



New York Public Welfare Association, Inc.

Founded in 1869

130 Washington Avenue, Albany, NY 12210
Paul Brady, *Executive Director*

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August 1, 2023

Barbara Guinn
OTDA Acting Commissioner
40 North Pearl Street
Albany, New York 12243

Dear Acting Commissioner Guinn:

The New York Public Welfare Association (NYPWA) represents the 58 local departments of social services (LDSS) statewide. As you know, local districts are often the last resort for those seeking housing and are expected to find individuals and families safe shelter—especially during the harsh winter months through the state-mandated Code Blue program. Therefore, we request that the State make an appropriate investment and ensure local flexibility in serving those most at-risk of chronic homelessness.

The NYPWA recently hosted our 2023 Summer Conference in Saratoga. Homeless housing issues were a major source of discussion between the LDSS commissioners, their staff, and our partners at the Office of Temporary and Disability Assistance (OTDA). For counties, local Code Blue budget planning is well underway even if the summer weather seems a world away from the cold winter months. We also understand that the State is finalizing next year's Code Blue allocations and drafting a new Code Blue ADM. Given this, we respectfully recommend the following to help ensure we fully meet the housing needs of our most vulnerable New Yorkers.

Maintain Appropriate and Historically Consistent Code Blue County Allocations

As noted, county budget planning is well-underway for Code Blue season—based, in part, upon historical fiscal trends and estimated utilization. The NYPWA requests that allocations are:

- Aligned with each county's unique spending patterns.
- Indexed annually to account for inflation.
- Issued in a timely manner to support county-level budget planning.
- Maintains maximum flexibility to account for unforeseen increases in utilization and corresponding cost.
 - Provide OTDA with a methodology to address these unforeseen situations outside of DOB approval processes.

Improve Code Blue Program to Ensure Safety of Provider Staff & Residents

Unlike other emergency housing options, Code Blue does not require people to apply for public assistance or meet the usual requirements expected of those residing in temporary shelters or other emergency housing. No one wants to deny a warm place for homeless individuals during the frigid winter months—however, there are unexpected consequences to unconditionally opening emergency housing during Code Blue. There has been a disturbing increase in violent, abusive and/or inappropriate behaviors at facilities serving the homeless that threatens the health and well-being of both staff and residents. Unfortunately, there is little consequence or service options for those committing these negative behaviors during Code Blue season. The situation places a heavy safety burden on shelter/hotel/motel providers and staff who are not trained for such interactions. For these few, but serious, cases, the NYPWA recommends that the state:

- Reexamine the Code Blue laws and regulations to allow for appropriate mental health, behavioral, and/or substance abuse services for those who act inappropriately. That means realigning the responsibilities of OMH and OASAS to meet the very real safety needs of providers and residents.
- Provide Code Blue regulatory compliance options to help maintain the unique relationships districts have with providers—and to ensure safety of staff and residents.
- Allow counties the ‘right to refuse’ those who fully demonstrate a chronic history of such behavior (which often cause individuals to be banned by providers and make them extremely hard to find housing for)—followed by the proper services by the appropriate, non-DSS, agency (i.e., OMH, OASAS).
 - A refusal without cause by an individual to engage in identified services (OMH, OASAS) would form the basis of a progressive process whereby an individual could have their Code Blue Housing restricted or suspended pending engagement.

Finally, providing access for everyone to have housing is a monumental task. Our collective efforts will never be enough when the money is so low, and the housing stock is so scarce. We also require an increase in the Family Assistance and Safety Net Assistance allowances for shelter, basic needs, security deposits and home energy. In addition, we need to restore the State’s commitment for Safety Net Assistance. Development of additional housing for people of low income is critical.

These are complicated policy issues, and we truly appreciate OTDA’s and the Governor’s leadership and willingness to delve into the complexity with us to pursue long-term solutions.

Sincerely,



Paul Brady
Executive Director