

NYPWA All Commissioners' Meeting Summary

Thursday, May 12, 2022

Presiding: Eileen Tiberio, NYPWA President

Summer Conference – Eileen Tiberio & Mike McMahon. There is a phenomenal Summer Conference planned. Thank you to presenters. We invite you and your staff to serve as moderators. Opportunities for topical conversations and a large county commissioners' meeting will be offered.

County Budgets Considerations 2023/Finance

- Early planning stages. Budget for MSAR & unknown extraordinary rate.
- One county exceeded property tax cap and is waiting for the DOB waiver application for RtA.
- Discussed loss of IV-E funding when requirements are not met after Long Stayer Reviews.
- One commissioner mentioned current payment lags across programs.

NYPWA Meetings with OTDA Commissioner & Executive Deputy Commissioner

- Sheila Harrigan & Paul Brady met with Commissioner Tietz on April 20. Paul Brady (Schenectady) stepped in on behalf of Eileen Tiberio due to scheduling conflict. Discussed rental allowance, Safety Net Assistant shares, shelters, motels-hotels, and employment. A follow-up call was held with Eileen Tiberio, Paul Brady, and Barbara Guinn to discuss Safety Net state/local shares and rental allowance considerations looking ahead to next executive budget proposal for SFY 2023-24.
- OTDA mentioned possibility of proposing 50/50 SNA with a local MOE. (However, if rental allowance increases the local spending would automatically increase. If SNA caseload decreases in the future an MOE would negatively impact counties.)
- Perception by many state officials that counties and NYC are flush with money and can spend more on social services programs. Yet, much of the money available is one year only.
- Money is also not the sole problem. Services are often not available – e.g., single parent with kid with disabilities. Transportation issues.

Upcoming Meetings with OTDA Commissioner Daniel W. Tietz

- Meeting with commissioners in-person at Longfellow's, Saratoga on June 9.
*9:00-10:30 This is in-person only to enable us to get acquainted with Commissioner.
*10:45-12:45, the meeting becomes a LDSS only conversation and welcomes all commissioners through both Webex and in-person participation.
- Meeting with Commissioner Dan Tietz and Commissioner Sheila Poole in-person at NYPWA Summer Conference on Monday, July 18.
- Individual commissioner meetings with Commissioner Tietz in Nassau, Suffolk and Westchester in May and June as scheduled by OTDA.
- Willing to attend future NYPWA regional meetings and more county specific meetings.

Hotel-Motel Proposed Regulations

OTDA addressed some local DSS comments and made a few improvements. Proposed rules are better, but only because they were so awful to start with. Keep the cover letter. It conveys an intention of flexibility that is not explicit in the regulations. OTDA is seeking to have motels follow shelter rules more closely.

The regulations still have to be officially filed and an ADM will be issued. Commissioners said DSS is providing women with menstrual products – cannot ask motel owners to take this on.

Repeal SSL 106 – Changes to Powers to Receive and Dispose of Deeds, Mortgages, or Liens

Commissioners discussed implementation. Empire Justice Center is calling some districts on behalf of their clients. DSSs plan to send notification of discharge. County clerks may receive in batches. See NYPWA summary and OTDA INF for reference.

- New Policy (April 21, 2022): OTDA issued [GIS 22 TA/DC037](#). In response, this summary is provided for local DSS commissioners to discuss with their staff that handles deeds, mortgages, and liens. Each county has their own considerations for implementation.
- Background: The amendment to SSL § 106, effective April 1, 2022, prohibited the LDSS from taking a mortgage on real property owned by an applicant for Temporary Assistance. This was enacted in the SFY 2021-22 state budget. In 2014, amendments to SSL § 106 required the LDSS to provide a periodic accounting of the amount of the mortgage that had to be sent to the recipient. There was also the requirement of the Lien Acknowledgement form that had to be signed by the applicant.
- Repeal (April 9, 2022): The 2022-2023 Enacted State Budget [ELFA, [Part MM](#)] repealed SSL § 106 in its entirety.

Evictions & Housing Status & What's Next

- Some counties are relying on out-of-county motels which is not desirable for anyone. Drains capacity for host county and creates transportation issues for county of origin.
- More homeless people than ever. No personal responsibility or self-sufficiency. People need to be helped to move forward and seek employment – businesses can't find workers.
- Some people who are profoundly mentally ill and those with drug addictions damage motel rooms. We work in good faith and people with mental illness and drug addictions destroy property. They need help from other systems that we are not equipped to offer.
- Some shelter providers are getting out of the business.
- Recommended OTDA speak to OMH/DOH. These people need supported MH housing. It's a much bigger issue. Not just about getting security guards.
- A variety of supported housing is needed.
- People cannot afford to pay rent.
- Voluntary providers in OMH and OPWDD systems don't have to house or serve difficult people. Even with additional supports, they can't manage them but they need to find a way.
- Some counties have rent supplement plan approvals. Often, 5 or more revisions required.
- One commissioner said their plan was approved, but no provider will do it. Another said that money will be spent quickly and demand far exceeds the funding.
- We keep trying to purchase a building for emergency shelter and the community is against it
- Lack of rental housing stock
- Difficult to access OMH certified apartments.
- Lack of cooperation from OPWDD in helping on placement needs.
- OPWDD needs to increase crisis and in-home services.
- Hopefully with the COLAs and stipends OPWDD will be able to staff up these programs.

Children's Services

Kids with Complex Needs/Cross-Systems Kids

It's like a song that never ends – it just isn't getting any easier.

NYPWA workgroup met with OPWDD Commissioner Kerri Neifeld via Zoom on May 4th. Eileen Tiberio led the discussion with a total of 9 local commissioners. Commissioner Neifeld was receptive and asked us to share written recommendations. Our work groups' recommendations will be submitted to OPWDD with copies sent to all local DSS commissioners in May. While discussion is focused on children, we are also raising issues for adults, especially those in shelters who need services and supportive housing.

Eileen Tiberio has analyzed data sent to her by commissioners. Please continue to send her information on current extremely hard-to-place cases. Data is showing that these children display aggression, violence, sexual acting out, and a history of running away.

Commissioners mentioned endless cross-systems meetings and calls with hospitals. Many hours of time and very little progress. Please share any successful strategies.

Anonymous SCR Reports [A.7879-A](#) & [S.7326](#): Relates to the administration of the statewide central register of child abuse and maltreatment. The NYPWA is not taking a position. If the bill proceeds, there are amendments that could be considered, e.g., provide an avenue for confidential reports, so that report is not discoverable or able to be brought out in court, so that it cannot be subpoenaed and place the reporter in danger. There could also be consideration given to a carve out for anyone claiming to be under 18 because a child may call for a case in their own household. Anonymous calls are more racially disproportionate which is a reason for the legislation. They are less likely to be indicated, but part of that is you cannot follow-up with the source of the call.

QRTPs & Institutions of Mental Disease (IMD); Long Stayer Reviews

OCFS/DOH sent a letter to commissioners on April 14 and held a Webex call on May 4 to announce their plan to submit an 1115 Medicaid Waiver application. This is a huge systems reform that anticipates converting programs to RTFs under the OMH system. There has been some effort to pursue changes in federal legislation but it has not been successful. OCFS said that their intent is to preserve \$41 million in federal Medicaid dollars. Residential settings, including campuses, with more than 16 beds are at-risk, however, they do not all see conversion to an RTF as a viable option.

Long Stayer Reviews – Counties are beginning to experience reviews. Risk loss of IV-E funding.

Caseworkers

- Educating public, recruiting/retaining staff; training.
- Kristen Monroe (Cortland) shared her initiatives in educating county legislators and others.
- Other counties shared their experiences.
- Outspoken critics of the district sometimes sway local elected officials.
- Caseworker job is very difficult. Scrutiny: damned if you do and damned if you don't.
- Caseworkers are most visible but examiners also face the public – you do too much; you don't do enough.

- Local commissioners conversation at the conference on what more we can do.
- We don't have this degree of conflict today in our county, but things can turn quite quickly.
- Cortland shared their document – this is what casework is all about.
- Suggestion that we consider PR firm. Many people are anti-government now. Everything we try to do to help is not being taken that way.
- Several counties mentioned positive initiatives:

County Executive issued positive press release.

Staff presented to county legislature so they would hear about positive work.

County websites, FB pages highlighting staff.

But publicity is risky – public reaction can turn on a dime.

H.E.A.R.S. (New OCFS Family Line). One commissioner called number to try it out. Similar to existing call lines, e.g., 211 – nothing more.

Medicaid

Amir Bassiri is the new Acting State Medicaid Director/Deputy Commissioner, NYS DOH. He replaced Brett Friedman in May 2022.

Independent Assessor requirements are in effect as of May 16, 2022. There is still a role for LDSS nurses. Here is the link to 22-OHI-ADM-1.

https://www.health.ny.gov/health_care/medicaid/publications/docs/adm/22adm01.pdf

A new Medicaid Waiver was discussed. The public comment period ended on May 13, 2022.

It is not easy to draw down Medicaid dollars and some providers are being encouraged who do not currently have the capacity to comply with requirements.

https://www.health.ny.gov/health_care/medicaid/redesign/2022/docs/2022-04-13_1115_waiver_public_notice.pdf

Local commissioners reported receiving MA weekly share notice on May 12 including increases of 10%-15%. Yet, counties are still owed reconciliation funds.

Healthy Families NY - discussed RFP, county programs, contracts with providers, implementation.

2022 Legislative Update

Legislative Session Scheduled to End on June 2

Legislation Monitored by NYPWA

Child Welfare

[A.10183](#): Relates to requiring the child abuse multidisciplinary team to make available a child abuse medical specialist for consultations; requires such child abuse specialist become a member of the child abuse multidisciplinary team by January 1, 2025. [OCFS program bill]

- Assembly: Reported to Rules (5-10-22)
- Senate: no same as
- [A.7879-A](#) & [S.7326](#): Requires a caller making a report of suspected child abuse or maltreatment to the central registry to leave their name and contact information; prohibits OCFS from releasing information identifying a person who made such a report.
 - Assembly: Reported to Rules (5-10-22)
 - Senate: On Floor Calendar
 - Note: Assembly 'A' print removes same as status

Public Assistance

[A.8900-A/S.8632](#): Requires shelter allowances be set at up to 100% of the fair market rent for the local social services district.

- Assembly: Reported to Ways & Means (3-22-22)
- Senate: Reported to Finance (5-10-22)
- [A.2263/S.813](#): Relates to the maximum age at which a homeless youth can continue to receive shelter services; raises the age from 21 to 24.
 - Assembly: PASSED (5-10-22)
 - Senate: On Floor Calendar (2-8-22)
- [A.7661/S.6655-A](#): Provides that public welfare officials shall not be required to limit authorized child care services strictly based on the work, training, or educational schedule of the parents; makes technical changes.
 - Assembly: PASSED (3-29-22)
 - Senate: On Floor Calendar
- [A.10165/S.9061](#): Relates to conciliation and non-compliance with public assistance employment.
 - Assembly: Reported to Ways & Means (5-10-22)
 - Senate: Social Services
 - Note: Same text as 2021 bill ([A.3227/S.668](#); Veto 59 of 2021); NYC-only bill was chaptered in 2015 (ch.562 of 2015)
- [A.5573/S.3082](#): Prohibits eviction without good cause.
 - Assembly: Housing
 - Senate: Judiciary
- [A.2214/S.742](#): Relates to eliminating asset limits in calculating the amount of benefits for any household under any public assistance program.
 - Assembly: Reported to Ways & Means (5-10-22)
 - Senate: Social Services
- [A.3156/S.8562](#): Relates to the unearned income of a child when the parent or non-parent caregiver chooses to exclude such child from the public assistance household.
 - Assembly: Social Services
 - Senate: On Floor Calendar
 - Note: 2019 version of bill was vetoed; 2022 version uses same bill text as vetoed legislation.

NYPWA Opposition Memos (MIOs) Issued

- [A.7621-A](#): Relates to the sealing and expungement of records in persons in need of supervision cases in family court. [OCA]
 - Assembly: Floor Calendar (2-28-22)
 - Senate: no same as
 - Note: MIO to Assembly Rules (2-16-22)
- [S.7173](#): Relates to adjournments in contemplation of dismissal and suspended judgments in child protective proceedings in the family court. [OCA]
 - Assembly: no same as
 - Senate: Children & Families (ON AGENDA; 5-10-22)
 - Note: MIO to Senate C&F

Possible Legislative Re-Introductions

The following controversial bills were vetoed recent years but could still be reintroduced in some form before the end of the 2022 Legislative Session:

- **Post TPR Bill**
 - Veto 84 of 2021 ([A.6700/S.6357](#)); would establish procedures regarding orders of post-termination visitation and/or contact between a child and such child's parent.
- **Differing Health Care Practitioners**
 - Veto 52 of 2021 ([A.3149/S.7109](#)); also vetoed in 2019; would establish factors and requirements to be considered when a health care practitioner's opinion differs from that of an applicant's treating health care practitioner's opinion as to an applicant's disability.
- **Permanency Planning in JD and PINS Proceedings in Family Court** [OCA]
 - Veto 202 of 2019 ([A.7940/S.6535](#)); would require that local districts provide substantially more written information and reports to the Family Court when a PINS or JD youth is placed in the care of the local district.

Poverty Reduction Advisory Council Law [A.1160-C/S.2755-C](#) (enacted Dec. 1, 2021)

Establishes the child poverty reduction advisory council to reduce child poverty by 50% by January 2032—considering disproportionality, immigration status, securing financial stability (i.e., educational advancement & living wage), income stability, access equity, positive environmental conditions, and family health. Council to research policy ideas, develop best practices, establish timeline, monitor benchmarks leading to reduction goals: Enhancing the state's earned income tax credit to align with state's minimum wage; Enhancing child tax credit to include young children; eliminate the minimum income threshold; Expanding work training & employment programs; Expanding access to subsidized housing; Expanding access to subsidized child care. Review agency programs that can be modified, suspended, or changed to immediately reduce the child poverty rate. Determine the cost and savings to the state to implement policies. First report due to Governor and Legislature by Sept. 1, 2023; annual reports due thereafter.