



NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER

2007  
*Annual Report*

COMMITTEE ON  
**SOCIAL SERVICES**  
KEITH L.T. WRIGHT, CHAIR



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

KEITH L. T. WRIGHT  
Assemblyman 70<sup>th</sup> District  
New York County

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

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

CHAIR  
Social Services Committee

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

COMMITTEES  
Codes  
Correction  
Housing

January 28, 2008

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

Dear Speaker Silver:

On behalf of the Assembly Committee on Social Services, I respectfully submit to you the Committee's 2007 Annual Report.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L.T. Wright". The signature is stylized and written in a cursive script.

Keith L.T. Wright  
Chair  
Committee on Social Services

**2007 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON SOCIAL SERVICES**

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Chair**

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**Program and Counsel Staff**

Donald Robbins - Legislative Coordinator  
Elaine Fernandez - Legislative Analyst  
Cassandra Kelleher - Associate Counsel  
Naomi Golden - Committee Assistant  
Alison Jacobs - Executive Secretary

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## I. INTRODUCTION

The Assembly Social Services Committee has jurisdiction over legislation affecting programs providing financial, medical, and support services to indigent households in New York State. The work of the Committee also affects the aged, blind, and disabled residing in the community and those in residential care facilities. The statutory basis for these programs is contained in the state Social Services Law.

The Committee works closely with the Committees on Health, Children & Families, Labor and Housing, and with the Task Forces on the Homeless and Food, Farm, and Nutrition Policy. The Committee also has legislative oversight responsibilities for programs administered by the Office of Temporary and Disability Assistance (OTDA).

This year, the Committee reviewed 165 bills and investigated numerous issues affecting the lives of those in poverty throughout the state. One of the Committee's greatest accomplishments in 2007 was the initiation of a statewide low-income listening tour to examine the growth of poverty in New York State. A report entitled, "The New York State Assembly's 2007 Statewide Listening Tour," will be published and available on the NYS Assembly website in the spring of 2008: <http://www.assembly.state.ny.us>. The report summarizes evidence that was collected from testimony submitted by witnesses at the June 5, 2007 Community Services Block Grant (CSBG) hearing, a thorough review of literature written by key researchers and advocates in the field of social welfare policy, and interviews with nearly 100 public and private human services providers, low-income workers and Public Assistance (PA) recipients. Topics covered in the report include:

- Economic Stability of Low-Income Workers and Welfare Recipients
- Barriers to Employment and Self-Sufficiency
- Impact of New York State's Rapidly Increasing Cost of Living
- Dramatic Increase in Food Pantry and Soup Kitchen Utilization
- Growth in Workers Seeking Support, and
- Child Well-Being.

The evidence in the report demonstrates a severe lack of basic resources among many low-income families and recipients of PA, making self-sufficiency difficult, and in some cases near impossible, to achieve. Individuals and families still struggle to obtain sustainable wage employment, to overcome barriers such as low levels of education and mental health issues, to afford the cost of housing, food, and clothing, to have reliable transportation, and to access affordable childcare and health care. These problems, which have been expressed in numerous reports and at public hearings, have been exacerbated in recent years by New York's excessively high cost of living, rising energy and housing prices, and a national economic downturn since 2000.

The SFY 2007-08 budget negotiation process provided a vital opportunity for the Committee to initiate some positive changes to the state's social welfare system. With the enactment of the federal Deficit Reduction Act (DRA) on February 8, 2006, the Temporary Assistance for Needy Families (TANF) program that provides the primary funding stream for PA benefits to eligible low-income families was reauthorized through 2010. The reauthorizing language contained some changes to the program rules. The most significant change recalibrated the caseload reduction credit from 1995 to 2005, thus making the required 50% participation rate for all families and 90% participation rate for all two-parent families effective on October 1, 2006. The threat of federal penalties amounting to more than \$300 million in SFY 2008-09 and higher in future years created a unique window of opportunity for the consideration of new

policies. One reform proposed by the Assembly and passed as part of the final SFY 2006-07 budget was the ability for OTDA to shift the two-parent families into a separate state program that is not counted in the federal work participation rates.

The Committee also proposed a PA grant increase, which would have increased the cash portion of the grant (i.e., the basic grant) by 10% over three years. The proposal would have helped thousands of PA recipients by offering a modest increase in their cash benefit to mitigate New York's high cost of living. The cost of housing, transportation, food, and energy, among other basic necessities, has increased dramatically. These increases have further reduced the real value of the welfare grant, making it nearly impossible for families to meet even their most basic needs. Unfortunately, this proposal was rejected by the Senate and the Executive.

Outside the budget process, the Committee convened several hearings in 2007 to examine the adequacy of the PA grant in New York State. With the rapidly increasing cost of living and the erosion in real benefit value, these hearings were critical to provide a forum for advocates, experts in the field of social welfare policy, social services clients, low-income individuals and families, and representatives from OTDA to assess the effectiveness of the current grant structure in New York State.

The Committee also co-sponsored a hearing to address the legal, policy and social barriers to the successful reentry of people returning to the community after incarceration. This hearing provided a forum to evaluate the adequacy of existing resources and programs designed to prepare incarcerated individuals to return home, and the availability of such programs for people released from incarceration. Many of the witnesses emphasized the importance of exploring legislative initiatives that can help to promote successful reentry and reduce recidivism through educational opportunities, among other things.

Furthermore, the Committee participated in six hearings to examine access to affordable, quality child care for working families. The hearing offered an opportunity for the state to learn more about the challenges that limit opportunities for working families to obtain childcare. Safe, affordable childcare has become increasingly scarce, which is a major concern for working families. It also poses a threat to the security of PA recipients transitioning to work and in need of childcare to maintain employment. A range of topics were addressed at the hearing, including access to adequate funding, services during non-traditional hours, subsidized childcare and the co-pay fee structure, and cost-prohibitive regulations.

Finally, the Committee convened a hearing to obtain input regarding the Department of State's 2008-09 Community Services Block Grant (CSBG) Management Plan. CSBG is a federal program that provides funding to states for advocacy, programs, outreach, and services for economically disadvantaged persons in their local communities. Much of the testimony presented warned of growing poverty throughout the state, and it was recommended that the Legislature assemble a Statewide Commission on Poverty and Economic Security to study this growth and its impact on New York's growing population of vulnerable citizens.

This year the Committee introduced and reported several new pieces of legislation aimed at improving the lives of senior citizens, children, the disabled, individuals with HIV or AIDS, the working poor, and those in receipt of PA or other forms of government funded assistance such as Medicaid and subsidized housing. Some of these bills would:

1. (Chaptered) Permit a person who is an inmate in a state or local correctional facility and who was receiving Medicaid prior to incarceration to remain eligible for Medicaid upon discharge;
2. Allow senior citizens over the age of 65 to participate in the Medicaid Buy-In Program;
3. (Chaptered) Increase the shelter portion of public housing subsidies statewide to bring it in line

- with private shelter allowances;
4. (Chaptered) Expand resources available for working families to access child care in lieu of PA;
  5. Allow courts to consider the special circumstances of a parent who is incarcerated or in a court-ordered residential substance abuse treatment program when determining the guardianship and custody of their children and before terminating their parental rights;
  6. Require that for-profit “hotels” and “motels” that provide shelter for the homeless be regulated, supervised, and inspected by OTDA;
  7. Allow disabled children in households receiving a special HIV/AIDS shelter allowance to receive the full amount of their federal SSI disability benefits;
  8. Ensure that persons living with clinical/symptomatic HIV or AIDS who receive a shelter allowance pay no more than 30% of their total household income towards shelter costs, including utilities;
  9. Provide OTDA with expanded access to the Wage Reporting System (WRS) to enhance opportunities for the state to receive federal Title IV-E reimbursement for youth in foster care.

The Committee also reported existing legislation designed to assist victims of domestic violence, low-income workers, PA recipients, and the aged, blind, and disabled. Some of these bills would allow recipients of PA to select the local social services office most accessible to his or her home providing the office is in his or her social services district; prohibit the state or other public authorities from compelling domestic violence victims to contact their abusers directly; extend the period given to SSI applicants to request a fair hearing from 10 to 60 days; and ensure that persons discharged from psychiatric care have continuous access to medication.

## II. SIGNIFICANT LEGISLATION – 2007

### A. INCOME MAINTENANCE

#### 1. Repeal of the Standard of Need Income Cap

##### A. 7551 (Wright)

In 1997, New York's welfare reform law introduced a generous earnings disregard that was designed to allow working families on PA the chance to earn their way up to the federal poverty level. However, because the law makes families with incomes over 185% of the standard of need ineligible for assistance, many families have not been able to earn up to the poverty level despite the enhanced earnings disregard. Since the standard of need has not been increased in 18 years, while the federal poverty level has been adjusted upward every year, the current poverty level is significantly higher than 185% of the standard of need in nearly every county in New York.

The Assembly is committed to providing low-income working families the opportunity to earn their way to the poverty level before they are found ineligible for PA. This bill would repeal the provisions of Social Services Law that prohibit an individual or family from receiving PA during any month in which the household's total income exceeds 185% of the standard of need calculated for that person or family. Repealing this section of the law would increase the impact of the earnings disregard so that many of New York's hard working families can earn their way up to the poverty level before losing cash assistance.

This bill advanced to the Ways & Means Committee.

#### 2. Public Assistance Residency Restriction Repealer

##### A. 8010 (Wright)

SSL §117(3) allows New York to temporarily provide lower benefits to new residents. Specifically, it states that PA given to a person during his or her first 12 months as a state resident shall not exceed the higher of 50% of the amount otherwise payable or the standard of need to which such person was entitled in the state in which the person resided immediately before moving to New York.

New York, along with 15 other states, adopted such policies in response to federal welfare reform legislation of 1996. However, in 1999, the U.S. Supreme Court ruled the California law establishing such a two-tiered benefit provision violated a citizen's constitutional "right to travel." Furthermore, current practice in New York State is not reflective of the provisions of SSL §117(3). An individual, if otherwise eligible, may receive PA and care if such individual is a resident of New York State. As a general principle, an individual is considered a resident of New York if such person is living in the state and intends to remain permanently or indefinitely.

By eliminating this provision, this bill would make it abundantly clear that new residents are entitled to the same benefits as other residents and would ensure that the Constitutional rights of every citizen of the state are being preserved.

This bill advanced to the Ways & Means Committee.

**3. SSI Invisibility in HIV/AIDS Households**  
**A.9237 (Wright)/S.6343 (Kruger)**

For several years, OTDA and local districts have included SSI payments made to minor children when determining a household's eligibility for PA, including the HIV/AIDS emergency shelter allowance. This practice explicitly contradicted Social Services Law 131-c. Moreover, federal SSI benefits are meant to be used to address the specific needs of a disabled child, not to serve as supplemental income for the household. Proper welfare budgeting policy should not include the child's SSI benefits in determining PA eligibility; the child should be "invisible" for budget calculation purposes. There are approximately 1,100 poor New York families struggling with HIV and caring for a disabled child. This bill would restore "SSI invisibility" to disabled children in low-income households.

This bill passed the Assembly but was not acted upon by the Senate. However, in June 2007, New York State's highest court made a ruling in the *Melendez v. Wing* case, which provided for the relief that this bill sought. In the *Melendez* case, the Court of Appeals held that income from a minor child's SSI payments could not be included in calculating household income for determining PA eligibility, including the HIV/AIDS emergency shelter allowance.

**4. Child Care in Lieu of Public Assistance**  
**A.8096 (Wright)/S.4550 (Kruger)**  
**Chapter 135**

In 1999, the state required local districts to provide child care subsidies to eligible working families that choose to receive such subsidies in lieu of PA. To qualify, families must meet all PA eligibility requirements and comply with work requirements.

Currently, to qualify to receive the child care subsidy in lieu of PA, families with children under six years old must work 20 hours per week in paid employment, and families with children six years and older must work 30 hours per week. For two parent families, the parents must work a combined total of 55 hours per week with at least one parent working 30 or more hours. These hours are currently based on employment at minimum wage or higher. The current hourly work requirement is needlessly restrictive. Permitting parents who are working fewer hours, but whose hourly wage exceeds the minimum wage, to qualify for the child care subsidy in lieu of PA benefits would provide an incentive to employed families to become self-sufficient.

This law offers child care in lieu of PA to applicants and recipients, even if they are not working the minimum number of hours required to fulfill PA work requirements. However, their gross earnings (calculated using the number of hours worked multiplied by the hourly wage) must equal or exceed the earnings they would have received had they worked the minimum number of hours required to fulfill PA work requirements.

This bill was signed into law; Chapter 135.

**5. SSI COLA Pass-through**  
**A. 7949-A (Wright)/S. 4557 (Golden)**  
**Chapter 132**

Each year, the federal government enacts a cost-of-living adjustment (COLA) for SSI recipients. These COLAs are effective January 1 of each year. Since the federal fiscal year does not coincide with the state fiscal year, legislative action is necessary to require the state to pass through directly to SSI recipients an amount reflecting the most recent federal COLA increase.

This legislation provides for the automatic pass-through of any federal COLA increase commencing January 1, 2008. In addition, this legislation makes certain technical amendments to Article VII language in Chapter 57 of the Laws of 2006 to ensure that SSI recipients receiving enhanced residential care receive an annual COLA increase in the state supplementation of their SSI benefits and Personal Needs Allowance (PNA). This bill also reflects changes made by Article VII language in Chapter 58 of the Laws of 2005 which established a new category of congregate care facilities called “enhanced residential care.”

This bill was signed into law; Chapter 132.

**6. Income and Resource Exemption**  
**A.7228 (Gordon)/S.5715 (Kruger)**  
**Chapter 123**

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

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

This bill was signed into law; Chapter 123.

**7. Time Limit Repealer**  
**A. 2971 (Diaz, L)**

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

the couple remained eligible for assistance, they would be returned to the state and locally funded SNA program.

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

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

**8. Enhancing Availability of Educational Programs**

**A. 7391 (Glick)**

The current population of PA recipients faces substantial educational barriers that make it difficult to obtain and retain gainful employment. The Assembly has long recognized the importance education plays in providing persons with the skills and tools vital to advancement in the current work environment. Moreover, it has been proven countless times that an individual's earning capacity increases with each educational level gained. Sound public policy demands that PA recipients are afforded the opportunity to access the basic education skills necessary to lift them out of poverty and off of the PA rolls.

Identifying this need, the Committee continued to advance legislation that would permit PA recipients to participate in valuable educational programs such as Adult Basic Education and English for Speakers of Other Languages (ESOL). Furthermore, the legislation provides that local social services districts would be permitted to include time spent in educational programs toward New York's federally mandated work participation rates to the extent allowed by federal law.

This bill advanced to the Third Reading Calendar 514.

**9. Consideration of Requirement to Apply for SSI when making Work Determinations**

**A. 7945 (Glick)/S. 1507 (Dilan)**

In 2004, the Governor vetoed a bill that would have created a new work-exempt category for PA applicants that had been determined to be disabled and were being required to apply for Supplemental Security Income (SSI) by the local social services official as a condition of eligibility for PA. The bill was advanced in response to certain evidence that PA applicants determined to be disabled by their treating health care practitioner were sometimes placed in work activities potentially damaging to their health and to their ability to obtain vital SSI benefits.

Acknowledging the former Governor's concern, this bill would provide a means to ensure that these applicants receive appropriate work placements that do not compromise their health or pending SSI application, without establishing a new category of work-exempt individuals. The bill would require that the local social services district's health care practitioner, when making determinations regarding an individual's disability status and work capacity, take into consideration whether such individual was required by the social services district to apply for SSI as a condition of eligibility for PA.

This bill advanced to the Third Reading Calendar 673.

## **B. MEDICAID**

### **1. Continued Medicaid Eligibility for Incarcerated Individuals A. 8356-A (Wright) / S. 5875-A (Hannon) Chapter 355**

The bill was drafted partially in response to the *Brad H. v. City of New York* litigation. The lawsuit was filed on behalf of certain prison inmates receiving treatment for mental illness in city jails who were in need of discharge planning to ensure the continuation of treatment upon release from jail. In 2003, NYC settled and agreed to stop releasing people with mental illness from City jails without providing comprehensive discharge planning for them and to make sure that people who are treated with mental illness while in jail are released with services, including psychiatric medication and links to mental health treatment and Medicaid benefits. After the *Brad H.* settlement, a dispute arose around amount of time to “reactivate” Medicaid to previously incarcerated individuals. The trial court extended the time allowed to reactivate Medicaid benefits by 7 business days for NYC to conduct an eligibility investigation and ordered NYC to provide temporary Medicaid pursuant to SSL §133 for Class Members in immediate need.

This legislation goes a step further than the court’s decision to provide that an inmate of a local correctional facility who was in receipt of Medicaid prior to being admitted to such facility, have his or her Medicaid benefits temporarily suspended during the time of incarceration. Therefore, upon release from such correctional facility, the individual will continue to be eligible for Medicaid until he or she is no longer determined to be eligible.

This bill was signed into law; Chapter 355.

### **2. Exempting Income Deposited in a Trust for Continued Medicaid Eligibility A. 1462 (Englebright) / S. 5521 (Hannon) Chapter 576**

Under existing federal policy, disabled individuals in receipt of Medicaid benefits may transfer income and resources into “exception” trusts for their own benefit. Income received and then transferred to the trust in the month of receipt is not counted for Medicaid eligibility purposes. All counties in the state are expected to abide by this policy under the rules established by the Department of Health (DOH).

This new law codifies this policy and ensures that income deposited in a trust in the same calendar month in which it was received by a disabled individual is exempt and disregarded for the purposes of determining continued Medicaid eligibility. The exemption is allowed based on the following rules: 1) for disabled individuals under 65, income can be deposited in either a private trust or a pooled trust (single trust document with sub-accounts from multiple trusts, managed by a non-profit association); 2) for disabled individuals over 65, income can be deposited in a pooled trust only. This legislation provides explicit clarification of New York’s exemption policy by setting forth this rule in statute.

This bill was signed into law; Chapter 576.

**3. Cash and Counseling Program for Individuals Receiving Home-Based Care**  
**A. 1469 (Englebright) / S. 4440 (Golden)**  
**Veto Message 125**

The federal DRA, enacted on February 8, 2006, established the Optional Choice of Self-Directed Personal Assistance Services (Cash and Counseling Program) as an option to states to provide Medicaid payments for part or all of the cost of self-directed personal assistance services (other than room and board) for individuals receiving personal care services or home and community-based services.

This bill would create the Cash and Counseling Demonstration Program in New York for those who are entitled to Medicaid for personal care services or home and community-based services, and who possess the ability to plan, purchase, manage and coordinate self-directed personal assistance services. The purpose of the program is to enhance the independence of those who are receiving Medicaid-funded personal care services at home. Program participants receive an individualized assessment and service plan performed by a licensed health care practitioner, and a service budget that provides for self-directed personal care services.

Despite its passage by both the Assembly and the Senate, this bill was vetoed by the Governor.

**4. Housing Subsidies for Certain Elderly and Disabled Adults**  
**A.7109 (Titus)**

With approval of the Nursing Home Transition and Diversion (NHTD) waiver, 5,000 persons with disabilities will be leaving nursing homes or diverted from entering a nursing home at the onset of their disability. Many of these individuals will need affordable and accessible housing, which is in very short supply in New York State. Without adequate income due to relatively low monthly SSI or SSDI payments, these individuals will not be able to find adequate housing, and the NHTD waiver will be nullified.

In order for the waiver to be effective, it is essential that some of the accumulated savings be reinvested in a housing subsidy for waiver participants. Without this reinvestment, New York State will not realize the potential savings, because many people will not be able to secure the housing necessary for them to live in the community.

This legislation would help make the transition from a nursing home to less costly community housing possible through the creation of a housing subsidy for waiver participants. The bill would require the Commissioner of DOH to calculate the savings generated from the NHTD waiver and use the savings to provide rental subsidies to program participants in need of housing who have a net income less than 150% of the federal poverty level.

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

**5. Medical Assistance Payments to Clinics**  
**A.5710 (Jacobs)/S.2898 (Morahan)**  
**Chapter 47**

When Social Services Law Sections 368-d and 368-e were enacted in 1989, the intent was to increase the potential for Medicaid reimbursement, not to limit who could bill Medicaid for Individual Education Programs (IEPs). Prior to this law, school districts and municipalities were

not billing Medicaid, therefore, the state and municipalities lost Medicaid revenue for children whose IEP-related services were not billed through a special education program which had an Article 28 clinic.

In October 1993, OTDA, formerly the New York State Department of Social Services (DSS), sent out a Medicaid Update which stated that only municipalities and school districts could bill Medicaid for IEP related services, which it renamed Supportive Health Services. When OTDA and SED studied the fiscal ramifications of not allowing clinics to bill for these services, they revised their policy.

Since 1996, enacted legislation has continued the authority for Article 28 clinics to bill Medicaid directly during which time a state evaluation would be done. After all these years, no evaluation has taken place. The legislation has also required that both the actual full cost of any IEP related services incurred by any Article 28 clinic directly billing Medicaid and the associated Medicaid revenue be reported on the New York State Consolidated Fiscal Report. Since this reporting requirement was implemented, there have been no reports of double billing or other fraud.

In SFY 2007-08, Governor Spitzer's Article VII Education budget bill sought to create a Temporary Task Force on Preschool Education to study the relationship between early childhood programs, their system of delivery and their funding methodology. While this task force was a long overdue and welcomed step, this legislation was necessary to continue the authority for certain Article 28 clinics to bill Medicaid for services rendered by them for preschool special education students.

This bill was signed into law; Chapter 47.

## **C. OTHER LEGISLATIVE INITIATIVES**

### **1. Adding Cooling Needs Assistance to the Home Energy Assistance Program (HEAP)**

#### **A. 700 (Wright)**

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

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

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

## **2. Rental Vouchers for Working Families**

### **A. 7552 (Wright)**

The cost of housing continues to be identified by numerous non-profit social services providers as the most significant barrier to self-sufficiency among low-income households. In addition, the incidence of homelessness has increased in recent years. Since the federal government has made significant cuts to the Section 8 Housing Voucher Program, many rental subsidies that previously had been available to low-income working New Yorkers no longer exist. Additionally, with the 2008 final federal TANF regulations requiring a minimum 50% participation rate for all families, a rental voucher program, which would use state Maintenance of Effort (MOE) dollars in a “separate state program” that would be included in the work participation rate, could help New York achieve that goal and avoid a fiscal penalty.

This bill would establish a new state-funded program, known as Rental Vouchers for Working Families to be modeled from the federal Section 8 Program. These vouchers would allow working families whose income is below 200% of the federal poverty level (FPL) and who are not in receipt of PA to apply for a rental voucher to cover a portion of the cost of a family’s rental obligation. Families working the minimum number of hours per week currently required of PA recipients could apply for a rental voucher at the appropriate social services district or at any facilitated enrollment site authorized by OTDA. To be eligible, a family’s total rental obligation could not be higher than 90% of the fair market rent for the local social services district established by the U.S. Office of Housing and Urban Development, and the rental unit would have to be deemed habitable, safe, and without a record of hazardous conditions.

Families granted a rental voucher would be required to pay as rent the higher of 30% of their monthly adjusted income or 10% of their monthly income; the rental voucher would cover the remaining monthly cost of rent. If the employment status of any household in receipt of a rental voucher were to change resulting in the family no longer meeting the mandatory work requirements, the family would continue to receive a rental voucher for up to three months. All state funding for the rental vouchers would be utilized to meet federally mandated MOE and work participation requirements for the TANF block grant.

This bill advanced to the Ways & Means Committee.

## **3. Welfare to Career Bill**

### **A. 7990 (Wright)**

Currently, many PA recipients are placed in subsidized employment, work experience activities, or educational programs that do not necessarily improve their long-term ability to obtain unsubsidized employment that pays a sustainable living wage. While this may be considered necessary for the state to meet federally mandated work participation requirements, these recipients are not benefiting from these placements, and therefore, are not being directed toward a goal of self-sufficiency. Furthermore, it was discovered through hearings and research conducted by the Committee to investigate the impact of welfare reform in New York State that many of those remaining on PA possess the greatest barriers to employment.

The provisions of this bill would ensure that the assessment and career plan developed for each recipient are specifically tailored to his or her unique needs and abilities. In addition, the goal that is set for each recipient would directly focus on improving the recipient’s ability to obtain unsubsidized employment in a position that pays a sustainable living wage. In defining this wage at 185% of FPL for an average family size of four, the bill sets a clear and specific earnings goal

for each recipient that includes costs related to employment and a family's ability to meet all basic needs. This bill would also require that the assessments developed for each recipient directly address the recipient's specific barriers, so that referrals can be made to the appropriate services needed to overcome such barriers.

This bill advanced to the Ways & Means Committee.

**4. Access to Wage Reporting Information**  
**A. 9236 (Wright)**

Existing law permits OTDA to access the state Wage Reporting System (WRS) for applicants or recipients of PA for the purpose of obtaining information for eligibility verification. However, it does not allow access to WRS to determine the eligibility of foster care children for federal Title IV-E funding. This is problematic because it prevents the state from collecting \$6 to \$7 million in additional federal revenue annually.

This bill would provide OTDA expanded access to WRS for the purpose of determining the eligibility of any child in the foster care system for Title IV-E foster care maintenance payments. In order for the state to claim these federal dollars, it must demonstrate the income of the parents from whose home the child was removed.

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

**5. Public Housing Shelter Allowance**  
**A.7905 (Lopez, V.)/S.4329 (Lanza)**  
**Chapter 598**

Prior to passage of this law, OTDA paid private landlords the maximum shelter allowance established for their social services district, while public housing authorities were paid a much smaller shelter allowance.

Public housing is no less expensive to operate than private housing. In fact, given the supportive and social services that public housing authorities are required by law to provide to residents, services that the state may otherwise have to provide, public housing is more costly. The subsidies for public housing are steadily decreasing, forcing housing authorities to rely more and more on rental income to maintain decent, affordable housing. If public housing authorities are to continue to provide quality housing and services to PA recipients, they must be paid no less than private sector landlords.

This law brings public housing shelter allowances in line with the private market rates. The bill was signed into law; Chapter 598.

**6. Information for Victims of Sexual Assault**  
**A. 584 (Rosenthal)**

Some studies have estimated that as many as 40% of all individuals receiving PA were sexually abused as children, and a consensus has been reached among leading researchers that sexual assault victims are more likely to suffer from substance abuse problems, mental illness or other emotional problems as a result of the long-term trauma associated with early sexual abuse. In addition, according to the New York City Alliance Against Sexual Assault, the connections

between sexual assault and poverty are so strong they are impossible to ignore, and therefore, the movement to protect sexual assault victims should work hand in hand with the movement to help individuals rise up from poverty.

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

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

### III. SFY 2007-08 STATE BUDGET HIGHLIGHTS

#### A. Overview of the Temporary Assistance to Needy Families (TANF) block grant

The nation’s welfare system was dramatically reformed with the enactment of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The federal law adopted a “work first” approach, eliminated the entitlement to cash assistance, and imposed time limits, work requirements, and sanctions. The cornerstone of the law was the creation of the Temporary Assistance to Needy Families (TANF) block grant, which provides \$16.5 billion to states to fund their cash assistance and welfare-to-work programs.

New York received \$2.443 billion for the Family Assistance program through the federal TANF block grant. SFY 2007-08 marked the eleventh year of the TANF block grant. The amount of New York’s allocation is based on the state’s PA caseload and expenditures in SFY 1995. New York’s caseload and resultant expenditures were significantly higher in 1995 than the projected caseload for SFY 2007-08. The 2007-08 state budget included approximately \$1.8 billion to support benefit payments to low-income New Yorkers. Thus, the state has approximately \$1.8 billion in current federal TANF funding above what is needed to support the federal share of the Family Assistance program. These funds are referred to as the “TANF Surplus.”

#### B. TANF Surplus

New York’s TANF program has developed into the state’s most critical system of support and assistance for children and families who struggle to make ends meet. In New York, programs including wage supplements, tax credits, job training and skill development, case management and counseling, child care, and transportation were developed to assist families in need during the transition to self-sufficiency through work. For several years, New York has been authorized to utilize TANF funds not only for families eligible for federal assistance through the Family Assistance (FA) program, but also for families whose income does not exceed 200% of the Federal Poverty Level.

As in SFY 2006-07, the SFY 2007-08 budget included a Flexible Fund for Family Services (FFFS) to provide local districts with a block grant that can be used to fund any program that fulfills one of the TANF purposes.

The Executive proposed to spend part of the TANF surplus on a variety of programs essential to enabling low-income family’s transition to self-sufficiency:

CATEGORY/ITEM	APPROPRIATION (\$ in thousands)
<b>SUPPORT FOR LOW-INCOME WORKING FAMILIES</b>	<b>\$603,052</b>
• EITC	\$603,052
<b>CHILD CARE INVESTMENTS</b>	<b>\$372,450</b>
• Child Care	\$356,300

<ul style="list-style-type: none"> <li>• Child Care Demos/Facilitated Enrollment <ul style="list-style-type: none"> <li>* Upstate, \$5,000</li> <li>* Downstate, \$6,000</li> </ul> </li> </ul>	\$11,000
<ul style="list-style-type: none"> <li>• Child Care SUNY/CUNY</li> </ul>	\$3,400
<ul style="list-style-type: none"> <li>• Child Care for Migrant Workers</li> </ul>	\$1,750
<b>EMPLOYMENT/TRANSITIONAL INITIATIVES</b>	<b>\$14,803</b>
<ul style="list-style-type: none"> <li>• Transportation <ul style="list-style-type: none"> <li>* Wheels for Work, \$4,000</li> <li>* Transportation, \$2,200</li> <li>* RGRTA, \$2,000</li> <li>* Centro of Oneida, \$100</li> </ul> </li> </ul>	\$8,300
<ul style="list-style-type: none"> <li>• BRIDGE</li> </ul>	\$6,503
<b>SERVICES AND HEALTH INITIATIVES</b>	<b>\$128,720</b>
<ul style="list-style-type: none"> <li>• Summer Youth Employment</li> </ul>	\$35,000
<ul style="list-style-type: none"> <li>• Advantage Schools</li> </ul>	\$28,200
<ul style="list-style-type: none"> <li>• Home Visiting</li> </ul>	\$21,600
<ul style="list-style-type: none"> <li>• Hunger Prevention &amp; Nutrition Assistance Program (HPNAP)/Food Pantries</li> </ul>	\$12,500
<ul style="list-style-type: none"> <li>• Pregnancy Prevention</li> </ul>	\$12,100
<ul style="list-style-type: none"> <li>• Adolescent Pregnancy Prev. (APPS)</li> </ul>	\$7,320
<ul style="list-style-type: none"> <li>• Women, Infants, Children (WIC)</li> </ul>	\$5,000
<ul style="list-style-type: none"> <li>• Alternatives to Incarceration (ATI)</li> </ul>	\$4,000
<ul style="list-style-type: none"> <li>• Non-Residential DV Services</li> </ul>	\$3,000
<b>LEGISLATIVE INITIATIVES</b>	<b>\$64,050</b>
<ul style="list-style-type: none"> <li>• Wage Subsidy program</li> </ul>	\$4,000
<ul style="list-style-type: none"> <li>• Preventive Services Initiative (for families w/ children at risk of foster care placement)</li> </ul>	\$20,500
<ul style="list-style-type: none"> <li>• ATTAIN – Technology Training</li> </ul>	\$7,000
<ul style="list-style-type: none"> <li>• English as a Second Language (ESL)</li> </ul>	\$2,000
<ul style="list-style-type: none"> <li>• Workplace Literacy (Adult &amp; Family)</li> </ul>	\$1,000

• VESID – Case Services	\$1,500
• Homeless Intervention Program (HIP)	\$4,000
• ACCESS – Welfare to Careers	\$0
• Emergency Homelessness Assistance	\$1,000
• Disabled Advocacy Program (DAP)	\$1,000
• DAP Savings	(\$500)
• Supportive Housing for Families & Young Adults Ages 18-25 (SHFYA)	\$5,000
• Basic Education	\$1,000
• Caretaker Relative/Kinship	\$1,150
• Jack Kennedy Foundation/Build NY	\$1,000
• NYS AFL/CIO Workforce Development	\$400
• Intensive Case Services	\$14,000
<b>FLEXIBLE FUND FOR FAMILY SERVICES</b>	<b>\$654,000</b>
<b>TOTAL TANF SURPLUS SPENDING</b>	<b>\$1,837,075</b>

## IV. LEGISLATIVE HEARINGS

### A. The Community Services Block Grant Program (CSBG)

**Jointly with Assembly Committee on Ways & Means  
Assembly Committee on Governmental Operations  
Senate Committee on Social Services, Children and Families  
Senate Committee on Finance**

*Tuesday, June 5, 2007 at 10:30 AM*

*Roosevelt Hearing Room C, Legislative Office Building, Albany*

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

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

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

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

Witnesses at the hearing talked about the hopelessness, disparity, and violence that stem from poverty, and stressed the importance of federal, state, and local governments working collaboratively to address the root causes of poverty. Witnesses also talked about the link between poverty and child welfare, citing poverty as the most common factor in child protective cases. Many low-income families and PA recipients testified to the challenges they have in overcoming poverty, particularly in New York, where the cost of living is much higher than their wages can afford. Most of the families that testified work either full or part time, and nearly all of them talked about the frustration of not being able to make ends meet no matter how much or how hard they work.

### B. Barriers to Successful Re-entry upon Release from Incarceration

**Jointly with Committee on Correction  
Committee on Housing**

*Thursday, July 19, 2007 at 2:00 PM*

*New York State County Lawyers Association, Vesey Street, NYC*

There are currently more than 63,000 people in state prison in New York and an additional 30,000 in local correctional facilities. Each year, more than 26,000 people are released from New York State prisons and an additional 100,000 are released from local facilities throughout the course of the year.

Persons returning from incarceration face many obstacles, including insufficient work opportunities, employment discrimination, and the inability to find suitable housing. Unfortunately, many inmates do not receive adequate programming while incarcerated to properly prepare for a return to the community. Additionally, there is a lack of continuity between prison and community programs that causes a gap in services for many people returning to the community from incarceration.

This hearing provided witnesses with the opportunity to address the adequacy of existing programs, services, and resources, and to propose strategies to improve the current system. In addition, the hearing was convened to elicit testimony from agencies, non-profit social service and housing providers, employment and training program operators, and individuals and families affected by current barriers that impair the successful reentry of formerly incarcerated individuals.

Many of the witnesses presented testimony that underscored the importance of discharge planning prior to release. In addition, several witnesses emphasized the need to better prepare individuals for release through a comprehensive, multi-agency reentry program beginning upon a person's entry into prison. Elimination of legal and administrative barriers to successful re-entry and restoration of in-prison programming, including TAP availability and restoration of college programs, were among the list of vital policy components necessary for successful reentry.

### **C. The Adequacy of the Public Assistance Grant in New York State (Hearings I & II)**

*Thursday, September 6, 2007 at 10:30 AM  
Assembly Hearing Room  
250 Broadway, NYC*

*Friday, September 7, 2007 at 11:00 AM  
Public Library Auditorium  
White Plains, Westchester*

A generation of children has grown up since New York's welfare grant was last increased in 1990. In 1975, PA for a three-person family was equal to 110% of the federal poverty level. Today, it has fallen to less than 51% of the poverty level. Within the past few years, there has been a modest increase in the shelter portion of the PA grant, but the basic allowance for all other expenses has been unchanged for 17 years. Meanwhile, the cost of housing, transportation, food and energy, among other basic necessities, has increased dramatically. These increases have further reduced the real value of the welfare grant, making it nearly impossible for families to meet even their most basic needs.

In New York City, the maximum benefit for a family of three is \$691 a month. That figure includes a \$400 shelter allowance and the remaining \$291 is the cash allowance portion of the grant. However, Fair Market Rent for a two-bedroom apartment in New York City is \$1,189 per month. In Westchester it's even higher, at \$1,395 per month. Yet Westchester's shelter allowance for a family of three is \$426 per month. Because of excessive housing costs, PA recipients have no choice but to use part of their diminutive cash allowance towards rent. It also should be noted that many landlords often complain that Fair Market Rents, established by the U.S. Department of Housing and Urban Development (HUD), are lower than actual market rents.

Witnesses at the hearing emphasized the need to consider factors such as annual inflation, the changing economy, and the high cost of living in determining the adequacy of the grant. Several witnesses described how different things are now compared to 1990, when the basic grant was last increased. The purchasing power of the grant has greatly diminished since then, forcing recipients to use the small amount of cash they

receive to pay for housing and heat, among other things. Many advocates explained that recipients often find themselves homeless or without heat or hot water because the grant does not cover even the most basic of necessities. Many of these recipients are families with young children. Consequently, thousands of children struggle with failing grades and have disproportionately high health and mental health problems. Finally, many witnesses testified to the near impossibility of holding a job when families are frequently without food, shelter, and other resources necessary for basic survival.

#### **D. The Adequacy of the Public Assistance Grant in New York State (Hearing III)**

*Friday, September 28, 2007 at 10:30 AM  
Capital District Opportunity Center  
Sidman Hall, Troy*

A third hearing to address the adequacy of the PA grant provided an opportunity for witnesses to talk about the sufficiency of the grant upstate. The upstate economy is vastly different from the downstate economy, and the shelter allowance portion of the grant varies by county. Therefore, the impact of the grant is different depending on where a PA recipient lives. Testimony from this hearing highlighted the challenges many upstate New Yorkers face in attaining basic subsistence, from an expansive geography with limited transportation options to poorly insulated, old housing stock that drives up energy costs.

Fuel for heating allowances has not been increased since 1987. Since that time, average prices for electricity have increased by 84%, the cost of natural gas has increased 160%, and the cost of fuel oil has increased 239%. In Albany, for example, PA families who use fuel oil to heat their homes are given only \$828 per year to pay for their heating costs. Families heating with natural gas are given only about \$700. As many witnesses throughout the series of hearings testified, those small amounts barely cover one month in today's economy.

APPENDIX A

**2007 SUMMARY OF ACTION ON BILLS REFERRED TO  
THE SOCIAL SERVICES COMMITTEE**

<b><u>Final Action</u></b>	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total Bills</u></b>
Bills Reported With or Without Amendment			
To Floor; Not Returning to Committee	10	0	10
To Ways and Means	31	0	31
To Codes	2	0	2
To Rules	2	0	2
<b>TOTAL</b>	<b>45</b>	<b>0</b>	<b>45</b>
Bills Having Committee Reference Changed			
To Children and Families Committee	5	0	5
To Health Committee	8	0	8
<b>TOTAL</b>	<b>13</b>	<b>0</b>	<b>13</b>
Senate Bills Substituted or Recalled			
Substituted	-	3	3
Recalled	-	1	1
<b>TOTAL</b>	<b>-</b>	<b>4</b>	<b>4</b>
Bills Never Reported, Held in Committee	86	4	90
Bills Having Enacting Clauses Stricken	4	0	4
<b>TOTAL BILLS IN COMMITTEE</b>	<b>148</b>	<b>8</b>	<b>156</b>
Total Number of Committee Meetings Held	9		

APPENDIX B

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

<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A. 620-A Rosenthal	S. 2963-A Rath	Passed Assembly	Would prohibit the state, its political subdivisions, public authorities, employees and agents from compelling domestic abuse victims to contact their abusers directly, for any reason, and requires that a confidential intermediary be used in the event the abuser must be contacted for legal reasons.
A. 3036 Diaz, L.	S. 2478 Parker	Third Reading Calendar 154	Would allow college coursework to be credited as a work activity which may be used toward fulfilling the employment requirements for PA benefits under certain conditions.
A. 3365 Jacobs		Third Reading Rules Calendar 203	Would allow legal immigrants access to emergency Medicaid by receiving a determination of eligibility along with identification cards prior to the onset of an emergency.
A. 4950 Greene	S. 2782 Adams	Referred to Ways & Means	Would eliminate the state's recourse to PA recipients' or their relatives' residences homes for reimbursement of expenditures made for their benefit.
A. 5710 Jacobs	S. 2898 Morahan	Chapter 47	Extends authorization for medical assistance payments to certain clinics or diagnostic and treatment centers from July 1, 2007 through July 1, 2009.
A. 7109 Titus		Third Reading Calendar 487	Would authorize savings from the nursing home facility transition and diversion waiver program to be reinvested in housing subsidies for participants whose income is below 150% of the federal poverty level.
A. 7228 Gordon	S. 5715 Kruger	Chapter 123	Extends authorization for the exemption of income and resources in determining PA eligibility and benefit levels from August 22, 2007 through August 22, 2009.
A. 1867-A Greene		Passed Assembly	Would require that PA applicants be fully informed, orally and in writing, that they may be liable to reimburse the state for benefits received; would require an informed acknowledgment to be signed by the applicant and kept in the applicant's file.
A. 2346 Jacobs	S. 1493 Dilan	Referred to Ways & Means	Would provide that upon application for PA, the local DSS shall notify the applicant both verbally and in writing of the availability of monetary grants for emergency needs, and if such person is in immediate need, provide assistance to meet the emergency need and inform applicant of reason for any denial and right to an expedited hearing.

<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A. 4964 Gottfried	S. 2801 Skelos	Chapter 109	Enacts technical corrections to the Office of Medicaid Inspector General provisions.
A. 7391 Glick		Referred to Ways & Means	Would enhance the availability of basic language and high school equivalency educational opportunities for PA recipients; requires social services districts to make participants aware of basic education providers in the district.
A. 5473 Glick	S. 2890 Duane	Referred to Ways & Means	Would ensure that persons living with clinical/symptomatic HIV or AIDS, and who are receiving shelter assistance or an emergency shelter allowance, would not be required to pay more than 30% of the household's monthly unearned and/or earned income towards shelter costs, including rent and utilities.
A. 5713 Lopez, V.		Referred to Ways & Means	Would direct OTDA to study the fair hearing process and to report to the legislature on the number of withdrawals from PA and the factors cited for such withdrawals. The bill would also require the office to set standards to ensure the uninterrupted receipt of benefits by financially eligible recipients and to make recommendations for the adjustment in reimbursement by the state for failure to achieve such standards.
A. 7550 Wright	S. 1501 Dilan	Passed Assembly	Would extend the period given to certain applicants for PA benefits to request a fair hearing from 10 to 60 days or within 60 days of receipt of a work activity assignment.
A. 7551 Wright		Referred to Ways & Means	Would repeal the income cap of 185% percent of the standard of need for PA applicants.
A. 7552 Wright		Referred to Ways & Means	Would establish rental vouchers for working families; allows families to make an application for rental vouchers at the appropriate social services district or any facilitated enrollment site authorized by OTDA; sets forth eligibility requirements.
A. 2345-A Jacobs		Referred to Ways & Means	Would adopt the federal Wellstone/Murray amendment (the Family Violence Option), which protects domestic violence victims from program requirements or penalties that may cause them to lose benefits and/or endure further violence.
A. 4046 Cook	S. 3344 Krueger	Passed Assembly	Would authorize the state to apply to the secretary of the U.S. Dept. of Agriculture for waivers of federal food stamp program rules in order to maximize the availability of food stamp benefits to low-income individuals or households.

<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A. 4520-A Brennan		Third Reading Rules 337	Would ensure that uninsured individuals with persistent mental illness who are discharged from mental hospitals or released from correctional facilities have continued access to the care, service, and supplies needed to treat their mental illness by providing a “presumed eligibility” status for 90 days following the individual’s release or discharge.
A. 7889 Peoples	S. 5558 Leibell	Chapter 219	Extends for two years the foster family care demonstration program for elderly or disabled individuals. A cost-effective alternative to residential care, this program offers community-based care. A caregiver provides room and board, supervision, and assistance with personal care in their home; a sponsoring agency supervises the care and is responsible for recruitment and training.
A. 7945 Wright	S. 1507 Dilan	Third Reading 476	Would provide that in all cases where an applicant for PA is referred to a health care practitioner certified by the local social services district for the purposes of a medical evaluation to determine an applicant’s disability status and work capacity, the practitioner must consider whether the applicant has been required to apply for SSI as a condition of eligibility.
A. 7946 Wright	S. 1509 Dilan	Passed Assembly	Would ensure that the medical opinion of a PA applicant’s treating health care practitioner is given sufficient regard when the district is making disability determinations. Would require that in instances where a certified DSS practitioner is evaluating an applicant, the opinion of the applicant’s treating physician be considered in the determination, and that any denial must include a written explanation that presents evidence to support the certified practitioner’s differing opinion.
A. 7949-A Wright	S. 4557 Golden	Chapter 132	Ensures that recipients of SSI receive the annual federal and state COLA increases (3.3%).
A. 1469 Englebright	S. 4440 Golden	Veto Message 125	Would enable individuals who are receiving home or community-based Medicaid services the opportunity to have more independence and self direction in choosing and managing their home care providers.
A. 3366 Millman	S. 3201 Montgomery	Veto Message 94	Would require social services districts to include education and training for sustainable wage jobs and nontraditional employment opportunities in their PA employment programs.
A. 7905 Lopez	S. 4329 Lanza	Chapter 598	Increases the shelter portion of statewide public housing subsidies to bring it in line with private shelter allowances.

<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A. 8010 Wright		Referred to Ways & Means	Would repeal §117 (3), which illegally prohibits benefits for new residents during their first 12 months in the state and reduces the benefit amount for new residents determined to be eligible for assistance.
A. 8094 Wright	S. 4578 Kruger	Chapter 601	Transfers the functions of the Department of Social Services to the Office of Temporary and Disability Assistance.
A. 8095 Wright	S. 4547 Kruger	Chapter 326	Updates the definition of “community services” as required by the federal Deficit Reduction Act, while continuing to provide a work exemption for PA recipients whose full time presence in the home is required because of illness or incapacity of another member of the household.
A. 8096 Wright	S. 4550 Kruger	Chapter 135	Expands resources available for working families to access child care in lieu of PA.
A. 8356 Wright	S. 5875 Hannon	Chapter 355	Permits a person who is an inmate in a state or local correctional facility and who was receiving Medicaid prior to being incarcerated to remain eligible for Medicaid.
A. 1462-A Gottfried	S. 5521 Hannon	Chapter 576	Brings New York into compliance with federal law to allow disabled Medicaid applicants and recipients to deposit certain income into a Supplemental Needs Trust account without losing eligibility.
A. 7990 Wright		Referred to Ways & Means	Would improve the goal setting process for PA recipients so they can obtain self-sufficiency through employment in a sustainable wage industry.
A. 8465-A Aubry		Third Reading 276	Would allow the court to consider the special circumstances of a parent or parents who are incarcerated or in a court-ordered residential substance abuse treatment program when determining the guardianship and custody of their children and before terminating their parental rights.
A.2126 John	S. 3083 Libous	Referred to Ways & Means	Would increase the monthly personal expense account for Medicaid recipients in residential health care facilities.
A. 7116 Carozza		Referred to Ways & Means	Would allow individuals who waived their right to elect against their spouse’s estate to use the signature date of the waiver, and not the spouse’s date of decease, to determine Medicaid eligibility and benefits.
A.9154-A Jeffries		Referred to Ways & Means	Would require that for-profit “hotels and/or motels” that provide shelter for homeless people be regulated, supervised, and inspected by OTDA and includes these hotels or motels under the definition of “adult care facilities.”

<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A. 9197 Millman	S. 6256 Montgomery	Third Reading Rules 629	Would amend A.3036, which passed both the Assembly and Senate. The bill would modify the definition of nontraditional employment and allow the state to consider, rather than require, nontraditional job opportunities for recipients with a high school education or higher.
A. 9200 Titus		Referred to Ways & Means	Would allow individuals over the age of 65 to participate in the Medicaid Buy-In program.
A. 9236 Wright		Passed Assembly	Would allow OTDA to access information from the state's Wage Reporting System for the purpose of determining Title IV-E eligibility for children in foster care.
A. 9237 Wright	S. 6343 Kruger	Passed Assembly	Would allow disabled children in households receiving a special AIDS/HIV shelter allowance to receive the full amount of their federal SSI disability benefits.

APPENDIX C

LAWS ENACTED DURING THE 2007 SESSION

CHAPTER	ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	DESCRIPTION
Chapter 47	A. 5710 Jacobs	S. 2898 Morahan	Extends authorization for medical assistance payments to certain clinics or diagnostic and treatment centers from July 1, 2007 through July 1, 2009.
Chapter 123	A. 7228 Gordon	S. 5715 Kruger	Extends authorization for the exemption of income and resources in determining PA eligibility and benefit levels from August 22, 2007 through August 22, 2009.
Chapter 109	A. 4964 Gottfried	S. 2801 Skelos	Enacts technical corrections to the Office of Medicaid Inspector General provisions.
Chapter 219	A. 7889 Peoples	S. 5558 Leibell	Extends for two years the foster family care demonstration program for elderly or disabled individuals. A cost-effective alternative to residential care, this program offers community-based care. A caregiver provides room and board, supervision, and assistance with personal care in their home; a sponsoring agency supervises the care and is responsible for recruitment and training.
Chapter 132	A. 7949-A Wright	S. 4557 Golden	Ensures that recipients of SSI receive the annual federal and state COLA increases.
Chapter 598	A. 7905 Lopez	S. 4329 Lanza	Increases the shelter portion of statewide public housing subsidies to bring it in line with private shelter allowances.
Chapter 601	A. 8094 Wright	S. 4578 Kruger	Transfers the functions of the Department of Social Services to the Office of Temporary and Disability Assistance.
Chapter 326	A. 8095 Wright	S. 4547 Kruger	Updates the definition of "community services" as required by the federal Deficit Reduction Act, while continuing to provide a work exemption for PA recipients whose full time presence in the home is required because of illness or incapacity of another member of the household.
Chapter 135	A. 8096 Wright	S. 4550 Kruger	Expands resources available for working families to access child care in lieu of PA.
Chapter 355	A. 8356 Wright	S. 5875 Hannon	Permits a person who is an inmate in a state or local correctional facility and who was receiving Medicaid prior to being incarcerated to remain eligible for Medicaid.
Chapter 576	A. 1462-A Englebright	S. 5521 Hannon	Brings New York into compliance with federal law to allow disabled Medicaid applicants and recipients to deposit certain income into a Supplemental Needs Trust account without losing eligibility.

## APPENDIX D

### LEGISLATION VETOED IN 2007

#### **Cash and Counseling Program for Individuals Receiving Home-Based Care**

**A. 1469 (Englebright) / S. 4440 (Golden)**

**Veto Message 125**

The federal DRA, enacted on February 8, 2006, established the Optional Choice of Self-Directed Personal Assistance Services (Cash and Counseling Program) as an option to states to provide Medicaid payments for part or all of the cost of self-directed personal assistance services (other than room and board) for individuals receiving personal care services or home and community-based services.

This bill would create the Cash and Counseling Demonstration Program in New York for those who are entitled to Medicaid for personal care services or home and community-based services, and who possess the ability to plan, purchase, manage and coordinate self-directed personal assistance services. The purpose of the program is to enhance the independence of those who are receiving Medicaid-funded personal care services at home. Program participants receive an individualized assessment and service plan performed by a licensed health care practitioner, and a service budget that provides for self-directed personal care services.

Although the Governor vetoed this bill, he indicated that certain features were worthy of further exploration, and said he would direct DOH to develop a demonstration initiative that would implement certain features of a cash and counseling program.

#### **Sustainable Wage Employment**

**A. 3366 (Millman) / S. 3201 (Montgomery)**

**Veto Message 125**

In the rush to reduce welfare rolls under federal welfare reform, many PA recipients have been placed in low-paying jobs. A large percentage of the welfare caseload consists of women. In New York, female headed households comprise 73% of the overall Temporary Assistance caseload. In “family” cases, 94% of caretakers are female. A 2001 study of job training for low-income people, particularly women leaving welfare, found a clear pattern of gender segregation in job training referral and placements. Programs training for jobs as bank teller and nail technician had 100% female enrollment, while programs training for higher paying jobs such as appliance technician and automotive technician had overwhelming male enrollments. Overall, women comprise 25% or less of total workers in many fields, such as skilled trade occupations - carpenter, electrician, millwright, plumber, sheetmetal worker; technical jobs - drafter, rigger, computer technician; service jobs - taxi driver, furniture mover and truck driver; public service jobs - firefighter, police officer and ambulance driver, and professions - chemist, aerospace engineer, and city manager.

This bill would ensure that local social services districts increase their emphasis on counseling, education, and training for nontraditional employment and sustainable wage jobs. Nontraditional jobs pay 20% to 30% more on average than traditionally female occupations, and they typically offer good benefits and opportunities for advancement. As welfare reform moves into its eleventh year, increased emphasis needs to be placed on services that will move participants into sustainable wage jobs to permanently lift families out of poverty, and prevent them from cycling in and out of dependence on PA. This becomes especially critical as the 60 month lifetime limit for federally-funded PA is reached. For women in particular, a

crucial but underutilized route to a sustainable wage job is through nontraditional employment.

Despite its passage by both the Assembly and the Senate, this bill was vetoed by the Governor. The Governor cited a technical flaw (the definition of “sustainable wage”), lack of education among recipients, and compliance with federal work requirements as his reasons for vetoing the bill. Moreover, he said that legislation was not necessary to meet the goals of the bill. However, he called the goal of placing welfare recipients in non-traditional employment “laudable,” and instructed OTDA to work with local social services districts to develop other opportunities for increasing job skills training, including plans for increasing the number of PA recipients placed in federally-allowable education and vocational training programs.

## APPENDIX E

### 2008 COMMITTEE GOALS

#### **Increase the public assistance grant**

The basic grant for PA has not been increased since 1990. Since that time, the value of the public assistance grant has declined dramatically while the gap between the rich and the poor in New York State has reached record highs. Given that the population of public assistance recipients is comprised of many individuals and families with significant disabilities, the state should raise the basic grant to provide the neediest in our state a more humane level of aid to meet their basic needs.

#### **Repeal finger imaging for food stamp recipients**

Finger imaging is neither a state nor federal law. Under state law, PA recipients must be finger-imaged, but it is currently up to the Governor whether to require social services districts to do so for people who receive food stamps only. Finger imaging serves as a deterrent for eligible individuals to access food stamps, which are paid for by the federal government. New York is one of the four remaining states in the country where finger-imaging for food stamps still occurs. Recently, the Governor waived the finger imaging requirement for certain working families. Food is a basic necessity of life. Finger imaging should not be required for any low-income families and individuals to receive assistance with their food costs.

#### **Increase the earned income disregard and repeal the 185% rule**

Increase 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 provide a work incentive while allowing public assistance recipients to at least work their way up to federal poverty levels before losing benefits.

#### **Increase the value of the automobile resource limit**

To be eligible for PA, persons may have resources in excess of specific amounts set forth in Social Services Law § #131-n. This law permits applicants to own a vehicle with a value of \$4650, unless the individual needs the vehicle to work or to look for work. In that case, the person is allowed to have a vehicle with a value up to \$9300. Welfare reform imposed very strict work requirements, such that recipients must work in order to receive benefits. Most recipients do not have enough – if any – disposable income to afford a vehicle, regular maintenance, or needed repairs. Therefore, the Assembly will introduce legislation that would eliminate two amounts for allowable resource limits and create a uniform ceiling at \$9300.

#### **Eliminate the 45 day waiting period for safety net assistance**

Social Services Law § #153 (8) provides that applicants for Safety Net Assistance (SNA) wait 45 days after completing an application before they can receive benefits, except in emergency cases. This is a big

deterrent to taking short term employment and a big barrier to a smooth transition for those leaving prison.

The 45 day waiting period also creates difficulty in stabilizing the lives of prisoners who are re-entering society after incarceration. Those released from jails or prisons are far less likely to re-offend if they have an immediate source of income to meet their basic needs. Understanding this, some social services districts have creatively addressed this problem by taking applications from prisoners prior to their release. While a creative and cost-effective solution, it is indefensible as policy that those be released from jails or prisons are, in effect, exempted from the rule, but workers who take seasonal or temporary employment which ends through no fault of their own are harmed by the rule.

### **Annual accounting for public assistance recipients with mortgage liens**

New York is only one of two states in the nation that take deeds and mortgages against the homes of welfare recipients. In this day of welfare reform, where the goal is to get low-income families back on their feet, New York's policy is counter-productive and a hindrance to recipients trying to get on their feet. Furthermore, Social Services Law §106 provides no guidance as to what assistance can be recovered by a social services district, and the statute does not provide adequate safeguards to homeowners to protect against erroneous lien calculations. To address these issues, the Assembly will advance legislation requiring counties to provide OTDA with an annual accounting of all property liens.

### **Amend the circuit breaker law**

Amending the Circuit Breaker Law will 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.