

NYPWA All Commissioners' Meeting Summary

Thursday, December 9, 2021

Tammy DeLorme, NYPWA President
Eileen Tiberio, NYPWA First Vice President

Key Topics

- We miss you and truly hope to see you in person more often in 2022
- Code Blue, Eviction Moratorium, ERAP, Motel/Hotel Rules, Shelters, Rooming Houses
- Workforce recruitment + retention– remote, on-site, quarantine, civil service exams
- Post-TPR bill, Family First, CW Funding, Kids with Complex Needs....
- Summary of Meeting with Governor's Office on Budget & Policy Priorities
- Legislative Report on Bills Pending Action by End of this Calendar Year

Housing

Eviction Moratorium: Scheduled to end January 15, 2022. State elected officials are weighing possibility of extension. Winter is a tough time to accommodate more housing needs as Code Blue already increases the demand. The moratorium, even if extended, is not permanent, so state policy needs to look ahead. In some cases, more housing stock will open up when moratorium ends.

ERAP: When landlords do not cooperate, monies are given to tenant with expectation that they will use it to pay their rent arrears to avoid eviction. Across the state, counties have some landlords that want tenants out of their buildings and would rather lose the ERAP money than keep the tenants. NYS applied for additional federal funding that may or not become available depending on whether or not other states fully spend their allocations.

Code Blue: Utilization and costs increased; some counties are budgeting more in their plans.

Homelessness: Housing assistance requests increased even though moratorium is still in place. People know they are going to get evicted – so they come in for housing. Counties identified couch-surfers and travelers from other states and other counties in their shelters. Parolees and people released early from prison are in temporary housing due to the lack of housing stock available. Shelters that were closed are starting to re-open in anticipation of the end of the moratorium on evictions. Some counties are using rooming houses. There is a lack of supportive housing. In some places, people are staying longer in DV shelters due to shortage of available housing.

Hotel/Motel Rules: On hold, presume they are being re-evaluated based on all of our comments.

Workforce Recruitment & Retention

- Counties are struggling with ongoing vacancies as well as staff out due to quarantines.
- Increase in hiring of provisional employees.
- NYPWA is sending a letter to NYS Civil Service to ask for more exams to be scheduled for the Income Maintenance, Child Support, Clerical, Account Clerks/Accountant, and Welfare Fraud worker series.

- Some counties continue remote work, others have returned to all on-site, and others never used remote workers except staff under quarantine.
- The option to work remotely has helped some districts with recruitment and retention and has enabled them to compete with private sector positions that allow for remote work.
- Counties eased up on their residency restrictions, but this may not have an impact since neighboring counties are also struggling to fill positions.
- NYC HRA is recruiting people from public assistance caseloads to accept provisional positions. They plan to provide training to help them pass the exam when it is offered. All HRA staff work on-site.
- IES is scheduled to be fully operational in 2026. Discussed interface between IES and VDI.

Child Welfare

***Post-TPR/Preserving Family Bonds Act (A.6700/S.6357)**

The NYPWA re-shared our analysis of the amended legislation with the Governor's program office and counsel's office and forwarded the packet of LDSS commissioner letters from 2019. NYPWA staff and counsel have a conference call scheduled with Governor's office on this bill next week. This bill will be acted on by the Governor by the end of the calendar year. See full legislative summary on pages 7 and 8 of this document.

***Family First**

Local districts have had limited experience with the courts on Family First cases. So far, judges seem to be following the statute rather than OCA rule. If judges act outside of statute, it is possible to pursue an Art. 78 if within four months (mid-December 2021) of the effective date.

Judges are still learning about Family First and required timeframes.

Experience with QI assessments are mixed. Several counties are not satisfied with people on the OCFS approved QI assessor list. Dutchess and Warren counties had QI assessments redone.

NYC and Westchester reported positive experience using their own QI units and offered to share information with any counties that might be considering managing the QI process.

Some counties who recruited their own external QI said it worked out well, e.g., a retired director of services serves as a QI.

OCFS requires a new QI review if child is out of a placement for more than 14 days. This is not a federal requirement and should be eliminated. OCFS requires it even when child in returning to same placement. This is a waste of time and resources.

Some counties amended their current foster care contracts because it could be done quickly in the first year, and others prepared separate QI contracts.

***Child Welfare Funding Reauthorization** - This will be included in the next State Budget. There is some concern that prevention funding may be adjusted as federal IV-E prevention funding becomes available as part of Family First. The NYPWA, and other groups, have asked that the state investment be increased from 62% back to 65%. (See summary of meeting with Governor's office starting on page 5 of this document.)

***Additional SCR Clearances for Current Caseworkers**

Commissioners discussed the risks of knowing and the risks of not knowing if their staff are being investigated or if they have an indicated report. If you know, you may need to terminate the person's position and then you may face an Art. 78 lawsuit. For any commissioners who wish to pursue it, strategies identified included adding to job description and to union contracts that SCR clearances will be repeated. In earlier years, we discussed with OCFS, and they cautioned that the fact that someone is being investigated does not mean the case will be indicated.

***Kids with Complex Needs – Data Collection & Recommendations**

Eileen Tiberio finalized the document based on input received and asked that you have your team complete and submit to her before 12-31-21. She offered to prepare quarterly updates. Although, it has often been difficult to serve high needs kids, many placement resources have been lost in recent years and the state is expecting families and relatives to take on a much greater burden.

Kids with Complex Needs Recommendations Discussed:

- 1) Require local DSS and voluntary provider representatives be invited to multi-agency State cross-systems workgroup that the Council on C&F operates.
- 2) Provide state funding stream for cross-systems kids initiatives that providers are pursuing. (Oregon project, professional foster care, etc.)
- 3) Require state agencies to fund services for hard-to-place kids (OMH & OPWDD)
- 4) Provide funding for emergency respite to reduce use of hospital ED placements.
- 5) Fund regional centers that will accept high-needs kids.

***CSC Placements**

Some commissioners have ongoing communications with schools regarding CSC placements. Recently, several counties received general requests to name a county representative to be the school's CSC contact. One commissioner said schools should be referred to SPOA. Another said that their experience was that the school wanted the DSS to provide more services and take on more responsibility than had been the case based on prior collaboration with the schools.

Child Care- New Regulations

Many counties experienced lower utilization of childcare in the past year, and many have also lost childcare providers. Some areas are childcare "deserts" and are engaged in efforts to build resources. The OCFS childcare unit and IES are working on technology changes to comply with new state law to implement childcare payments by direct deposit.

Utilities

HEAP Administration allocations just arrived. Low Income Household Water Assistance - recommended that the state prepare a Q&A for vendors. Currently there is only one for applicants.

Managed Long Term Care Services

NYS DOH has announced that the start date for the Independent Assessor is March 1, 2022. Training webinars will be offered starting in December 2021. The LDSS will still provide case management as determined by the IA. Shortages in home care workers continue.

Commissioners discussed how Medicaid enrollment has grown during a time of waivers and attestations. While there is a local Medicaid cap now, if that is ever revisited it would reflect the growth in the program.

Domestic Violence Prevention and Services

Commissioners noted that while DV is the issue identified by DV service providers and advocates, it is often one issue amidst other pressing problems, such as MH and D/A issues, that reflect additional service needs. Some districts have DV advocates co-located with CPS and have access to all the information they need per contract. Other counties said it was not useful because information from DV advocates was not shared. In some cases, the initiative ended when the funding ended. A few districts have DV co-located on both TA and Services side.

The OPDV-OTDA-LDSS workgroup met on December 6th. Local commissioners nominated deputy commissioners to participate and the NYPWA submitted the names from Albany, Erie, NYC-HRA, Onondaga, and Westchester. This is a state agency led group and OPDV and OTDA will decide on next steps and whether this group will meet again. The state agencies are concerned that DV is under reported and cited a report by the Empire Justice Center at this link:

https://empirejustice.org/wp-content/uploads/2019/04/Report-Family_Violence_Option_2019.pdf

Cyber Security Insurance

Expensive and cost will keep growing. In the meantime, hackers cannot get into WMS.

Winter Conference on Jan. 18-28, 2022 (9 days of workshops)

- Emerging Leaders Series – Act II – Seven leadership sessions
- Commissioners’ Meetings – Jan. 27 & 28 at Longfellows (or log-in).
- Seeking Moderators for Sessions on Children’s Services Topics

Summary continued on pages 5- 8...

NYPWA Meeting with Governor's Office on Nov. 15, 2021

Gov's staff: Jihoon Kim, LMSW is Deputy Secretary for Human Services and Mental Hygiene. See bio at end of this summary. **Emily Badalamente & Khemenec Pantin** are experienced staff within Gov's office who work for Jihoon Kim.
NYPWA Executive Committee & Staff.

The NYPWA presented information and Gov's Office asked Questions.

We appreciate our state agency partners. The waivers helped us keep people safe and to provide assistance during the pandemic. While the state sets policy, **all implementation occurs on a local level, and we have a unique perspective to share.** We recognize Gov. Kathy Hochul's leadership including her actions on ERAP.

The pandemic experience has evolved, but communities are still struggling. The work is still demanding on both the TA and CW side. Long-COVID is not just an illness, it is also the long-term impact on children and families which experienced loss of parents, loss of school attendance, loss of jobs and are heading into housing uncertainty

Support Stable Housing and Efforts to Help People on Safety Net Assistance

- We are heading into A Perfect Storm – Housing supply has decreased, cost has increased, and eviction moratorium is scheduled to end in January.
- We need the State to focus on strategies to develop stable, low-cost housing.
- **We are asking the state to withdraw proposed motel-hotel rules which make it harder to help people. Explain how this happens in counties.**
- Consider that the state completely withdrew its funding for Safety Net Admin (used to be 50%) and reduced the state share of benefits to 29%. New rules always come with a cost. Need to restore admin. Funding.
- Focus on long-term housing - re-evaluate the shelter allowance which is inadequate to pay rent. Provide local examples.
- These issues are all entwined; need state to really focus on stable housing options; not adding requirements on hotels/motels; restore state share of SNA and for admin. Cost of SNA. COVID will have long-term consequences on those who rely on LDSS help; sometimes it is the freedom from doing duplicative work that can help the most.

Counties are on the Front-Line of Helping Children At-Risk. Preventive Services, Kids with Complex Need Family First are all linked together.

- We are asking you to continue the commitment to open-ended funding. We recommend that it be restored from 62% to 65% state share in order to better serve families and improve outcomes for children under family first. OCFS's proposed new Family First Prevention Plan is ambitious and will depend on available funding.
- Maintain FCBG which will be needed for Family First.
- We ask that you support strategies that serve high needs kids by investing in new service models. These kids end up stuck in long-term placements which do not meet their needs and run counter to family first goals. (Share example of kids stuck in hospital emergency departments.) Support new models. Consider the [Oregon Model](#), new versions of Therapeutic Foster Care, and professional foster care models, respite care, and others. Focus on more flexible funding.

Gov's staff: Jihoon Kim, LMSW is Deputy Secretary for Human Services and Mental Hygiene. He most recently served as Special Assistant to the Executive Deputy Commissioner at the Office of Mental Health. Mr. Kim previously served in the Executive Chamber as Deputy Director of Policy, where he was responsible for coordinating major policy initiatives and as a Senior Policy Advisor for Human Services and Mental Hygiene, where he was responsible for assisting with the oversight of eight State agencies. Prior to joining the Executive Chamber, Mr. Kim worked for the NY Attorney General as the Deputy Director of Legislative Affairs.

See Legislative Summary on Pages 7 & 8

2021 Legislation Pending Delivery to Governor Hochul

With December upon us, it is a good time to revisit some legislation that passed during the 2021 Legislative Session but still awaits action by Governor Hochul before the end of the calendar year. – Rick Terwilliger, Director of Policy & Communications, NYPWA

Child Welfare

[A.6700/S.6357](#): *Establishes procedures regarding orders of post-termination visitation and/or contact between a child and such child's parent.* This bill does not require consent of ALL parties in order to enable the court to order post-adoption contact or visitation agreements. The only party with any right to not consent to visitation/contact is a child over 14. Although the statute would permit the foster parent to object by withholding consent, at the hearing the court is to decide if the consent to visits or contact is being withheld “unreasonably,” which would be likely if the judge found that it is in the best interests of the child to have contact or visitation. If signed, it would take effect 180 days after becoming law. A 2019 version of the bill was vetoed by the Governor.

[A.7681-A/S.7179](#): *Relates to the reentry of foster children after they have left foster care.* This bill would allow a former foster child, or a child formerly placed with OCFS, to reenter foster care if they are already or are “at risk” of being “homeless.” If signed, the bill would largely take effect immediately. A 2019 version of the bill was vetoed by the Governor— however, the bill was revised to remove any mandate on OCFS by placing the responsibility on districts instead, so the bill may be viewed differently when it goes to the Governor this time.

[A.4982-A/S.4051-A](#): *Relates to raising the lower age of juvenile delinquency jurisdiction from seven to twelve years of age and establishing differential response programs for children under the age of twelve.* Among its provisions, districts would establish differential response programs for children under twelve whose behavior but for their age would bring them within the jurisdiction of the family court unless the child is considered a JD between the ages of seven to twelve that has committed crimes related to homicide. Reimbursement would come from annual appropriations related to preventive services, family support services, and supervision and treatment services for juveniles. If enacted, the bill would take effect one year after becoming law.

Public Assistance; Child Care; Other

[A.3227/S.668](#): *Relates to conciliation and non-compliance with public assistance employment.* The bill’s intent is to promote re-engagement in work activities to either avoid or end sanctions. Among its provisions, it would eliminate durational sanctions, prohibit sanctions during the re-engagement process, retain conciliation as a tool that a client could use to avoid a sanction, establish a written reminder of ability to comply after 30 days of non-compliance, and institute the right to cure by client either agreeing to comply or notifying district of their exemption. **Delivered to Governor; Action Expected on 12-10-21;** If signed, the bill would take effect April 1, 2022. An identical 2019 version was vetoed by the Governor—however, there is no guarantee another veto will occur.

[A.529-A/S.6572](#): *Relates to providing feminine hygiene products at no cost to menstruating individuals receiving temporary housing assistance.* This bill would amend the Social Services Law by adding a new section (152-c) requiring providers of temporary housing assistance (i.e., family shelter, adult shelter, hotel, emergency apartment, DV shelter, runaway/homeless youth shelter, or refugee safe house) to provide feminine hygiene products, including, but not limited to, sanitary napkins, tampons, and panty liners, at no cost. If signed, this bill would take effect immediately.

[A.3331/S.924](#): *Requires law enforcement and district attorneys' offices to advise human trafficking victims of the availability of social and legal services.* This bill would require that upon encountering a person who reasonably appears to be, or self-identifies as, a victim of human trafficking, law enforcement personnel shall advise the victim of the availability of assistance from providers of social and legal services for human trafficking victims. **Delivered to Governor; Action Expected on 12-10-21**; If signed, this bill would take effect immediately.

[A.7721-A/S.7128](#):

Relates to the composition and obligations of the childcare availability taskforce and the focus of such taskforce. This bill would extend Child Care Taskforce created in 2017 to examine the need for childcare, barriers to accessing childcare and the impacts on economic development and the workforce, as well as the childcare landscape as a result of landmark federal stimulus funds. If signed, the bill would take effect immediately—and would expire December 31, 2024.

[A.3922-A/S.8633-B](#): *Enacts the “reimagining long-term care task force” to create a task force to study long-term care services in this state.* This bill seeks to establish a long-term care task force that will examine the state of long-term care (both home-based and facility-based) and consider potential models for improvement. If signed, the bill would take effect immediately.

[A.5840-A/S.5162-A](#): *Enacts the “Child Care Provider Direct Deposit Act” requiring that local social service districts offer child day care providers the option to be paid any monies owed for providing subsidized child care by a deposit directly into a bank account of the child day care provider.* This Act requires OCFS to issue a regulation within one year of the effective date of this section to require that LDSS create an option for childcare providers to be paid for any childcare subsidy funding owed via a direct deposit.

From the Governor’s Approval Memo #54: “Under the current system, a provider has to wait, sometimes more than four weeks, after submitting documentation to the county to get paid for care provided to children in their program. Additionally, many of the providers who receive subsidy funds from local social services districts live in communities that are traditionally underserved by banks. The lack of access to financial institutions creates a burden for these individuals to deposit their checks. This bill helps individuals avoid other entities that they may turn to, such as check cashing centers that charge higher rates and fees. Lastly, this legislation will create savings for local social service districts by eliminating the need to issue paper checks and the time associated with such tasks. This bill will create a more streamlined subsidy reimbursement system for both childcare providers and the local districts and any costs related to potential systems changes would be managed within existing agency resources.”

Status: **SIGNED (Chapter 650 of 2021)**; the bill took effect immediately (12-1-21)—meaning OCFS needs to formulate rules/regulations for districts and have them ready by one year after its enactment.