, as well as City Council Members, have shown overwhelming support for the bill. In fact, 35 out of 51 City Council Members have signed on as primary sponsors of REACT. Unfortunately, the City Council has been hesitant to vote on the bill because of the Mayor's opposition to REACT. At a hearing on REACT before the Council's General Welfare Committee, the Human Resources Administration, the Department of Homeless Services, the Law Department, and the Administration for Children's Services expressed concern that REACT would jeopardize client privacy and confidentiality and overcrowd and disrupt public benefits offices. REACT, however, builds in mechanisms to ensure that clients are protected and enables public benefits agencies to regulate the number of advocates in an office at a given time.

The Brennan Center and our allies will continue working over the coming months to build support for REACT among City Council members, including Speaker Christine Quinn, who has not taken a position on the bill. We encourage our non-profit allies to contact City Council members with whom they have a good relationship and encourage them to support the bill and to contact Speaker Quinn about their desire for REACT to be brought to the floor of the City Council for a vote. It's time for New York City to allow its advocates to advocate.

To learn more about the bill or to get involved, please contact Emily Savner (emily.savner@nyu.edu) at the Brennan Center for Justice.

- David Pedulla, Brennan Center for Justice

A WORD FROM CITY COUNCIL MEMBER BILL DE BLASIO

As Chair of the City Council's Committee on General Welfare I am proud to report that we have passed a historic piece of legislation which prohibits landlords from discriminating against tenants based on their source of income. This legislation stemmed from large numbers of Section 8 voucher holders reporting that landlords were unwilling to rent apartments to them if they were using vouchers to pay the rent. We are proud of our accomplishments thus far, and now we must turn to the other challenges that lie ahead: challenges in child care and child welfare.

Last year, 10 child care centers were closed according to the most recent report submitted to the City Council. While some centers were closed for good reason, the overall number is too high, and signifies that there will be fewer children receiving necessary services. ACS currently has 93,000 child care slots, leaving 257,000 children who are eligible for child care services but are not receiving them.

Child care centers are a precious resource that we must protect. This is why I have introduced Resolution 1415, which addresses concerns that I have with the Project Full Enrollment (PFE) initiative. It calls for ACS to develop (i) a written procedure to be followed before closing centers; (ii) a searchable database for locating centers on ACS's website; (iii) a centralized city waiting list; (iv) a system for reevaluating enrollment and capacity numbers; and (v) a report detailing monthly attendance and enrollment figures citywide for subsidized childcare for the last two calendar years and to report such achievements to the Council by July 1st before implementing the PFE initiative. We will heard these resolutions on June 17th.

Although we face tough financial times ahead, protecting our children must remain a top priority. Adequate funding for preventive services is essential to keeping children safe by increasing the frequency and intensity of the services provided. Preventive funds are critical to keeping caseloads down which helps prevent child fatalities like that of Nixmary Brown in 2006. Despite the fact the City added 1,000 preventive services slots last year, funding for these was not continued. In the Mayor's proposed budget, the \$4.2 million Child Safety Initiative (CSI) was not restored. CSI brings preventive caseloads down to 12:1, to allow for more thorough and individualized care for children and families. Regardless of what the economy brings, preventive services funding should be fully restored.

- City Council Member Bill de Blasio

To contact Council Member de Blasio

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NEW YORK CITY ADOPTED BUDGET UPDATE - FISCAL YEAR 2009

On June 29, 2008, the City Council passed a \$59.1 billion budget for FY 2009 - a net increase in spending of \$235 million over the Executive Budget. Despite tight fiscal times and drastic cuts to many human services programs, the final budget maintains the property tax cut of 7% for a second year and continues the \$400 property tax rebate to homeowners in FY09.

In our March-April 2008 issue, we reported on the Mayor's Preliminary Budget for FY 2009, which included \$16.7 million in projected Human Resources Administration (HRA) savings from: 1) Cash assistance re-estimates, 2) Child support initiatives, 3) Automated system to generate employment and income verification, and 4) Accelerating administrative fair hearing decisions. In the Mayor's *(continued on page 3)*

CITY ADOPTED BUDGET UPDATE—FY 2009 (CONT FROM P.2)

Executive Budget for FY 09, a total of \$22.5 million in savings was projected, or \$5.8 million in savings above the Preliminary Budget estimate. In March 2008, the New York City welfare caseload dropped to a total of 344,834 recipients - the lowest level it's reached since October 1963. By June 30, it had fallen even lower to 341,329 recipients.

This statistic is not in line of the reality of the City's steady poverty rate and increasing economic problems. Currently, there are approximately 1.5 million City residents (19.1%) living below the federal poverty level. As the welfare caseload continues to fall, so do the percentage of families in poverty that are receiving any public assistance. When over 1.1 million people are living in poverty without public assistance, the erosion of the "social safety net" is increasingly hard to ignore. Unfortunately, cuts to welfare fell largely beneath the radar screen of the news media and other policy advocacy agendas. However, the Federation of Protestant Welfare Agencies (FPWA) distributed flyers to Council Members on the steps of City Hall in the final weeks of budget negotiations to raise awareness of this issue and particularly targeted General Welfare Committee Chair Councilman deBlasio.

As an alternative to producing savings from projecting continued caseload and grant reductions, the City Council proposed \$17 million in HRA savings from: 1) Cuts to the Bureau of Eligibility Verification (BEV) staff which conduct fraud detection activities, 2) Eliminating over 400 HRA positions, 3) Holding off on technology upgrades until the City implements HHS-Connect system, and 4) Eliminating Office of Child Support Enforcement (OCSE) positions added in 2007. Testimony submitted by FPWA expressed strong support for the City Council method of producing savings as an alternative to the Mayor's approach. Yet, it appears that the final adopted budget for FY 2009 includes the savings from projected caseload declines and grant reductions. However, we are still waiting for confirmation from staff in City Council Finance on the final outcome.

Some additional funding for human services programs was added in the Mayor's Executive Budget, and it appears to have been maintained in the final adopted budget, including \$4.1 million for expansion of the domestic violence emergency shelter program by 147 beds, for a total capacity of 2,261 beds, and \$5.1 million in additional funding for the State mandated rate increase for emergency shelter providers.

Yet overall, additional cuts were the major thrust of the changes included in the final budget for FY09. Agency program actions were identified in the Mayor's Executive Budget to close budget gaps, including reductions in planned agency spending of 3% in FY 08 and 6.4% in FY 09. In the final adopted budget, Council spending for citywide initiatives for FY09 decreased by 39% and Council discretionary funds reduced by 8%. These are the major sources of funding for human services agencies, which means that reductions could severely weaken core services provided by the non-profit sector in the coming year.

-Jill Poklemba, FPWA

Recent Reports of Interest

- *The Economic Status of Women in New York State*. Institute for Women's Policy Research In partnership with The New York Women's Foundation®. June 2008: http://www.nywf.org/pdf/Economic_Status_Report.pdf
- *Reach Higher, America Overcoming Crisis In The U.S. Workforce*. Report of the National Commission on Adult Literacy. June 2008: <http://www.nationalcommissiononadultliteracy.org/ReachHigherAmerica/ReachHigher.pdf>
- *Restoring the Purchasing Power of New York State's Minimum Wage*. July 10, 2008. A Fiscal Policy Institute Report: http://www.fiscalpolicy.org/FPI_NewYorkShouldRaiseTheMinimumWage_July2008.pdf

NYC AGENCIES CONNECTED BY HHS-CONNECT

HHS-Connect is a new initiative created to facilitate customer-client relationships between the clients of the City and the provider agencies. HHS-Connect was first publicized in Mayor Bloomberg's 2008 State of the City Address, when he announced that "this year, in a first for any municipal government, we will link the computer systems at more than a dozen City agencies so that they can share client information without compromising confidentiality."

The goal of this project is to ensure that one day, New Yorkers will only need to provide their information to the City once, because it will be converted into a virtual case file that could be both accessed by agencies on an as-needed basis and regularly maintained, through a virtual portal, by the clients themselves.

HHS-Connect will allow agencies to measure outcomes based on a holistic view of clients across agencies and to allocate resources based on need. With careful attention to the legal and privacy boundaries that surround such personal information, HHS-Connect will give caseworkers a more comprehensive view of the services that a client receives from programs that span across all of the City's social services agencies.

Caseworkers at external providers or community based organizations will be able to refer cases to the City electronically and vice-versa. Two way secure online communication will replace informal, slower and less secure communication that exists today.

HHS-Connect will be housed at DoITT and will report directly to the Deputy Mayor of Health and Human Services, Linda Gibbs. This ambitious vision for transformative change will be led by Kamal Bherwani who will serve as the Chief Information Officer for Health and Human Services and Executive Director of HHS-Connect. Kamal has worked in the IT field for over twenty years, both in the public and private sectors. Prior to joining the HHS-Connect team, Kamal was the CIO & Associate Commissioner for the Department of Health and Mental Hygiene (DOHMH).

- HHS Connect

Christina Valdes, MPH

*Office of the Deputy Mayor for Health and Human
Services*

For more information please contact:

Christina Valdes, MPH

Chief of Staff

Office of the CIO for HHS

Office of the Deputy Mayor for Health and Human
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HHS-CONNECT - PAC MONITORING WORK

Members of WRN Policy & Advocacy Committee (PAC) met with Councilmember Gale Brewer, Chair of the Technology in Government Committee, on April 28, 2008 to discuss some of the important points of consideration regarding the roll-out of HHS-Connect. The major points that PAC members emphasized include: 1) Client data must be protected, especially once a client's case is closed and the client may not want personal information maintained in the system; 2) Clients must be able to quickly and easily update their personal information if there is a change; 3) A trial run should be conducted before the new system is fully implemented; 4) If errors exist in the system, HHS-Connect should make it easier to correct these errors, not make them worse by extending the errors to all agency systems; 5) Greater emphasis should be placed upon making the system more client-friendly, not just on tracking clients through the various systems; 6) Clients should be able to access their own file and receive a print-out copy of their file; and 8) New technology should not be used to deny services to clients who are currently or may have previously been sanctioned.

As the City moves ahead with implementing HHS-Connect, PAC will continue to monitor the City's progress and raise pertinent concerns with Administration officials. While this new technology could be a positive step in streamlining services and facilitating access to public benefits, PAC is nervous that some agencies, particularly HRA, could use this tool to put clients who are trying to rise out of poverty under even greater scrutiny that is not necessary. Human Services Council (HSC) staff agreed to continue providing us with new updates and information as it becomes available. Information will be distributed at upcoming PAC meetings.

-Jill Poklemba, FPWA

ANNA MARIE SMITH: WELFARE REFORM & SEXUAL REGULATION

The EWN general meeting on June 3, 2008 featured Anna Marie Smith, professor of government at Cornell University and author of Welfare Reform and Sexual Regulation. She opened her presentation by explaining that her philosophy is strongly grounded in an interdisciplinary feminist analysis of welfare policies. Her research goal is to investigate the impact of welfare policies on the intimate lives of recipients, with an emphasis on the class, race, gender, sexuality and privacy dimensions of these policies. These aspects of welfare policy are often left out of discussions on poverty issues due to the political forces that limit the general scope of our advocacy work. However, Professor Smith's presentation reminded us that it is still very important to develop a clear understanding of their impact on families in poverty, particularly single women of color with children.

Her book describes the ways in which the state intervenes in the lives of poor single mothers by withdrawing resources in specific ways that are directly related to race and gender. For example, abstinence education, illegitimacy bonuses, and family cap policies have been instituted in states across the country, all of which directly invade the intimate lives of poor women. Professor Smith created the term "paternafare" to describe all of the predominant welfare policies that involve state intervention based on gender roles, kinship relations and the poor single mother, including fatherhood programs, marriage promotion, paternity identification, and child support enforcement.

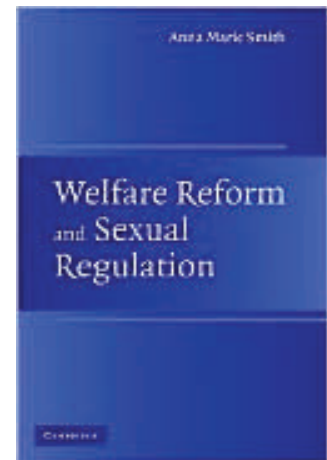
To put these concepts in context for us, Professor Smith discussed the differences between the poor and the non-poor in regard to child support enforcement. For the non-poor single parent, pursuit of the non-custodial parent for child support is kept voluntary and can never lead to a sanction of public benefits. However, for the poor single parent, who is most often the mother, paternity identification and cooperation with child support enforcement requirements is mandatory as a condition of eligibility for TANF benefits. There is constant potential for future state intervention and sanction for any unwillingness to comply with these requirements, all of which involve a great deal of privacy invasion into the intimate lives of poor single mothers. Professor Smith explained that while these policies appear equitable and empowering,

they are in fact very burdensome for poor caretakers and increase exposure to domestic violence risk.

Even in the best case scenario that Professor Smith described, 20% of cases are closed due to non-compliance with child support enforcement requirements. For those who do comply, only 3% of

families are able to rise out of poverty with increased child support collections. Furthermore, due to administrative barriers and inefficiencies, many families do not receive their child support payments on time. In addition, most states use the child support collections to reimburse the state for public assistance paid to the custodial parent, while passing through only \$50 per month on average. (Note: on October 1, 2008, the child support pass-through in New York State will increase from \$50 to \$100 per month.) She did note, however, that Wisconsin has been more progressive than most states by enacting a 100% child support pass-through policy. Yet, even with 100% pass-through, under the worst case scenario there is a significant increased risk of domestic violence, hostility and aggression toward the custodial parent after the state files an order for child support against the non-custodial parent. While the federal government included the Family Violence Option (FVO) in the TANF law, most state exemption policies for victims of domestic violence are very weak.

To reinforce the impact of welfare policies on recipients based on race and gender, Professor Smith highlighted statistics that showed the large difference in poverty rates for various populations along these dimensions. For Non-Hispanic White families headed by a single father, 11.9% fell below the poverty threshold in 1999. In contrast, 46.1% of African American and 46.6% of Hispanic families headed by a single mother fell below poverty. The lowest poverty rate was for Non-Hispanic White families headed by a couple, with only 3.9% falling below poverty. She also emphasized the most disturbing recent trends in *(continued on page 7)*



LEGAL UPDATE



Tens of Thousands of Households Receiving SSI and Public Assistance Paid Retroactive Benefits - But More Remain to be Paid - in Compliance with Judgment in *Doe v. Doar*

On April 19, 2008, in compliance with the court order in the class-action lawsuit *Doe v. Doar*, New York State paid retroactive benefits to tens of thousands of New York City households with one or more SSI recipients, whose public assistance budgets were improperly reduced from 2004 through 2007.

New York State must still pay retroactive benefits to several thousand additional households in New York City. The State has projected that these payments will be made around mid-July 2008. Plaintiffs' counsel, which include the Empire Justice Center, Legal Aid Society, New York Legal Assistance Group, and the National Center for Law and Economic Justice, will keep advocates apprised of any updates or new developments.

Additionally, New York State has sent tens of thousands of letters to households with one or more SSI recipient whose public assistance case is currently closed notifying them of the opportunity to be paid retroactive benefits in the event they are currently eligible for public assistance. New York City has begun the process of calling in such households for eligibility determinations. Households who are not able to appear in person for such a determination may request appropriate accommodations from HRA.

Questions about *Doe v. Doar* may be directed to Lynn Lu, National Center for Law and Economic Justice, at lu@nclej.org, 212-633-6967.

-Lynn Lu, Staff Attorney, National Center for Law and Economic Justice

Advocates Obtain Federal Court Settlement Ending Massive Delays in Food Stamp Processing in NYC (Williston v. Eggleston)

On April 16, 2008, a federal judge approved a settlement agreement in the class action lawsuit, *Williston v. Eggleston*, that will end massive delays in the provision of food stamp benefits to thousands of low-income families and individuals in New York City. The lawsuit was brought by New York Legal Assistance Group, the National Center for Law and Economic Justice, and the Urban Justice Center, and challenged New York City's failure to process applications for food stamps filed at non-cash assistance centers within the time frames required by law, as well as New York State's failure to adequately supervise the City's timely processing of the applications.

"Application processing delays of weeks, even months, are all too common in New York City," stated Leslie Annexstein, Director of the Urban Justice Center's Homelessness Outreach and Prevention Project. "The fact of the matter is, by the time most families apply for food stamps, they have exhausted their resources and are in desperate need of food."

Under the settlement agreement, New York City must process food stamps applications and provide benefits to eligible households within 30 days to most households and within 5 days to the most financially needy applicants who qualify for expedited food stamp processing, as required by state and federal law. New York State agrees to supervise the City's implementation of federal timeliness requirements.

"This ruling ensures that prompt attention and relief will finally be paid to those low-income families that depend on food stamp benefits and are most at risk of going hungry," stated Randal Jeffrey, Director of New York Legal Assistance Group's General Legal Services Unit.

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LEGAL UPDATE (CONT FROM P.6)

Also under the terms of the agreement:

Individuals experiencing food stamp application delays have a mechanism to seek individual relief.

The City must post and maintain signs in food stamp centers informing the public of their right to apply for food stamps and the time frame for processing the applications.

Compliance will be measured through regular reports to the plaintiffs' counsel demonstrating the timeliness of food stamp application processing.

Federal court jurisdiction for enforcement of the settlement agreement will last for four years with a mechanism for extending jurisdiction if defendants fail to comply.

"This is an important agreement for New York City's low-income families, because it makes clear that they are entitled to food stamps in a timely manner. There shouldn't be anymore application delays on the City's watch," stated Annexstein. "We appreciate that the City and State recognized the urgency of this critical matter."

--Lynn Lu, Staff Attorney, National Center for Law and Economic Justice



Anna Marie Smith (continued from page 5)

(Anna Marie Smith: continued from page 5) welfare policies that show a rise in poverty rates coupled with a continuing decline in the welfare caseload. This is the likely result of the combination of child support enforcement, lack of exemptions for domestic violence, sanctions, the work-first approach, and general imposition of punitive policies and restrictions to accessing benefits.

While the ideal policy that would provide a "universal caregiver's entitlement" is not a feasible political option today, Professor Smith reminded us that during the negotiations on TANF reauthorization in 2001, Representative Patsy Mink garnered 99 co-sponsors for a bill that would have mandated a benefit level equal to a living wage, **set the TANF purpose to be eliminating poverty**, and made paternity identification and child support enforcement voluntary. This demonstrates that advocates can still have significant influence by building relationships with key politicians who support our goals and embrace our positive vision for the future of welfare reform policies.

- Jill Poklemba, FPWA

**Do you have ideas for an article? Is there something you think we should cover? Let us know!
Write it down and send it to the WRN News!**

Deadlines for articles:

September/October edition – August 13

November/December edition – October 8

Please send your submissions to Rachelle Rae House at rhouse@fpwa.org



<p style="text-align: center;">Meeting Calendar</p> <p><i>Meetings at the Federation of Protestant Welfare Agencies, 281 Park Avenue South (at 22nd St.), unless otherwise noted.</i></p>	<p>WRN General Membership Meetings:</p> <p><i>Sept. 9, 2008, 9:30 a.m</i> Guest speakers: <i>Don Friedman</i>, Empire Justice Center and <i>Lynn Lu</i>, National Center for Law and Economic Justice “Final TANF Rule and New Welfare Advocates Guide” <i>Invited: David Hansell, Commissioner, NYS Office of Temporary Disability Assistance</i></p> <p style="text-align: center;"><i>There are no general meetings in July and August</i></p>
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WRN Committee Meetings July-August

Child Care:
 No meetings in August.
 Contacts: *Sandy Socolar, (212) 666-5925.*

Policy & Advocacy Committee (PAC):
 PAC planning session:
8/19/2008
 3:00–5:00 at FPWA
9/23/2008
 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:
8/12/2008
 3pm -4:30pm *Please RSVP to Diana Urquhart for location, (212) 349-6009, ext 308 or durquhart@sffny.org*

Education and Training Committee:
 Call committee contact for information.
 Contact: *Maureen Lane, Welfare Rights Initiative, mlane@hunter.cuny.edu*

“Know Your Rights:” Client Empowerment trainings
 Call for schedule
 Contact: *Roxanna Henry, Welfare Rights Initiative, (212) 650-3592*

Queer Economic Justice Network:
 Call committee contact for information.
 Contact: *Joseph DeFilippis, (212) 564-3608.*

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*.