

NYPWA Commissioners' Meeting Summary

Eileen Tiberio, NYPWA President

Thursday, March 10, 2022

Key Themes

- Welcome New Commissioners
- Local Housing Strategies Underway
- Child Care & Lack of Providers
- Strategies for Kids with Complex Needs
- Medicaid Changes & Talking Points to be Developed
- Summer Conference in Saratoga

Welcome New Commissioners

Eileen Tiberio welcomed 3 new commissioners appointed in 2022. We are all available to help and every commissioner would be happy to take a call from you!

- Amy Cunningham, Onondaga County DCFS, was Deputy Commissioner over child welfare and held positions in administration, budgeting, data analytics, and on outcome measurement for human services. She has been a high school French and Spanish teacher.
- Christine Bianco, Cayuga County DSS. Deputy Commissioner for 5 years, prior to that she was Director of Services. She started as a caseworker a long time ago.
- Tracy McCaffecy, Livingston County DSS. Tracy began in Child Welfare in 1994 and became the Social Services Division Director in 2012.

State Budget (Deadline: April 1, 2022)

Assembly & Senate Budget Proposals are expected in Mid-March. All signs point to an on-time budget. Legislators are considering more dollars for universal child care and for utility arrears. There is momentum to increase spending due to the state's current fiscal position. The legislature's focus is on SFY 2022-23 and not on long term implications of fiscal commitments.

State Commissioners Update

Kerri Neifeld, OPWDD, confirmed by Senate, March 2, 2022

- NYPWA is seeking local commissioners to participate in a small follow-up call with her on next steps for cross-systems kids and adults. Contact Sheila.Harrigan@nypwa.org

Ann Marie T. Sullivan, MD - OMH (continues her prior appointment as Commissioner)

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Daniel W. Tietz, OTDA, confirmed by Senate, March 8, 2022

- Well received and well known by leaders of Assembly & Senate
- OTDA will be seeking LDSS participants on Child Poverty Reduction Act Advisory Group
- NYPWA will invite Commissioner Tietz to small, in-person meetings, regional options.
- Our congratulations letter re-stated our priorities to re-establish 50/50 state/local funding for Safety Net and enact increases in rental allowance.

Housing Initiatives

- Wayne SRO Initiative - Using American Rescue Plan money. Three-year lease with property owner includes cost of cleaning. 12 units with expectation to stay no more than 60 days. DSS will use for emergency, short-term housing instead of hotels. Considered warming center on first floor but that was not agreed upon. Also, using local dollars. Focus on Safety Net Assistance Population. Cost is about \$90 week for these rooms vs. \$85 night for motel rooms. County does not consider it a shelter model. Sustainability – DSS will make the case to use local dollars; less costly than using hotels. Presented project in a way that stressed economic investment in a building that had been vacant and dilapidated for ten years. Town gave landlord a 3-year permit. Neighbors are DSS offices. Unique entry codes per room. County can cancel access. Moving forward on a wing and a prayer. If it doesn't work commissioner will be applying for an entry level job in a neighboring county. She has experience with WMS codes, very marketable.
- Schoharie would like to offer warming center, but no agreement on a location.
- Monroe is framing eviction as a community issue and collaborating with city, county, and community members. Looking at different funding streams from OTDA. Another community-based organization under United Way will be a convener and Monroe DHS will be a participant. DHS can only serve a specific cohort so others will have a role.
- Onondaga DSS is trying to get ahead of the curve by getting the word out that tenants can seek free legal assistance. If low income people have an attorney with them, we expect it could give them more time before eviction is processed. There may be hundreds of people being evicted. There is no low cost housing for these people. We have negotiated an increase in the standard hourly rate for 3 positions held within our 4 homeless shelters so they can hire more people in order to house at their full capacity. We used to have 2 hotels lined up for a surge – we now have 5 lined up in order to be prepared on the emergency side and to make sure homeless do not end up on the streets. Would like to have more time to spend on prevention and permanency.
- Dutchess is using this model: [Bergen County Housing, Health, & Human Services Center \(habcnj.org\)](http://Bergen County Housing, Health, & Human Services Center (habcnj.org)). Seeking county approval to buy property and offer wrap around services including employment. If we do acquire property, there will be construction and an RFP for an operator. Unless we can improve the housing market, they will be stuck in temporary housing. It would be an emergency shelter with 90 days stay maximum. Working with other departments to combine resources. Obstacles - every municipality would prefer not to have low income housing in their backyards.

- NYC has the right to counsel which provides free legal services and representation to tenants facing eviction. NYC DSS is closely monitoring eviction filings and referring people to legal providers and letting them know about “one shot deals” to obtain emergency assistance to prevent evictions. NYC is also monitoring capacity utilization of shelters and hotels. In NYC, families are only placed in shelters and not in hotels.
- Orange county numbers are rising in shelters. Opened year round warming centers using local dollars to supplement code blue to make 26 beds available. Lowest unemployment rate since 1990s. Caseloads are very low. Need for people in workforce.
- Hamilton landlords are switching to vacation rentals instead of long term rentals as tourism is a priority. Other counties said municipalities are beginning to put up restrictions and more taxes to make it more difficult for short-term vacation rentals.
- Montgomery area shelter closed for 6 weeks due to lack of staff.
- Rental Supplement Program - OTDA asked counties to resubmit plans in a grid format.

Housing Emergencies Cause by Fires in Motels and Apartment Buildings

- In Orange, fire in motel, that DSS does not use, but 7 people living in motel came into DSS. Family found two-bedroom apartment for \$2700; not affordable.
- In Chemung, a fire displaced 98 people at motel. Some agreed to accept a different motel placement which was hard to find. Most found another place on their own. Red Cross told them they will not offer help if another agency (DSS) is serving them. OTDA mandates on motel inspections are unreasonable – need to keep pushing back.
- Dutchess provided a copy of their contract with Red Cross to be available to any commissioner who wants it. They have found Red Cross to be great partner. Oswego also had good experience with Red Cross without a formal contract. In Ontario had better experience when they were in county; but not now that they are regional.
- Counties said Red Cross gave people \$500 gift certificates after fires and then left without helping them find housing. DSS would find out about \$500 later.
- Westchester – usually when there is a fire, we only get 2-3 people referred to us for housing. Red Cross has helped. Cities often don’t know what to do and often call DSS.
- Montgomery – motel with 64 people burned down. Most of the people were not DSS clients but became DSS responsibility after fire.

Fair Hearing Delays are Costly

Some counties are tracking the delays and the cost impact of Aid to Continue payments. Commissioners are questioning whether the slow-down is intentional. Technically, the people will owe the money back, but counties may have difficulty recouping it. Administrative hearings can be done remotely as part of an ongoing OTDA demonstration project that began on March 12, 2020.

Child Care Needs & Lack of Providers

Fewer families are seeking child care assistance and child care caseloads have dropped.

Much of the state is in a “child care desert.” Advertising for families to apply for child care assistance implies that you have it available for them when that may not be true in many areas. Most counties do not have the freedom to use social media to the degree OCFS is suggesting since it cannot be used on state computers and counties have strict policies. Perhaps, there is more the state could do on its own to recruit child care facility providers and staff and advertise the program.

Commissioners received calls from OCFS telling them how they should advertise on social media and touting what other counties are doing (without knowing if those efforts had an impact.) OCFS set up additional calls for March 24th.

The state and their contract agencies need to address the lack of child care providers; not DSS. If the goal is universal child care, perhaps this should be directly linked to schools and education. The success of Pre-K led to closure of some child care agencies, showing a lack of state planning on how these two programs are inter-related.

The market rate only covers a portion of the true cost of child care. Unless it pays 100% of the cost, we can’t expect child care programs to be widely available. If NYS pursues universal child care, it will take years to put in place so it is not realistic to think it can happen in one year.

Allocations to districts have been late every year. OCFS needs to provide timely, consistent, and predictable funding. Just being told to spend money is not helpful.

OCFS Foster Care Maximum State Aid Rate (MSAR) Increases

Counties are analyzing the potential impact of the executive budget which proposes MSAR increases in compliance with OCFS’s settlement of a law suit. For example, Ontario has identified an increase of over \$600k and Schenectady identified over \$650k. The details of the establishment of an “Extraordinary rate,” which is higher than exceptional rate, will not be known until months after state budget is passed. The State used the euphemism “rebalancing” to disguise the increase.

Efforts to Place Kids with Complex Needs

Eileen Tiberio is examining LDSS survey results. Aggression, violence, and run away behaviors are the main reasons children are denied placement. These issues need to be addressed with appropriate services.

We are seeking new strategies. What could we wrap around a child for \$200k a day (cost of OCFS placement)? Ontario is pairing foster homes together – one by day and a different home at night for one situation. Looking for ways to help difficult kids.

Orange County set up wraparound services for kid in hospital but relative placement fell through. Now in youth shelter. Offering increased exceptional needs rate to foster care parents. Met with OPWDD. They are considering some of their state operated group homes to use as transitional sites for youth who are aging out or adults with complex needs who are in hospitals or homeless. Ongoing conversation between OPWDD, OCFS and OTDA.

In Ontario, local ARC is engaged in a re-branding process. Consultant called for input. OPWDD will not take kids with difficult behaviors. The DSS kids are not the kid's providers want. Gave her examples of being told by DDSO that DSS is agency of last resort and it was DSS's responsibility.

Difficult to find services for runaways and kids who have violent behaviors. PINS is not an option. Only way to access a secure site is if they are in OCFS facility or if they commit a crime.

One commissioner said youth tells facilities she will run away if she gets enrolled in program; so, providers won't take her. Current plans are cobbled together. Needs therapeutic intervention.

How do we successfully recruit foster care parents for these hard to place kids?

Suffolk shared a success story of finding an OPWDD placements for a 9-year old, non-verbal child with autism. The effort was relentless and exhausting. Applied a lot of pressure on hard to place committee. Perseverance. Refused to give up.

Originally, the Hard to Place committee would hold state agency's feet to the fire. Now it is more often that they say, "We are here to advise."

Renee Rider, Director of the Council on Children and Families at OCFS is retiring in mid-April.

QI Medicaid Billing

One provider (Berkshire) told a commissioner that they did 70 QIs and billed successfully to Medicaid. Some commissioners mentioned using the county mental health office or another provider to bill Medicaid. Others are currently using QI services that are not billing Medicaid.

Medicaid Changes and Talking Points to be Developed

CMS Public Health Emergency & Eligibility Determinations. NYPWA asked: "When the Public Health Emergency ends, and we return to pre-pandemic rules, will CMS and DOH make districts go back over the last couple of years to determine eligibility?" Lisa Sbrana, Director, OHIP, NYS DOH Answered: **No**. CMS has been clear that there is no expectation to go backwards. Once the Public Health Emergency is over, the state and local districts will go forward on the next recertifications and will not go back and review assets for eligibility determinations during the time-period covered by the Public Health Emergency.

The Executive Budget proposed the elimination of the resource test. This would make everyone eligible for Medicaid long term care regardless of wealth and it would speed up the state takeover of Medicaid Administration. Counties will still be required to review transfer of assets.

DOH is in active conversations with Centers for Medicare and Medicaid Services (CMS). They plan to submit state plan amendments after new legislation is enacted in state budget.

State legislators focus is one fiscal year at a time. Budget proposal shows only a \$5M cost next year. Local MA cap is still in place, so counties are focused on other issues. Nursing homes rely on private pay dollars. This change would take that away. PERM audits are costly.

Commissioners are seeking ways to present a briefing statement to county executives.

The NYPWA will gather prior documents that were used to explain local Medicaid policy and cap. We will need local DSS commissioners to share expertise on developing talking points for counties.

After DOH submits amendments, CMS needs to approve the changes to the state plan. Why would federal government approve higher spending? DOH must be addressing it another way

Streamlining State Training Announcements

High volume of ancillary training announcements coming from OCFS to Staff Development Coordinators. Perhaps SDCs can identify ways for the state to streamline information or present a coordinated calendar.

Summer Conference Topic Ideas

Mike McMahon, Conference Liaison, invites you to submit a proposal or send us your ideas and we will recruit presenters. Here are topics raised at today's meeting:

- Emergency Planning & Disaster Preparedness for Fires, Floods, Ice Storms
- Local housing Strategies – SROs, warming centers, motels/hotels, and new ideas – Suffolk, Nassau, and other sessions
- Local Medicaid implementation in light of upcoming changes - Kira is seeking other commissioners or MA Directors/Home Care will join her on a panel.
- Counseling for Employee Performance – Eileen Tiberio
- Services & Placements for Runaways and Kids with Aggressive Behaviors
- Getting to Know the State Payment Manual Panel: featuring Shawn Yetter, Vocalist; Ellen Wayne, Interpretive Dance and Paul Brady on Lead Guitar. This will be performed to the melody for Camptown Races (Stephen Foster, 1850).
- Share your ideas!