

# NYPWA Commissioners' Meeting Summary

April 8, 2021

*Presiding, Tammy Delorme, NYPWA President*

***Tammy DeLorme guided us through conversations on the enacted State Budget, Family First Changes, Workforce Sustainability, Emergency Rental Assistance, Cross-Systems Kids, ITS, and our Conference.***

## **Key Points**

- The proposed state budget cuts to human services did not happen.
- There are broad increases in spending throughout the enacted budget.
- Commissioners are concerned about extended hiring freezes and losing staff positions.
- Family First changes are enacted paving the way for implementation.
- Emergency Rental Assistance (ERA) program - pressure to act immediately; questions remain.
- Cross-Systems Kids - the time has come for a statewide strategy.
- Mandated Reporters will be required to have training on addressing implicit bias.
- LDSS will be required to distribute materials on Adverse Childhood Experiences (ACEs).
- Non-Residential DV Allocations for 2020 (last issued 19-OCFS-LCM-22) are still on hold at DOB.
- NYPWA Summer Conference (9-days, Virtual) July 19-29, RFP posted at [www.nypwa.org](http://www.nypwa.org)

## **Final State Budget Passes**

The Legislature passed the 2021-22 State Budget on April 7, 2021. The Governor's original Executive Budget proposal from January represented a spending plan based on receiving an estimated \$6 billion in federal aid. Under those conditions, the budget would have required "across-the-board" funding cuts to many state funded programs. These reductions impacted a wide range of allocations related to Medicaid (i.e., Long-Term Care), OCFS (i.e., FCBG and child welfare services), and OTDA (i.e., Code Blue and Adult Shelter funding). However, higher than expected state revenues and the influx of \$12.6 billion in federal American Rescue Plan funding meant that these cuts would be avoided.

The April 7<sup>th</sup> edition of the Quickie Report contains a broad overview of the state budget as it pertains to its impact on local districts.

### *What's OUT of the Budget*

- As noted above, the 5% cuts to state human services funding from the Executive Budget proposal were not included in the final budget agreement.
- The Governor's proposed mandate for full **statewide Family Assessment Response (FAR) implementation** was rejected. In budget testimony and subsequent follow-ups with the Legislature and the Governor's Office, the NYPWA had urged lawmakers to maintain FAR as an option for counties. NOTE: A separate FAR mandate bill ([S.5674](#)) has been introduced in the Senate and could be acted on by the Legislature outside of the budget process.
- Efforts to consolidate **COPS & STSJP** were rejected and both programs were restored to last year's funding levels.

## *What's IN the Budget*

### OCFS

- **Family First Compliance** [ELFA, [Part L](#)]: Related to placements in qualified residential treatment programs (QRTPs); court reviews of QRTP placements; Qualified Individual (QI) assessments; 60-Day placement timeframes tied to federal IV-E funds
- **Child Care** [ELFA, [Part Z](#)]: \$2.4B in federal child care funds, with provisions meant to:
  - Limits child care co-pays to no more than 10% of a family's income above the poverty level (\$192M state investment)
  - Increase eligibility for subsidies to 200% of the Federal Poverty Level (FPL) and expand slots,
  - Provide \$1.3 billion in stabilization grants to providers
  - Reimburse for absences
  - Ensure 12-month eligibility for families in receipt of subsidies, and more
- **Adverse Childhood Experiences (ACEs) Services** [ELFA, [Part JJ](#)]: Designed to provide supports for youth suffering from ACEs, updating the mandated reporter training to include protocols for reducing implicit bias in the decision-making process and including strategies for identifying ACEs and child abuse and maltreatment while interacting virtually.
- **State Youth Facilities Closures** [ELFA, [Part H](#)]: Two youth facilities are targeted for closure—Red Hook Residential Center and the Columbia Girls Secure Center. The Governor had originally sought closure of two other facilities as well (Brentwood and Goshen).

### OTDA

- **Emergency Rental Assistance (ERA) Program** [ELFA, [Part BB](#)]:
  - Supports up to 12 months of rental arrears and up to three months of future rent for eligible households that earn up to 80% of the Area Median Income (AMI).
  - Households may also qualify for up to 12 months of utility arrears.
  - Priority is intended for individuals who have been unemployed for 90 days and to those earning up to 50% of the AMI.
  - Additional priority will be granted to applicants who are from vulnerable populations, such as survivors of domestic violence or human trafficking, and veterans
- **Hardship Fund** (\$100M) for landlords and tenants that would not otherwise qualify for the Emergency Rental Assistance Program
- **Pandemic Emergency Assistance** (\$200M) in federal funds for emergency services, services for survivors of domestic violence, food assistance for older New Yorkers, support for the purchase of diapers
- **Powers to Receive and Dispose of a Deed, Mortgage, or Lien** [ELFA, [Part OO](#)]: Prohibits local social services districts from placing a lien on the homes of public assistance recipients, for the amount of public assistance provided. The provision is expected to take effect in April 2022.

### DOH

- **No Changes to the local Medicaid Administration Cap.**
- **Extends the Medicaid Global Cap** [HMH Art. VII. [Part A](#)]
- **Medical Respite Pilot Programs** [HMH Art. VII. [Part G](#)]: Allows DOH to authorize and implement these programs to provide care to homeless patients who are too sick to be on the street or in a traditional shelter, but not sick enough for inpatient hospitalization. The pilots are intended for licensed/certified not-for-profits to provide temporary room and board and for health care and

support services for medically impacted homeless individuals, while also decreasing hospital use and costs.

- **Fiscal Intermediaries (FIs) Contracts** [HMH Art. VII. [Part LL](#)]: Directs DOH to award additional contracts to fiscal intermediaries in CDPAP that are providing services, including those FIs serving communities with disabilities and minority populations.
- **Note: Pharmacy Carve out delayed to 2023**

For more details, the NYS Assembly has issued a [summary document](#) on the 2021-22 Budget—including info on budget actions affecting [OCFS](#), [OTDA](#) and [DOH](#) (among other state agencies).

### **Family First Budget Language on Q RTP Enacted**

If a child needs to be placed in a congregate care setting (“Qualified Residential Treatment Program” or “Q RTP”), the Qualified Individual (QI) must perform and complete their assessment and make their recommendation within 30 days of the placement, provide the report and recommendation to the court and all parties within 5 days of completion of the assessment, and then the court review must take place within 60 days (to ensure funding).

It will be allowed for the court review to occur on paper, without a full court hearing (as long as all parties agree) and this will help keep things on track to ensure IV-E funding. It is important to note that even if the court does a paper review, it must make its determinations and issue its order within five days of its review. The QI recommendation is limited to level of care, and not a specific placement.

With regard to the QI, the final bill requires that the QI be a “trained professional” or “licensed clinician” with current or previous experience in the child welfare field. The only other restriction is that the QI cannot be an OCFS employee or someone who has a direct role in case management or case planning for the child at issue. This allows the option of an LDSS employee being the QI, as opposed to a contractor, if approved by OCFS. This also requires a federal waiver to be submitted by OCFS. NYC ACS currently has an appropriate structure in place and will be pursuing this initiative.

Local commissioners will want to be mindful of the fact that the law requires a 60-day time limit from the day of placement to the court determination and order. If Family Courts do not meet that deadline, the case loses its funding, forever. And if the QI says the child should not be in a Q RTP, the child cannot be moved out of it until the court hearing takes place (targeted to be within 30 days) and the final determination is made. Much will come down to scheduling and keeping many moving parts in forward motion. Courts will be made aware of the rules, but districts do not control the court’s compliance. Limitations on how many QI’s are actually available might also pose challenges. OCFS Regulatory Guidance is anticipated and may have more specifications than what is included in budget language.

### **Campaign to Help Cross-Systems Kids**

Family First compliance is jeopardized by the placement of cross-systems kids in foster care instead of remaining at home with all the needed support provided or being placed in the OPWDD/OMH systems. There are insufficient supports to accommodate them in foster care and there are few facilities’ that provide children’s psychiatric care and another one is closing. Meetings with provider agencies and mental hygiene directors have occurred locally and cannot resolve this statewide issue. The time has come for a coordinated campaign effort and commissioners volunteered to kick this off. There will be more discussion at upcoming commissioners’ meetings and summer conference.

## **Workforce Support and Sustainability**

Many districts have hiring freezes and reductions in FTEs. Media coverage on the influx of state and federal dollars have led some county officials to consider if this will lead to a reduced need for public benefits offered through DSS and whether fewer staff may be needed. This is an alarming development. Applications have been reduced due to the eviction moratorium and stimulus payments. The local DSS expectation is that the work will continue and likely increase with an influx of applicants this fall. Even if pending state legislation is passed that would make phone interviews permanent (as a local DSS *option*), many districts have severe staff shortages. We will discuss strategies at future meetings.

## **Emergency Rental Assistance (ERA) Program is High Priority** [ELFA, [Part BB](#)]

This is a high-pressure challenge with a short timeframe for outreach and applications in order for low-income tenants to be covered so that evictions are prevented. Commissioners are involving community-based organizations. The program targets households that are unable to pay rent and utilities due to the pandemic. The payments will go directly to landlords. The NYPWA has submitted a summary of questions to OTDA. Conference calls were convened with OTDA and local commissioners on the afternoon of April 8<sup>th</sup> and OTDA's written materials will follow later. How and when applicants can access the state portal is estimated for mid-May.

## **Local District Support Discussion on Workforce Schedules**

Local officials are approaching hybrid schedules from the perspective of cost savings and as an ancillary benefit to compete for new employees. Some commissioners shared their department policies. Our facilitators, Paul Brady (Schenectady) and Mike McMahon (Montgomery) invite you to identify topics on local DSS operations for future discussions at our commissioners' meetings.

## **NYPWA Summer Conference** (Virtual, 9 days, July 19-23 and July 26-29, 2021)

Mike McMahon (Montgomery), our Commissioners' Conference Liaison, is recruiting commissioners to serve on a panel on Tenacity & Fortitude. He is interested in everyone's ideas—it's been an extraordinary year. We need your stories, experiences, and tools to share. Please encourage your staff to present, speak on a panel, or serve as moderators.

Our title is '*An Ever-Changing View in the World of Social Services*'. Kathy Muller (Steuben) recommended Tom Varano as our opening address speaker and he will provide a one-of-a-kind presentation on Inspiring Passion and Purpose through an artistic performance that conveys compassion and respect for the work we all do.

Ellen Wayne (Wayne Co.) proposed creating an *Emerging Leaders* track, to jumpstart leadership development for supervisors. Other commissioners conveyed their interest and support. Commissioners' meetings during the conference will include a focus on our "Campaign to Help Cross-Systems Kids" as well as workforce support and sustainability.

### **NYS Office of Information Technology Services (ITS) Starts Monthly Calls**

ITS is hosting monthly calls with local commissioners starting on Monday, April 19. They will provide an update on the implementation of Virtual Desktop Infrastructure (VDI) to access OCFS Connections, the VDI county pilot project, file and print migration, and kiosks. The April meeting will include a demonstration on use of VDI to access OTDA/OCFS applications and ways to support remote work.

### **2020 Allocations Pending for Non-residential DV Services**

Non-Residential DV Allocations (last issued 19-OCFS-LCM-22) for 2020 are still on hold at DOB as of April 8, 2021. The ongoing requirement for LDSS to provide non-residential services for victims of domestic violence is covered in SSL§ 459-C.

### **NYPWA Deputy Commissioners Leadership Institute – April 21, 2021**

A panel of Deputy Commissioners will present how they are managing a changing workplace. Strategies and tools will be discussed regarding how to maximize efficiency and quality in a constantly shifting environment, whether workers are onsite or off-site, as well as upcoming technology changes.

### **Awards**

Congratulations to Ellen Wayne (Wayne Co.) for winning the Rochester Business Journal Women of Excellence Award.

Tammy DeLorme announced that her own award for being under 40 has been revoked.