

2008 ANNUAL REPORT

NEW YORK STATE ASSEMBLY

COMMITTEE ON
SOCIAL SERVICES



Sheldon Silver, Speaker

Keith L.T. Wright, Chair



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STATE OF NEW YORK
ALBANY

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December 31, 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 2008 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-like font.

Keith L.T. Wright
Chair
Committee on Social Services

**2008 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON SOCIAL SERVICES**

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Chair**

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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 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 and 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 162 bills and investigated numerous issues affecting the lives of those in poverty throughout the State. The Committee introduced and reported several new pieces of legislation aimed at improving the lives of senior citizens, children, the disabled, the working poor and those in receipt of public assistance (PA) or other forms of government funded assistance, such as Medicaid and subsidized housing. Some of these bills would:

- Eliminate the finger imaging requirement for Food Stamps
- Allow PA recipients to access four year college
- Repeal the 185 percent standard of need rule and increase the Earned Income Disregard (EID)
- Repeal the child support requirement for subsidized child care
- Amend the automobile resource limit

The Committee also reported existing legislation designed to assist individuals with mental health issues, low-income workers, individuals with HIV or AIDS, and the aged, blind and disabled. Some of these bills would extend the provision that clarifies the definition of work activities to include certain work-study and internship programs (chaptered); extend the provision that allows adult homes, residences for adults and enriched housing programs to provide services to non-residents for the purpose of restoring, maintaining or developing the capacity of aged or disabled persons to remain in or return to their communities (chaptered); extend the period given to Supplemental Security Income (SSI) applicants to request a fair hearing from 10 to 60 days; allow certain persons living with HIV and AIDS to pay 30% of their household income toward shelter costs; allow senior citizens over the age of 65 to participate in the Medicaid Buy-In program; ensure that persons discharged from psychiatric care have continuous access to medication; and increase the monthly personal needs allowance for the aged, blind and disabled.

The SFY 2008-09 budget process provided a vital opportunity for the Committee to initiate some positive changes to the State's social welfare system. In February 2008, the Department of Health and Human Services (HHS) issued final TANF regulations implementing the Deficit Reduction Act of 2005. A number of important changes to the rules support New York's intention to make education and training the center of our economic engine. In particular, HHS made two important changes in the final rules: First, Baccalaureate and advanced degree programs are now countable toward a state's work participation rate. Second, for each hour of class time, up to one hour of unsupervised homework time required or advised by an educational program may now count towards the work participation rate.

Many people receiving welfare have recent work history, albeit in low-wage, unskilled work. They are able to connect with the benefits their families need when the jobs disappear or illness or some other crisis presents itself. After families are stabilized, government plays a crucial role in making policy that enhances employability. The final rules created a unique window of opportunity for the consideration of

new policies. One bill sponsored in the Assembly, A.11297-A, would move state policy towards meeting government's role. Additionally, there are undeniable long-term positive effects for children if parents are able to become better educated. Child poverty is directly related to family income, and the higher parental education levels, the higher the family income. It is reasonable to advance the goal of a more economically vibrant and secure New York by making access to education and training attainable for people receiving welfare. Access to education and training across the continuum should be open, free and available to all New Yorkers. Making New York State policies conform to the new federal regulations is smart policy and shows good governance.

The Assembly proposed a PA grant increase again this year, which would have increased the cash portion of the grant (i.e., the basic grant) 10 percent per year over three years. The proposal would help thousands of PA recipients by offering a modest increase in their monthly cash grant to adjust for inflation and to mitigate the impact of 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, the Assembly proposal did not have the support to move forward.

Outside the budget process, the Committee convened several hearings in 2008. The Committee sponsored a hearing on the proposed relocation of the only men's homeless intake facility from Manhattan to Crown Heights, Brooklyn. With broad opposition to the proposal – from city council members and state legislators to advocates and attorneys – it was critical that the Committee examine the impact of the proposal on homeless men, particularly since Manhattan has the highest concentration of street homelessness of the five boroughs. Research shows that emergency shelter and services must be easily accessible to the street homeless, particularly on cold winter nights when obtaining shelter can be a matter of life and death. There was broad concern that many homeless men would avoid the new shelter and sleep on the streets, even on cold winter nights.

The Committee also co-sponsored a hearing to explore the impact of the "Rockefeller Drug Laws" on drug addiction, drug-related health problems and drug-related crime. The hearing examined the significance of the 2004 and 2005 reforms of these drug laws on drug abuse and the illegal drug trade; the effectiveness of substance abuse treatment services as an alternative to incarceration and as a means to address offender recidivism; and the adequacy of existing substance abuse treatment and social services resources. The testimony provided important feedback which enabled the Committees to better understand the current criminal sentence structure and barriers to important resources for persons with a history of substance abuse who are released from incarceration.

Furthermore, the Committee participated in the last of 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 child care. Safe, affordable child care 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 child care to maintain employment. A range of topics were addressed at the hearing, including access to adequate funding, services during non-traditional hours, subsidized child care and the co-pay fee structure and cost-prohibitive regulations.

Finally, the Committee convened a hearing to examine the impact and effectiveness of the State's welfare-to-work programs. New York State spends more than \$1.8 billion each year on social services programs funded by TANF. Of that amount, less than \$100 million is used to fund employment, training and work support programs. A 2006 report by the federal Department of Health and Human Services (HHS) indicated that New York ranked 45 out of 50 states in work-related measures, including job entry,

job retention, earnings gain and success in the workplace. Yet the success of New York's work programs is critical in helping PA recipients achieve self-sufficiency. It also hinges on the State's ability to meet the 50 percent federal work participation rate. This hearing offered an opportunity for the Committee to solicit feedback from program administrators, PA recipients participating in welfare-to-work programs, state and city agencies, advocates, attorneys, service providers and other experts. The testimony provided the Committee with important data on the impact and level of success of the State's welfare-to-work programs, as well as suggestions for improvement.

II. SIGNIFICANT LEGISLATION – 2008

A. INCOME MAINTENANCE

1. Health Care Practitioners and Disability Determinations A. 7946 (Wright/Dilan)

If an individual applying for PA has work limitations, disabilities or health issues that have been identified by their treating health care practitioner, their diagnosis and recommendations should be considered to be accurate in the absence of any contradictory findings. As the current law is written, there is little weight given to the treating health care practitioner's opinion, and in some cases, the treating physician's opinion may not even be considered in a determination.

The federal government recognizes the importance of giving sufficient consideration to a treating physician's medical opinion, and follows this practice in SSI determination procedures, detailed in 20 CFR 416.927. This section of federal regulation outlines evaluating opinion evidence, and it is after this federal regulation that this bill has been modeled.

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

2. Workfare and Confidentiality A. 8005 (Wright)

Current law forbids a public employer from utilizing workfare participants in such a manner as to result in the displacement, or partial displacement, of the regular workforce. In order to permit a collective bargaining representative to monitor a public employer, such employer must provide a monthly statement containing the number, location, agency and assignment of workfare participants. Although the public employer discloses no information about individual participants, the law nevertheless requires the collective bargaining representative to keep such information confidential.

This stricture deprives the collective bargaining representative of the ability to fully inform its members of the employer's use of workfare participants. It further prevents a union from notifying interested members of the public as to the number of workfare participants and how the public employer is utilizing them to perform work for the public. The proposed legislation would correct this situation by allowing designated representatives to receive certain participant information, and at the same time would protect welfare recipients from the disclosure of confidential information.

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

3. Public Assistance for New Residents A. 8010 (Wright)

New York has a law that allows the State to temporarily provide lower benefits to new residents, which was enacted in response to the 1996 federal welfare reform act (the Personal Responsibility and Work Opportunity Reconciliation Act). New York, along with 15 other states, adopted such policies. However, in 1999, the U.S. Supreme Court ruled in the case of *Saenz v. Roe* that the California law establishing such a two-tiered benefit provision violated a citizen's constitutional

"right to travel." The Court ruled that "neither Congress nor a State can validate a law that denies the rights guaranteed by the 14th Amendment." This bill would repeal the section of the State social services law that contradicts the Supreme Court's decision.

This bill advanced to the Third Reading Rules Calendar 211.

4. Allowable Work Activities
A. 9841 (Wright/Kruger)
Chapter 121

Work study programs, internships, externships and other work placements provide the opportunity to help PA recipients move toward economic independence through a combination of work and education. Participation in such activities should count toward meeting the student's work requirements. Further, if recipients are striving to balance the demands of their academic schedules with their required work activities, it is sound policy to require districts to make reasonable efforts to assign work activities that do not conflict with the student's academic schedule. This bill would allow participation in work study programs, internships and externships to count towards a recipient's work participation rate and would require districts to make reasonable efforts to assign such recipients in activities that do not conflict with academic schedules.

This bill was signed into law; Chapter 121.

5. Waiting Period for Safety Net Assistance (SNA)
A. 10185 (Wright)

Under New York law, a person applying for SNA must wait 45 days to receive assistance. This provision actually penalizes people who take temporary, seasonal or short term employment because when those jobs end, applicants must wait 45 days after applying for SNA before receiving anything other than emergency assistance, which must be repaid. Consistent with the State's Family Assistance policy, this bill would require social services districts to accept or deny an application no later than 30 days after the date of the application.

This bill advanced to Third Reading Rules calendar 171.

6. Child Care Assistance
A. 10258 (Scarborough)

Current regulations require parents seeking child care subsidies to obtain a court order for child support as a condition of eligibility. No statutory authority exists permitting a regulation of this kind. In addition, this requirement has had a devastating impact on the ability of low-income families to access the child care necessary to seek or maintain employment.

Access to child care is necessary to enable families to achieve financial security and to provide children with early learning skills. As day care providers struggle with under-enrollment, more and more families are turning away from quality care due to the unnecessary constraints of current regulation. Easing the process for low-income parents will benefit the parents, children, providers and the communities in which they live.

This bill encourages a single parent to obtain a child support order but does not mandate such an

order as a condition of eligibility for child care assistance.

This bill advanced to the Third Reading Rules Calendar 333.

7. Automobile Resource Limit

A. 11125 (Wright)

Current law provides a two tier system for determining the automobile resource disregard when calculating the amount of benefits for PA applicants or recipients. The law provides a lower amount (\$4,650) unless the automobile is being used to seek or retain employment, in which case the car can be valued up to \$9,300. The current structure does not adequately contemplate the effects of inflation or the need to obtain a reliable vehicle so that PA recipients are able to meet federal and State work mandates. Moreover, current law was written several years ago, when car values were much lower. This legislation would provide a uniform automobile resource limit (\$9,300) that is more practical and realistic for those individuals who depend on their cars to seek and retain employment.

This bill advanced to the Ways and Means Committee.

8. Work Experience Program (WEP)

A. 11216 (Wright)

A person who receives PA in New York State is required to repay the local social services district for the assistance he or she receives either in cash, asset acquisition or by working without pay in exchange for his or her benefits. The recovery of such assistance is expressly authorized against windfalls such as inheritances (SSL 104), lawsuit proceeds (SSL 104-b), lottery winnings (SSL 131-r) and retroactive SSI awards (SSL 158(3)). Additionally, local districts are entitled to recover public assistance by requiring applicants who are homeowners to provide the district with a mortgage lien equal to the sum of PA paid to them as a condition of eligibility for assistance (SSL 106). Many local social services districts require that PA recipients participate in the WEP for no compensation to “work off their grant,” then seek to recover assistance without crediting the recipient’s time in the WEP. This practice is a violation of the Fair Labor Standards Act.

When an individual works off his or her grant by participating in workfare, it is only fair that the value of that work be credited against any recovery that the local district is entitled to make. This bill would require local social services districts to credit the value of workfare by calculating the number of hours worked times the higher of the state or federal minimum wage applicable at the time, when determining the amount of PA that the local social services district is entitled to recover. This bill would codify the decision made by the U.S. District Court in the case of *Elwell v. Weiss*, 2007 WL 29943085.

This bill advanced to the Ways and Means Committee.

9. Higher Education

A.11297-A (Wright/Kruger)

In February 2008, the Department of Health and Human Services (HHS) issued final TANF regulations implementing the Deficit Reduction Act of 2005. A number of important changes to the rules support New York's intention to make education and training the center of our economic engine.

In particular, HHS made two important changes in the final rules. First, Baccalaureate and advanced degree programs are now countable towards a state's work participation rate. Second, for each hour of class time, up to one hour of unsupervised homework time required or advised by an educational program may now count towards the work participation rate. This bill would bring New York State into compliance with the final federal rules.

This bill advanced to the Rules Committee.

10. Increase the Residential Personal Needs Allowance
A. 2126 (John)/S. 3083 (Libous)

The people who would receive an increase in the residential personal needs allowance are primarily senior citizens who reside in skilled nursing facilities, some of whom depend solely on social security and SSI or other forms of assistance. They are on fixed incomes and depend on this allowance to pay for everything from their clothing, toiletries and laundry supplies to few luxuries, such as cable television, which costs half of their monthly allotment.

While SSI is a federal program, the personal need allowance comes from State funds. None of the SSI cost of living adjustments over the past 19 years have applied to this allowance. So, while nursing homes have received increased funds for the services they provide, the residents have received no adjustment in the funds available to them. This bill would increase the monthly personal expense account by \$100 for Medicaid recipients in residential health care facilities.

This bill advanced to the Ways and Means Committee.

11. Make Work Pay
A. 10467 (Wright)

Currently, PA recipients are ineligible for cash assistance when their total monthly income exceeds 185% of the State's standard of need. New York State's PA grant levels are far below the federal poverty level and cripple working poor families with income below the poverty level but above 185% of the standard of need, making them ineligible for assistance. The 2008 federal poverty guidelines for a family of three is a mere \$17,600. In no county of the State is a PA household of three with wages allowed to reach the poverty level. In fact, the 185% cap results in most families losing PA eligibility when they are \$300 to \$400 under the poverty level.

The Earned Income Disregard (EID), a work incentive that allows PA recipients to exclude, or "disregard," a percentage of their income from eligibility calculations, is 48% for recipients with children. This bill would increase the EID to 67% and would repeal the 185% Standard of Need so that PA recipients who work can make it to the poverty level without losing critical work supports and other benefits designed to help the working poor by rewarding work.

This bill advanced to the Ways and Means Committee.

B. MEDICAID

1. Termination of Eligibility and Consideration of Re-Application A. 4717 (Espaillat)

Currently, the Office of Administrative Hearings and the Office of Temporary and Disability Assistance require Medicaid recipients, disabled or non-disabled, to attend a scheduled hearing about potential termination of their Medicaid coverage. Missing a hearing could result in the termination of an individual's Medicaid coverage without notice, even if he or she is disabled.

The individual must then undergo an arduous re-application process, which can take anywhere from 30 to 60 days. This legislation is intended to provide disabled and other incapacitated individuals whose Medicaid is terminated because they have missed a scheduled hearing with 10-day written notification of the termination date. Furthermore, it would expedite the re-application process for an individual who must re-apply for Medicaid.

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

2. Eligibility for Emergency Medical Assistance A. 3365 (Jacobs)

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) eliminated federal financial participation for Medicaid for all but emergency care for legal immigrants (with the exception of refugees) who arrived in the United States after August 22, 1996, or who are persons Permanently Residing Under Color of Law (PRUCOLs). The Welfare Reform Act of 1997 (Chapter 436 of the Laws of 1997) restricted eligibility for Medical Assistance (Medicaid) to emergency situations for these immigrants.

This bill would clarify that such immigrants may, if otherwise eligible, apply for and receive emergency Medicaid prior to the onset of an emergency medical condition and allows these individuals to receive Medicaid identification cards prior to an emergency. The legislation would increase the likelihood that when a medical emergency does arise, eligible individuals could seek immediate attention rather than delaying treatment until the condition worsens, sending the individual to a more costly emergency room due to an inability to pay.

This bill advanced to the Ways and Means Committee.

3. School-Based Health Services A. 3600 (Gottfried)

School-based health centers are recognized as highly effective in delivering necessary and timely health care services to underserved and uninsured school-age children. Since school-based health centers use mostly nurse practitioners, physicians' assistants and certified social workers with back-up physicians and psychologists or psychiatrists, managed care programs are unlikely to contract with school-based health centers as primary care providers for eligible students who are enrolled in managed care.

Yet school-based health centers have become an integral part of the fabric of the communities where they are located. Often, they are the only accessible primary care and mental health

providers for the most high-risk youth. This bill would include these health centers to the list of services which need not be provided by a managed care program so that vulnerable children get the health services they need.

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

4. Access to Dental Services Through Managed Care
A. 3819 (Gottfried)

The Medicaid Managed Care Program provides Medicaid recipients with improved health care through the services of Health Maintenance Organizations (HMO). HMOs establish a relationship between a patient and a primary care provider, who manages all of the patient's interactions within the health care system.

However, managed care programs have very little experience providing dental services. In addition, primary care practitioners have little training or experience in assessing the existence, type or remedy to dental problems. Consequently, it makes little sense to require them or the HMO to determine the necessity or type of treatment needed. This legislation preserves both the right of Medicaid HMOs to offer dental services and the ability for participants to access such services outside the network.

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

5. Medical Assistance Presumptive Eligibility Program
A. 4520-c (Brennan)

The mentally ill who are released from State mental hospitals, prisons or jails seldom have health care coverage at the time of discharge or release. Without follow-up medical care, formerly incarcerated or hospitalized individuals are vulnerable to medical crises, making the threat of recidivism much higher. If medications, clinic visits and other follow-up care were available immediately upon release, these individuals would have a much better chance of remaining stable. Since these populations are prohibited from applying for Medicaid until their release, and there is a time lapse between application and acceptance into the Medicaid program, presumptive eligibility ensures the safety of the individual and the community in which that person lives.

This bill would ensure that uninsured persons discharged from mental hospitals or released from prisons or jails have continuous access to medical care.

This bill advanced to the Third Reading Rules calendar 521.

6. Medicaid Buy-In
A. 9200 (Titus)

The Medicaid Buy-in program has allowed thousands of disabled people to retain their dignity and independence by allowing them to continue to receive Medicaid services after age 65, when Medicare coverage typically begins. Unfortunately, unlike Medicaid, Medicare does not cover many of the services that currently allow these individuals to remain in their communities, rather than being institutionalized at a very high cost.

This legislation would allow individuals over age 65 with a disability to be eligible to participate

in the Medicaid Buy-In program, thus helping to keep them in their communities and out of costly nursing homes.

This bill advanced to the Ways and Means Committee.

C. HOUSING

1. Homeless Housing Task Force

A. 8347 (Wright)

The need to address homelessness in New York State has increased dramatically. The formation of 10-year homeless task forces in each county is necessary to address the long-term and short-term housing needs of homeless persons. After determining the cause of homelessness in each district, the task forces would be able to make suggestions and set guidelines to prevent or alleviate homelessness. This bill would give the power to fight homelessness back to the local communities, which are best able to determine effective solutions according to each area's unique needs.

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

2. Adult and Enriched Housing Programs

A. 10183 (Young/Golden)

Chapter 83

Two of the most significant non-resident services available for adults who are in need of temporary or short-term support but not residential care are adult day care and temporary residential placement (respite). These programs provide a variety of support services to assist caregivers in their efforts to prevent or delay the institutionalization of a family member. Continuing services for adult day care and temporary residential placement is one avenue of relief for these informal caregivers. Both services are widely recognized as relieving the stress associated with the burden of caring for an elderly or impaired relative. This bill would reauthorize these programs so that services may continue.

This bill was signed into law; Chapter 83.

3. Shelter for Persons with HIV or AIDS

A. 5473 (Glick)/S. 2890 (Duane)

This bill would provide that certain persons living with HIV or AIDS contribute no more than 30% of their income toward shelter costs. The enactment of this bill would help those suffering from this debilitating and terminal illness to contribute more of their income towards necessary and critical medical expenditures. Prior to assisted living and related shelter opportunities, many people with HIV and AIDS were homeless, or in danger of becoming homeless, and therefore unable to spend much, if any, of their time or money on medical treatment or a healthy lifestyle. Unfortunately, those housing opportunities are few, and more must be done to allow these individuals to focus on improving their health and overall lifestyle. This legislation would ensure that these extremely vulnerable citizens would be able to afford their housing costs so that they may be able to obtain necessary medical treatment and live a healthier lifestyle.

This bill advanced to the Ways and Means Committee.

D. OTHER

1. Delay in the Filing of a Petition to Terminate Parental Rights A. 8465-A (Aubry)

New York requires that social services agencies begin proceedings to terminate parental rights when a child has been in foster care for 15 of the most recent 24 months. This law was established pursuant to the federal Adoption and Safe Families Act (ASFA). Preliminary research suggests that ASFA's rigid requirements have had a negative effect on incarcerated parents and their children. Termination of parental rights proceedings involving incarcerated parents nationwide increased by an estimated 108 percent from ASFA's enactment in 1997 to 2002. In contrast, in the five years preceding the implementation of ASFA, the number of termination proceedings involving incarcerated parents increased by only 67 percent. This bill would make New York law more responsive to the particular circumstances of incarcerated parents.

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

2. Uniformity of the Food Stamps Finger Imaging Requirement A. 10215 (Wright)

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. Currently, the Human Resource Administration (HRA) in New York City is the only local district authorized to finger image food stamp recipients. Moreover, New York is one of the four remaining states in the country where finger imaging for food stamps still occurs. In order for needy families in New York City to get food stamps, all adult members or heads of households must have their finger images taken. If they don't comply, the entire household is left destitute and without any assistance.

This bill would remove the finger imaging requirement for all low-income families and individuals who apply for or receive food stamps in New York State.

This bill advanced to the Third Reading Calendar 821.

III. OTHER LEGISLATIVE INITIATIVES

1. Temporary Pre-Investigation Grants A. 2346 (Jacobs/S. 1493 Dilan)

PA applicants are entitled to emergency needs assistance or care when a local social services official determines that an emergency situation exists. Pre-investigation grants are issued to meet an immediate need for a specific essential item when financial eligibility for PA has not been fully established, such as when an applicant is facing immediate eviction or has no food or fuel for heating. This bill would amend Section 133 of Social Services law to require a local social services official to inform PA applicants both verbally and in writing of the availability of grants for emergency needs assistance or care, including pre-investigation grants, and to make a determination at the same time as to whether the applicant has an immediate need. Applicants would also be notified of their right to an expedited hearing when emergency needs assistance is denied, and would be informed in writing of the reason(s) for denial.

This bill advanced to the Third Reading Calendar 826.

2. Goals and Career Plans for PA Recipients A. 7990 (Wright)

This bill was drafted in response to testimony that was received at two legislative hearings conducted by the Social Services Committee in 2005 and an analysis of a sample of literature from a variety of research experts in the field of welfare reform policy in New York State. Although welfare caseloads have significantly declined throughout the State since the enactment of The Welfare Reform Act of 1997, there is evidence that welfare reform policy has not been successful in reducing poverty and facilitating the transition to self-sufficiency for many families. Therefore, this bill is necessary to improve the goal-setting process that is used to develop career plans for PA recipients. 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.

This bill advanced to the Ways and Means Committee.

3. Repealer: Mortgage Liens Held by Social Services Districts A. 8009 (Wright)

Although New York treats a home as an exempt resource 353.23(b) (2) when determining PA eligibility, the mortgage provision of the Social Services Law permits counties to require PA recipients to execute a mortgage in favor of the county in the amount of assistance received as a condition of eligibility. This bill would eliminate the statutory authority of social services officials to receive and dispose of a deed, mortgage or lien.

This bill advanced to the Ways and Means Committee.

**4. Changes the Name of the Office of Temporary and Disability Assistance
A. 10660 (Wright)/ S. 7448 (Kruger)**

The Welfare Reform Act of 1997 placed an emphasis on the need for PA recipients to receive temporary assistance. The goal was to transition work-eligible adults from PA to paid employment. Over time, it has become apparent that New York State is moving to the next stage of welfare reform by providing individuals and families with opportunities for sustained economic stability and growth through long-term gainful employment. The proposal to change the name of the Office of Temporary and Disability Assistance to the Office of Economic Support and Opportunity reflects this change in philosophy.

This bill advanced to the Ways and Means Committee.

**5. Changes the Name of the Food Stamp Program
A. 10661-A (Wright)/ S. 7440-A (Kruger)**

Changing the name of the State-operated food stamp program to the Supplemental Nutrition Assistance Program (SNAP) would accomplish two objectives: First, the name change would maintain consistency with the recent federal change (the Food, Conservation and Energy Act of 2008). Second, the change reflects the evolution of the food stamp program and better informs applicants of the nature and function of what historically has been known as the food stamp program.

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

**6. Eligibility for Family Health Plus
A. 11208-A (Peoples)**

In 2008, to qualify for Family Health Plus, the yearly income limit for a single adult was \$10,400 and for a couple with no children it was \$14,000. For individuals with employer-sponsored health insurance available through a private sector employer, such as Wal-Mart, the Family Health Plus program may help pay a share of the premium, deductibles, coinsurance and co-payments. However, individuals who are eligible for any employer paid health insurance through a federal, state, county, municipal or school district benefit plan are not eligible for Family Health Plus. This applies even if the employer only pays one dollar of the premium. This gives a common perception that all public sector employees have health benefits where the employer pays a substantial portion of the premium. However, many public employees with jobs that are necessarily part-time, such as school cafeteria workers, may work only three to four hours per day and are therefore not entitled to employer sponsored benefits. This bill would expand access to the Family Health Plus program to assist federal, state, county, municipal or school district employees with their health care premiums.

This bill advanced to the Ways and Means Committee.

IV. SFY 2008-09 STATE BUDGET HIGHLIGHTS

A. Overview of the TANF Block Grant

The nation's welfare system was dramatically reformed with the enactment of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The federal law adopted a "work first" approach, eliminated the entitlement to cash assistance, and imposed time limits, work requirements and sanctions. The cornerstone of the law was the creation of the 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 2008-09 marked the twelfth year of the TANF block grant. The amount of New York's allocation is based on the State's PA caseload and expenditures in the federal fiscal year (FFY) 1995. New York's caseload and resultant expenditures were significantly higher in 1995 than the projected caseload for SFY 2008-09. The 2008-09 State budget included approximately \$620 million to support benefit payments to low-income New Yorkers. Thus, the State has approximately \$1.82 billion in current federal TANF funding above what is needed to support the federal share of the Family Assistance (FA) 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 FA program, but also for families whose income does not exceed 200 percent of the federal poverty level.

As in SFY 2007-08, the SFY 2008-09 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 four TANF purposes.

Below is a breakdown of State spending of the TANF surplus dollars for the 2008-09 fiscal year:

CATEGORY/ITEM	APPROPRIATION (\$ in thousands)
SUPPORT FOR LOW INCOME WORKING FAMILIES	\$702,940
• EITC	\$702,940
CHILD CARE INVESTMENTS	\$373,310
• Child Care	\$356,300
• Child Care Demos/Facilitated Enrollment	\$11,856
• Child Care SUNY/CUNY	\$3,400
• Child Care for Migrant Workers	\$1,754
EMPLOYMENT/TRANSITIONAL INITIATIVES	\$46,325
• Transportation <ul style="list-style-type: none"> ➤ Wheels for Work, \$4,000 ➤ Transportation, \$2,200 ➤ RGRTA, \$2,000 ➤ Centro of Oneida, \$125 	\$8,325
• DV Screening	\$3,000
• Summer Youth Employment	\$35,000
SERVICES AND HEALTH INITIATIVES	\$1,425
• Refugee Program	\$1,425
LEGISLATIVE INITIATIVES	\$42,532
• EDGE/Bridge	\$8,503
• Displaced Homemakers	\$2,129
• Wage Subsidy Program	\$4,000
• ATTAIN/Technology Training	\$7,000
• Language Immersion/ESL	\$1,000
• Adult and Family Literacy	\$500
• VESID/LIVES	\$1,500
• Supplemental Homeless Intervention Program (SHIP)	\$4,000
• Welfare to Careers	\$250
• Emergency Homeless	\$1,000

• Disability Advocacy Program (DAP)	\$1,000
• DAP Savings	(\$500)
• Supportive Housing for Families & Young Adults Ages 18-25 (SHFYA)	\$5,000
• Basic Education	\$500
• Jack Kennedy Foundation/Build NY	\$750
• NYS AFL/CIO Workforce Development	\$400
• Intensive Case Services	\$3,000
• Career Pathways	\$2,500
FLEXIBLE FUND FOR FAMILY SERVICES	\$654,000
TOTAL TANF SURPLUS SPENDING	\$1,820, 532

V. LEGISLATIVE HEARINGS

A. Access to Quality Child Care for Working Families

**Jointly with Assembly Committee on Labor
Assembly Committee on Children and Families**

*Thursday, January 10, 2008, at 6:00 p.m.
Roosevelt Hearing Room C, Legislative Office Building, Albany*

Quality child care is one of the most important investments that help families and children to lead healthy, productive lives. Parents can stay active in the workforce while children develop the solid foundation they need to achieve in school. Research shows that high quality child care programs with qualified teachers, a healthy and safe environment, and developmentally appropriate materials and experiences prepare young children for school and life.

An investment in quality child care is a contribution to economic self-sufficiency and benefits children, their parents and the State. It is a critical work support that helps keep low-income working families off the welfare rolls. Working parents need stable, affordable and safe child care for their children. The six hearings were held to examine the efforts made by New York State to provide quality child care, and to determine what other steps may be necessary to ensure the provision of high quality, affordable and accessible child care for working families.

B. The Rockefeller Drug Laws – 35 Years Later

**Jointly with Assembly Committee on Codes
Assembly Committee on Judiciary
Assembly Committee on Correction
Assembly Committee on Health
Assembly Committee on Alcohol and Drug Abuse**

*Thursday, May 8, 2008, at 10:00 am.
Assembly Hearing Room 250 Broadway, 19th Floor, Room 1923 New York, NY*

*Thursday, May 15, 2008, at 10:30 am
City Hall Chambers 30 Church Street, Room 302-A Rochester, NY*

May 8, 2008, was the 35th anniversary since the enactment of New York's "Rockefeller Drug Laws." The laws were meant to deter the use and sale of drugs by imposing harsh mandatory prison sentences on drug offenders. There have been a number of amendments to these laws over the years. In 2004 New York amended the drug laws, recognizing that a drug policy which focused purely on inflexible criminal sanctions was ineffective. At the time, both the Executive and the Legislature acknowledged that while significant, the 2004 reforms, as well as a 2005 amendment, represented the first of many steps towards meaningful reform and that other major changes to the drug laws were urgently needed. However, since 2004, only the Assembly has passed legislation to continue the reform of New York's drug laws.

Unquestionably, drug abuse is a serious public health problem that affects families and whole communities. Yet drug addiction is a treatable disease, and many lawmakers, substance abuse treatment providers, experts and recovering addicts have questioned the wisdom of mandatory imprisonment over treatment, especially since the "Rockefeller Drug Laws" have not accomplished what they were intended

to do: deter the use and sale of drugs.

An important consideration is whether authorizing judges to sentence drug-addicted persons convicted of crimes to treatment as an alternative to incarceration would help break the cycle of addiction and crime and make our streets, homes and communities safer. Furthermore, more effective prison-based drug treatment programs may reduce the rate of recidivism among formerly incarcerated substance abusers and improve their prospects for successful re-entry into their communities. Such reforms may also produce significant fiscal savings by reducing correctional costs and the dependence on PA dollars after release, thereby allowing the State to invest necessary and less costly resources in community-based alternatives to incarceration and drug treatment programs.

C. Relocation of Men’s Homeless Intake Center from Manhattan to Brooklyn, NY

Friday, September 19, 2008, at 10:00 am

Assembly Hearing Room, Room 1923 19th Floor 250 Broadway, New York, NY

For the past decade, the homeless men’s intake center at the Bellevue shelter has been the only intake point for the municipal shelter system – it is, literally, the “front door” to the shelter system for homeless single men seeking shelter. Each year, thousands of homeless men seek shelter at the Bellevue intake center, in large part because it is centrally located and accessible. Bellevue is the largest shelter in Manhattan, with 850 beds and more than 130 of those beds designated for homeless men living with special needs, including mental illness and tuberculosis.

On April 25, 2008, the Bloomberg administration announced plans to move the men’s intake center to the Bedford-Atlantic Armory, a smaller and controversial shelter located in the Crown Heights neighborhood of Brooklyn. Service providers who work with the homeless fear that the City’s plan would significantly diminish access to emergency shelter for homeless men throughout New York City, and would result in worsening street homelessness in Manhattan and other boroughs. Before DHS can move forward with the plan, the Office of Temporary and Disability Assistance must review and approve the site relocation. This hearing produced a wide variety of testimony and provided the Committee with an opportunity to hear first-hand accounts from the homeless themselves.

D. New York State’s TANF-funded Welfare-to-Work Programs

Thursday, November 20, 2008, at 10:00 am

Assembly Hearing Room, Room 1923 19th Floor 250 Broadway, New York, NY

A 2006 report by HHS indicated that New York ranked 45 out of 50 states in work-related measures, including job entry, job retention, earnings gain and success in the workplace. Yet the success of New York’s work programs is critical in helping PA recipients achieve self-sufficiency. It also hinges on the State’s ability to meet the 50 percent federal work participation rate. From October 2007 through June 2008, New York’s work participation rate was 36.4 percent, which is well below the federally mandated rate of 50 percent.

Education and training are among the most important factors in the ability of PA recipients to find and retain employment that pays a living wage. Education and training provide opportunities for career advancement, skill development and higher wages. New York does not take full advantage of the training and education allowable under TANF. It relies almost exclusively on unsubsidized employment, work experience and community service to meet the federal work participation rate. This hearing provided the Assembly with an opportunity to examine the impact and success of TANF-funded employment and educational programs.

APPENDIX A

**2008 SUMMARY OF ACTION ON BILLS REFERRED TO
THE SOCIAL SERVICES COMMITTEE**

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total Bills</u>
Bills Reported With or Without Amendment			
To Floor; Not Returning to Committee	6	0	6
To Ways and Means	31	0	31
To Codes	0	0	0
To Rules	1	0	1
TOTAL	38	0	38
Bills Having Committee Reference Changed			
To Children and Families Committee	3	0	3
To Health Committee	0	0	0
TOTAL	3	0	3
Senate Bills Substituted or Recalled			
Substituted	-	2	2
Recalled	-	1	1
TOTAL	-	3	3
Bills Never Reported, Held in Committee	7	0	7
Bills Never Reported, Died in Committee	80	2	82
Bills Having Enacting Clauses Stricken	6	0	6
TOTAL BILLS IN COMMITTEE	134	5	139
Total Number of Committee Meetings Held	6		

APPENDIX B

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

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A. 3365 Jacobs		Referred to Ways and Means	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. 4520-c Brennan		Third Reading Rules Calendar 521	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. 2346 Jacobs	S. 1493 Dilan	Third Reading Calendar 826	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.
A. 5473 Glick	S. 2890 Duane	Referred to Ways & Means	Would ensure that persons living with HIV or AIDS, and who are receiving shelter assistance or an emergency shelter allowance, would not be required to pay more than 30 percent of the household’s monthly unearned and/or earned income towards shelter costs, including rent and utilities.
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. 8010 Wright		Third Reading Rules Calendar 221	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.

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
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	S. 7216 Montgomery	Passed Assembly	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. 9200 Titus		Referred to Ways & Means	Would allow individuals over the age of 65 to participate in the Medicaid Buy-In program.
A. 3600 Gottfried		Passed Assembly	Would assure that Medicaid managed care enrollees have continued access to school-based health services.
A. 3819 Gottfried		Passed Assembly	Would allow Medicaid clients who are members of a managed care program to obtain dental services outside of the medical program.
A. 8347 Wright	S. 2652 Parker	Passed Assembly	Would require social services districts to establish a homeless housing task force for purposes of developing a 10 year plan and guidelines.
A. 10183 Young	S. 7064 Golden	Chapter 83	Continues the program which authorizes the provision of services for non-residents in adult homes, residences for adults and enriched housing programs.
A. 10185 Wright		Third Reading Rules Calendar 171	Requires a local social services district to accept or deny an application for public assistance no later than 30 days after the date of the application.
A. 10215 Wright		Third Reading Calendar 821	Would eliminate the finger imaging requirement for applicants or recipients of food stamps who are not also applicants for or recipients of Family Assistance or Safety Net Assistance.
A. 4717 Espaillat	S. 1502 Dilan	Passed Assembly	Would provide for persons whose eligibility for medical assistance is terminated to receive 10 day written notice in advance of termination and speedy consideration of re-application.
A. 5166-A Wright		Referred to Ways and Means	Would increase the availability of emergency rent assistance to include grants for individuals at or below 200 percent of the federal poverty level.
A. 8005 Wright		Passed Assembly	Would limit confidentiality of information given to certified collective bargaining representatives by public employers who supervise PA recipients participating in the work experience program.

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A. 10467 Wright		Referred to Ways and Means	Would increase the earned income disregard and repeal the 185% standard of need for PA applicants and recipients.
A. 10660 Wright	S. 7448 Kruger	Referred to Ways and Means	Would change the name of the Office of Temporary and Disability Assistance to the Office of Economic Support and Opportunity.
A.10661-A Wright	S. 7440-A Kruger	Passed Assembly	Would change the name of the Food Stamp Program to the Supplemental Nutrition Assistance Program.
A. 9841 Wright	S. 6886 Kruger	Chapter 121	Clarifies the definition of work activities to include certain work-study and internship positions.
A. 10258 Scarborough		Third Reading Rules Calendar 333	Would increase access to child care for low-income families.
A. 8009 Wright		Referred to Ways and Means	Would eliminate the statutory authority that permits local social services districts to require PA recipients to execute a mortgage in favor of the county in the amount of assistance received as a condition of eligibility.
A. 10800 Reilly	S. 7472 Little	Vetoed: Message 166	Would provide self-employed individuals with greater access to the Family Health Plus program by removing depreciation of business assets from income eligibility calculations.
A. 11125 Wright		Referred to Ways and Means	Would provide a uniform allowable resource exemption and disregard for an applicant or recipient with an automobile.
A. 11208-A Peoples		Referred to Ways and Means	Would allow federal, state, county, municipal and school district employees to be eligible for Family Health Plus.
A. 11216 Wright		Referred to Ways and Means	Would provide that a social services official may not recover assistance properly paid as permitted where a recipient or former recipient of such assistance was required to participate in a work experience program without first crediting against such recovery the number of hours that the recipient actually participated in such program multiplied by the higher of the applicable state or federal minimum wage.
A. 11297-A Right	S. 8416 Kruger	Referred to Rules	Would allow PA recipients to participate in post secondary education and to credit that time towards mandated work requirements, in accordance with federal law.

APPENDIX C

LAWS ENACTED DURING THE 2008 SESSION

CHAPTER	ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	DESCRIPTION
Chapter 83	A. 10183 Young	S. 7064 Golden	Continues the program which authorizes the provision of services for non-residents in adult homes, residences for adults and enriched housing programs.
Chapter 121	A. 9841 Wright	S. 6886 Kruger	Clarifies the definition of work activities to include certain work-study and internship positions.

APPENDIX D

LEGISLATION VETOED IN 2008

Depreciation of assets for Family Health Plus eligibility purposes

A. 10800 (Reilly) / S. 7472 (Little)

Veto Message 166

New York has made great advances in providing residents with quality health care at an affordable price. Successful programs like Child Health Plus and Family Health Plus have provided access to health care for families that otherwise would be uninsured. However, barriers to program access still arise under certain circumstances, particularly for self-employed individuals.

Currently, when a family applies for insurance through the Family Health Plus program, the family income must be below a certain threshold for eligibility. Many families with a self-employed head of household meet this threshold, yet are prevented from accessing the program because family income must include depreciated business assets.

The purpose of this bill is to provide self-employed individuals with greater access to the Family Health Plus program by removing depreciation of business assets from income eligibility calculations. Although the Governor vetoed this bill, he commended the Legislature for its efforts to extend health insurance coverage and indicated that several initiatives to increase accessibility to health care were currently being considered or are in the process of implementation.

APPENDIX E

2009 COMMITTEE GOALS

Increase the public assistance grant

The PA basic grant has not been increased since 1990. Since that time, the value of the grant has declined dramatically while the gap between the rich and the poor in New York State has reached record highs. Given that the PA population is comprised of many child-only cases and individuals 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.

Four year college education

In February 2008, the Department of Health and Human Services (HHS) issued final TANF regulations implementing the Deficit Reduction Act of 2005. HHS made two important changes in the final rules: First, baccalaureate and advanced degree programs are now countable towards a state's work participation rate. Second, for each hour of class time, up to one hour of unsupervised homework time required or advised by an educational program may now count towards the work participation rate. In accordance with federal law, New York should include programs that lead to a baccalaureate or advanced degree in the definition of vocational education that can be a countable work activity, and allow homework time to count towards an individual's work requirements.

Next day issuance of expedited food stamps

Current regulations provide that a decision does not need to be made on an application for expedited food stamps for five days. If a family is without money for food, they can turn to a food pantry, but the maximum amount of food they will receive is two to three days worth. Five days is too long to wait, and the State has the necessary technology to make an eligibility determination and issue food stamps by the next business day. New York should require local districts to provide expedited food stamps to eligible individuals by the next business day following application.

Repeal finger imaging requirement for food stamp recipients

Finger imaging for food stamp recipients is neither a state nor federal law. Under New York 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 working families upstate, but not for working poor families living in New York City. 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.

Assist needy families with home heating costs

With the cost of home heating fuel reaching record highs, it is important that New York take strong actions to ensure that the State's most vulnerable residents are not forced to choose between paying for critical items such as food and medications or home heating oil. The Assembly will continue to sponsor legislation that protects New Yorkers now and in the future.

Expand access to affordable housing

Each year it becomes more and more difficult for New Yorkers of all income levels to access adequate, safe and affordable housing. The Committee will continue to work to expand housing resources for low-income individuals and those in need of supportive housing.

Increase the earned income disregard and repeal the 185 percent rule

Current law requires the EID to be adjusted annually. It is currently 48 percent. The Assembly introduced a bill this session that would adjust the EID to 67 percent and eliminate the income eligibility standard that makes recipients ineligible for 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 provides a strong work incentive while allowing PA recipients to at least work their way up to federal poverty level 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 \$4,650, 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 \$9,300. Welfare reform imposed very strict work requirements, and 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 necessary repairs. Therefore, the Assembly will continue to sponsor legislation that would eliminate two amounts for allowable resource limits and create a uniform and more realistic ceiling at \$9,300.

Eliminate the 45 day waiting period for safety net assistance

Social Services Law § 153 (8) provides that applicants for SNA wait 45 days after completing an application before they can receive benefits, except in emergency cases. This is a deterrent to taking short-term employment and a big barrier to a smooth transition for those leaving prison. The 45 day waiting period 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.