

NYPWA Commissioners' Meeting Summary

February 18, 2021

Presiding: Tammy DeLorme, NYPWA President

State Budget and Legislation

The legislative budget hearings end with the Health Budget on February 25th. The Assembly and Senate will each develop their own budget recommendations in advance of the April 1st budget deadline. The NYPWA asked state elected officials to make it a top priority to use anticipated federal relief to help the most vulnerable New Yorkers and to fund the administration of these programs on a local level. There will be significant competition for any new federal dollars. Absent reinforcements from federal funds, the proposed five percent across the board cut to human services is expected to lead to reductions in programs, staff, and services. See links to NYPWA [written budget testimony](#) and ([OCFS](#)) and ([OTDA](#)) testimonies.

The executive proposal would also place a new mandate on all counties by requiring Family Assessment Response (FAR) statewide under ELFA [Part M](#) Article VII budget language. Local districts would be required to submit a plan to OCFS by January 1, 2023 for authorization of a differential response program by January 1, 2024. FAR counties are listed on the [FAR Webpage](#). Commissioners who wish to oppose this mandate on behalf of their counties are asked to reach out to the NYPWA staff to engage in statewide efforts.

Three NYC ACS Legislative Proposals (Commissioner David Hansell)

- implicit bias training for mandated reporters
- decoupling Orders of Protection from the pendency of Article 10 proceedings, so that supervision could be ended while orders remain in place to ensure safety
- changes to Article VII bill on FFPSA, allowing the 60-day court reviews of youth in QRTPs to be conducted through written submission rather than live hearing.

The NYPWA will collaborate with NYC ACS on advancing these proposals. Copies of the legislation will be shared with all commissioners when it is available.

Phone Interviews for Eligibility Determinations

[A.5414/S.3223-A](#) would allow screening for substance abuse, DV, **and** public assistance eligibility by phone. It would extend the flexibility that is currently provided through waivers of the face-to-face requirement. The NYPWA is seeking additional input from commissioners with the intention of writing a memo in support. The bill language says, "Such screening may be conducted by a telephone at the social services district's option." Counties would be able to choose to re-instate face-to-face interviews.

The public would still be able to come in person, as they do now, as not everyone prefers a phone contact. OTDA is interested in how effective substance abuse and domestic violence screening is by phone and how to ensure people are linked to needed services.

Human Trafficking

[A.3331/S.924](#) requires local social services districts to maintain a list of providers of social and legal services to human trafficking victims to be shared with law enforcement agencies and district attorney's offices. Commissioners noted that the problem is not whether or not there is a list, but rather it is the lack of funding for these services. Safe Harbor grants are temporary.

Parents, CPS, and Miranda-Style Warnings

Assemblyman Andrew Hevesi, Chairman of the Assembly Committee on Children and Families, was interviewed by [The Imprint](#) Youth & Family News, and he indicated that he would support a bill that would require CPS workers to read parents a Miranda-style warning about their rights. This [bill](#) was introduced last year by the now-retired Senator Montgomery—but has not been reintroduced to date for the 2021 Legislative Session although advocates are pursuing it.

Adoption and KinGAP County Targets

On January 8th, OCFS set targets of 90% for adoption and 90% for KinGAP of eligible children in each county. Often, relatives are willing to help but do not want to become foster parents. Orange county cited success in increasing utilization of relatives as foster care parents and for KinGap. The pandemic has affected court hearings and other efforts to achieve permanency.

FFPSA (Family First) Fact Sheet to Be Created for Family Court Judges

At our request, OCFS agreed to develop a fact sheet which the local commissioners may choose to share with family court judges on the requirements of Family First as they relate to court.

Educational Neglect

Commissioners continue to work with individual school districts on how to help families apart from calling in a SCR report. There is a sense that many ed/neglect calls should not be called into the SCR or accepted by the SCR. Placing caseworkers in the schools may reduce the number of SCR reports and some schools may be willing to contribute to the cost.

Emergency Rental Assistance

The NYPWA convenes weekly phone calls with commissioners from the jurisdictions that received direct federal payments. The OTDA Executive Deputy Commissioner is invited on these calls. We have submitted several pages of questions to OTDA which have not yet been

answered. It is important that adults and families on temporary assistance benefit from this program and there are concerns that it will be difficult to ensure that they will be a priority.

Federal CARES Emergency Rental Assistance Public Law No. 116-260

The Federal Treasury's link: [Emergency Rental Assistance Program](#)

The ERA legislation link: [Excerpt of legislation](#)

The Governor's recent 30-Day Budget Amendments included Article VII language [Part BB](#), on the establishment of the emergency rental assistance local government allocation fund.

Housing and the Eviction Moratorium

Temporary assistance caseloads are down across the state because of the eviction moratorium. Once the moratorium ends, caseloads will rise, and commissioners discussed how to prepare. Onondaga County agreed to share their letter and survey to landlords, which was used to assess arrears and to plan ahead. Some commissioners have identified community providers that may be able to assist with rent arrears. The ESG funds are very restrictive.

Housing for Persons Released from Prison

Commissioners question why parolees are settling in their area when they have no prior residency or family in the community. Dutchess county has a parolee shelter system which houses individuals for 90 days and has a wait list. Early release from prisons, due to the pandemic, has created additional demands.

30-Month Lookback for MA Coverage Delayed

The NYPWA wrote to the State Medicaid Director on Feb. 12th, to request information and the NYS DOH Office of Health Insurance Programs sent an email to commissioners, as follows:

“...to update districts that as a result of the extension of the federal public health emergency (PHE) and the maintenance of effort requirement under the Families First Coronavirus Response Act (FFCRA), the proposed 30-month transfer of assets lookback for certain non-institutionalized individuals applying for Medicaid coverage of community based long term care services will **not be implemented effective April 1, 2021**. The federal Department of Health and Human Services (HHS) has indicated that the PHE is likely to be in place through the end of 2021. HHS also stated that it will provide states with 60 days' notice prior to the end of the PHE. This initiative will be implemented when CMS approvals allow. The Department continues its implementation efforts and meetings with the LDSS workgroups will resume in the near future. “

Fiscal Intermediaries (FI) for CDPAP, LDSS to implement a Difficult Transition

In February, DOH sent a letter to commissioners regarding completion of their *Request for Offers* (RF) process for Fiscal Intermediaries (FI) for the Consumer Directed Personal Assistance Program (CDPAP) according to Managed Long Term Care Policy 21.01: Transition Policies for FIs and Consumers under CDPAP: [MLTC Policy 21.01](#). There were 68 entities selected of approximately 390 offers submitted. Current FIs that were not selected (or were but choose not to enter into a contract) can continue to serve their current customers until 90 days after the Contract Notification Date. Some FIs will appeal the determination.

Contract awardees are on [RFO Webpage](#). Once these contracts have been executed by the Office of the State Comptroller and the transition to all CDPAP consumers to contracted FIs has occurred, current LDSS contracts with FIs will no longer be in effect. Some commissioners are reporting that none, or a small number of their current agencies were selected as FIs and clients will need to select a new FI from among a long list of choices provided by DOH.

Counties Relying on State Network; Bandwidth Issues, and ITS

The NYPWA has discussed technology issues with the commissioners of OTDA and OCFS and will be meeting with ITS. Counties have limited bandwidth. As the state pursues web-based and cloud-based programs, as well as on-line mandated staff training, the state network continues to serve as the backbone for local district operations. In addition, counties have designed programs to enhance efficiencies that operate on the state platform, such as eligibility kiosks, and other initiatives. SSL§21 provides the basic legal framework for state responsibility for WMS.

Counties Began Receiving Approvals of Code Blue Plans

Counties finally began receiving approvals this week. [20-LCM-13](#), together with 18 NYCRR § 304.1, provide the timeframe for submission of a Code Blue Budget a. The District Homeless Services Plan includes the Code Blue Plans required for compliance with 18 NYCRR § 304.1.

Local District Support Problem-Solving Discussions

Paul Brady (Schenectady) and Mike McMahon (Montgomery) facilitated an interactive discussion on workforce challenges and difficulties in getting their staff the vaccine.

Association Update

Our redesigned website www.nypwa.org has an all-new look with easy to find information and a password protected section for commissioners.

The winter conference virtual format was well-received and facilitated very high attendance.

Plans for our summer conference are pending and will reflect NYS public health guidance. 2-20-21