

NYPWA Commissioners' Meeting Summary for December 8, 2022

Eileen Tiberio, NYPWA President

Welcome to “The Most Wonderful Time of Year”

Be of Good Cheer and join us at our Winter Conference on *Making A Difference in People's Lives*, Jan. 24-27, 2023. Great topics, engaging presenters, and terrific moderators. A revised 2023 meeting schedule and site for our hybrid monthly meetings will be released in mid-December due to the sale of Longfellows Inn. It is closing in January and will be under extensive renovations.

There's No Place Like “Home for the Holidays” if You Have One - But It's Cold Outside

- Local Commissioners, personally, as well as their TA teams, caseworkers, and homeless services staff, are engulfed in addressing housing needs every day. The mood is “frantic”.
- Warming Centers have emerged as an increasingly necessary and common strategy.
- Rural homelessness is often invisible and efforts are needed to make the public aware of it.

The Weather outside is Frightful (Increased Demand)

- Code blue, with no eligibility requirements, has increased the demand and reduced the supply of available housing options for families and single adults.

No Room at the Inn

- Landlords can find higher paying tenants in the current housing market and reject others.
- Motels and hotels can apply higher guest room rates and are declining DSS referrals.
- Very low turnover in temporary housing units because people have nowhere to go.
- People stay in DV shelters, other shelters, and motels due to lack of low cost apartments.
- As soon as an opening is found, DSS competes with other entities to rent the same space.
- Motels/hotels are burdened by all the OTDA regulations and prefer non-DSS guests.

Happy Holidays – May Your Every Wish Come True (Extra Help for People Who Need It)

- Need options for people with erratic behavior who are rejected by shelters and motels.
- People with mental illness are living in shelters + motels because they have nowhere else.
- Hospitals continue to discharge people who need ongoing medical attention to DSS.
- People escaping domestic violence need a safe home at DV shelter and in next residence.
- Volatile population includes people with active drug use and overdoses occur.
- After property damage is caused, landlords and motels refuse shelter to those involved.
- People obtain notes from medical providers that say they need a motel instead of a shelter.

In the Meadow We Can Build a Snowman (But what about a Shelter with Staff?)

- Some providers have space and beds, but no staff to run a shelter.
- Shelters close or reduce intake because they lack staff.
- Churches want to help but are often not prepared for the most difficult populations.
- Community opposition to shelters can be oppressive. Need to persuade thought leaders.

Statewide Strategies

- NYPWA Budget Position stated in letters to OTDA and others: “Providing access for everyone to have housing is a monumental task. All our collective efforts will never be enough when the money is so low and the housing stock is so scarce. We need an increase in the Family Assistance and Safety Net allowances and we need to restore the state share for Safety Net Assistance. The development of additional housing for people of very low income is also critical and we appreciate efforts to promote more housing.”
- Governor Hochul alluded to new housing strategies to be included in her State of the State address in early January. It is not enough to have jobs if there is no affordable place to live. <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-hochul-delivers-remarks-new-york-housing>
- NYS could consider legislation similar to site selection law of 1978 (Sen. Padavan), enacted to deal with saturation of communities with group homes. Town can reject a site only if they offer a reasonable alternative. We have referred OTDA, Governor’s staff, + legislative staff to this current law for inspiration. <https://www.nysenate.gov/legislation/laws/MHY/41.34>

Local Strategies

Development

- Maximizing Code Blue budgets: capital funds for warming centers and shelters.
- Ramping up warming centers in counties statewide.

Collaborations

- Contracting with substance abuse treatment agency for temporary housing with services.
- LDSS hired security guard to supplement shelter staffing.
- Working with faith-based organizations.
- Churches are fulfilling their missions through warming centers and fighting opposition.
- Local animal shelters will accept pets for people in temporary housing for a few weeks.

Taking Action

- County won Art. 78 hearing. Judge said arbitrary and capricious; allowed center to open.
- Sometimes people who stayed at warming center are later hired as staff at center.
- Double bunking is back in some counties with the flexibility to make exceptions.
- Looking at firehall, old county home, and other settings to use as warming centers.
- Using timing of news stories that identify need for housing (concerns regarding homeless people seen in communities) to get support for opening warming center or shelter.

SNAP Supplemental Emergency Allotment

Context

- Supplemental Emergency Allotment of SNAP will continue for as long as national health emergency remains in effect. The Feds. will give 60-days' notice on end date. Guessing that next announced end date will be April 11, 2023, but this will be determined by Feds.
- Medicaid spend-down changes, effective Jan. 1, 2023, will decrease SNAP & HEAP.

Status

- Inflation has increased costs. Families are struggling even with the higher benefit level.
- Food pantry stocks are low. Charities are stretched thin. Community meals are needed.
- DSS and community agencies are exploring how to gear up to prepare for loss of benefits.

Next

- Once the Federal Gov't. announces the end date of the public health emergency (PHE), we need OTDA to: (1) notify all the SNAP recipients by letter, (2) let them know that the decision is not eligible for a Fair Hearing, (3) provide a state hotline to answer questions (e.g., HEARS) without telling people they must call their LDSS for an explanation.
- OTDA & LDSS spoke on SNAP workgroup call which was planned based on discussions at commissioners' convening in Lake George. Albany DSS was on call. No immediate signs of progress were identified and other counties are encouraged to step-in and help. All the districts on the call were in agreement on issues and that simple changes could be made. OTDA said they heard the districts but OTDA didn't offer any changes. It is likely that they need to bring the issues back to higher levels at OTDA. Commissioners have invited OTDA to come out and visit their SNAP operations and see how complicated SNAP has become, There is a duplication of effort and unnecessary churning due to state policies.

Temporary Assistance - Streamlining Administrative Processes

Sarah Merrick (Onondaga DSS) and Jen Robinson, Executive Deputy Commissioner are reviewing our LDSS summary of input, gathering more information, and planning a TA program discussion on January 26th during our conference. Commissioners may nominate participants who have expertise to share. This is an ongoing issue with the workgroup being one step in our efforts. Our program level group will have a robust conversation on details in order to refine our existing list and identify meaningful suggestions. Collectively, we need to do all we can to help line staff.

Commissioners' Convening at Lake George Hosted by State Agencies

- Dates are set for May 10-12, 2023, for the next commissioners' convening in Lake George.

- The opening comments at the commissioners’ convening in October 2022 expressed the enormity of complex issues that local districts confront every day. The local commissioners commandeered a friendly opening session and transformed it into an education on intense workforce shortages, serious cross-systems issues, and a housing crisis.
- OTDA Commissioner has several visits planned with local commissioners in their counties later this month. Local commissioners have been encouraging him to come this year.

Policy on Sanctions and Drug/Alcohol Treatment

- At the convening, OTDA discussed their proposal to eliminate TA sanctions for those rejecting treatment. OTDA continues to pursue this goal, but has not released any details for LDSS review. NYPWA issued a letter to OTDA Commissioner Tietz on Nov. 4, 2022.
- NYPWA’s letter to OTDA on Substance Abuse Screening and Sanctions: “This was a spirited discussion. Commissioners would welcome the opportunity to delve into the details of what is being proposed so that they can provide a more useful review and comments. A written draft would be most helpful as people left the meeting without knowing what was being proposed for consideration. It is possible that new ideas could emerge which we would all view as valuable, and if not, we would at least be able to articulate both the positive and the unintended consequences of a new policy.”
- OTDA is still pursuing lifting sanctions. No one wants to enforce sanctions; they are used as a deterrent. The state hasn’t developed more carrots, so as they take away sticks the ability to engage people is weakened. At the time of our discussion in October, OTDA’s plan had not been vetted by Governor’s office. Some commissioners said that the threat of sanctions has enabled them to get people to accept treatment and stay alive and a cautious approach to exploring changes was suggested.
- We discussed whether OASAS would have a perspective to offer. We also touched on the intentions of harm reduction policies. Here is a resource from the federal government: <https://www.samhsa.gov/find-help/harm-reduction>

Children’s Services

- Streamlining Administrative Processes - This is an ongoing policy issue for services as well as TA and it plays out differently on the services side. Eileen Tiberio is kicking off our next step and established a workgroup to review the summary of input previously collected and to identify priorities. Commissioners are invited to nominate directors of services or deputy commissioners to serve on this group. We are planning an in-person workgroup meeting at the conference. Any other work would be remote. This is a time-limited workgroup that feeds back to NYPWA and to all commissioners for ongoing discussions.

- Counties have not received state reimbursement that is due for children's services. An email message from OCFS on 12/8/22 acknowledged that child welfare advance payments have not been flowing and that the state is also behind on their settlement payments. OCFS provided no information on when counties will be paid.
- New services are needed for children with needs related to mental health and developmental disabilities. The loss of waiver services when a child goes into local DSS custody is exasperating unmet needs.
- An interim appointment is expected following Commissioner Poole's departure from OCFS at the end of December. She will be working at the American Public Human Services Association (APHSA) as the Vice President of External Relations. The NYPWA has written a letter expressing our appreciation to Sheila Poole for her leadership. Prior to serving at OCFS she was Commissioner of Albany County Department for Children, Youth and Families) and a member of the NYPWA Board of Directors.
- Eileen Tiberio reported that fewer than 25% of hard-to-place cases are reported to the state because the state is not viewed as helpful. If we wish to have the state more accurately understand the scope of the problem it is worth making a formal notification to them at this link: <https://www.ccf.ny.gov/council-initiatives/hard-place-hard-serve-unit/>
- Violence and aggression were identified by districts as the most common impediment to placement. Some counties have more kids in OCFS custody because they end up committing a crime and charged as a JD after they didn't get the help they needed.

Medicaid Changes

- More people will be eligible for Medicaid long term care starting Jan. 1, 2023, when most of the spenddowns will go away. The changes were enacted in state budget for 2022-23.
- Some people will lose their current level of benefits for SNAP and/or HEAP.
- LDSS staff will have increased work starting Jan. 1, 2023, due to re-budgeting. The amount of work will vary with the number of spenddown cases per district. Staff must wait until Jan. 1, 2023, to act on re-budgeting requests.

Be proactive – take these 3 steps:

- Inform your TA supervisors so that they are prepared for SNAP and HEAP impacts in your district as people experience reduced benefits. Get ready for irate callers.
- Be aware that DOH sent first batch of CNS notices affecting MA spenddown cases on 12/10 and 2nd batch will go out on 12/17/22.

- Get PHRED reports. Your IT dept. may be a resource. The reports will tell you which clients were sent letters from DOH in December 2022. These are your spenddown cases.

Report ID: **ARTVIIOT1**

Title: ARTVII CNS Excess Income Letter Case List

Report ID: **ARTVIIOT2**

Title: ART VII CNS MSP Letter Case Listings

DOH Medicaid spenddown changes impact on benefit levels M-TAG, 12-6-22

Increase of Medically Needy Income Level to 138% FPL, effective January 1, 2023:

- “One-time December 2022 letter:” (DOH, M-TAG, Dec. 6, 2022, PowerPoint Slide 4)
 - To current Medicaid enrollees whose monthly income is compared to the Medically Needy income level and who have Excess Income. (e.g., individuals with a spenddown)
 - Can request LDSS review their current budget after January 1, 2023. Need to inform LDSS of current gross income + current deductions
 - Upon consumer contact, the LDSS will apply new Medically Needy Income Level to individual’s budget and inform individual of updated Excess Income calculation (e.g., spenddown obligation)
 - **District is required to perform this re-budgeting if the consumer contacts the LDSS to request an income recalculation**

Communications from NYS Health Department included the following:

- GIS 22 MA/11 (12/5/2022) - NYS enacted changes in the Medically Needy Income level (MNIL) will be 138% of the federal poverty level (FPL) effective January 1, 2023
- The NYS DOH is making the assumption that the Public Health Emergency will be renewed effective **January 11, 2023**, and last for a full 90 days. The federal administration has indicated that they will provide 60 days’ advance notice before ending the PHE. According to NYS DOH, If this new PHE extension is the last PHE extension, the 60-day advance notice would be issued to states on/about **February 10, 2023**, and the new assumed end date of the PHE would be **April 11, 2023**. Below is the PHRED (Production Hosting Reports & Enterprise Documents) Report the counties need: CNS notices will be sent out in 2 batches; first set on 12/10/22 and the next set on 12/17/22.

Workforce Challenges and Strategies

- Discussion on options identified: T&E exams, non-competitive classification, de-centralized exams for TA, and other ideas.
- OTDA is pursuing initiatives, but unclear what State Civil Service will support.
- Wages are not competitive. One county provided a 15% wage increase.
- OCFS workgroup - Joan Silvestri (Rockland), Eileen Tiberio (Ontario), Amy Cunningham (Onondaga DCFS) and others participated on the call in November. More are welcome.
- Overall, commissioners are interested in keeping a menu of options on the table. OTDA Commissioner Tietz is exploring temporary changes to civil service to address high vacancies and provisional appointments. As always, the commissioners focus on both TA and Services and have vacancies on both sides and they follow county-wide personnel policies, such that, they cannot make plans that conflict with county-wide policies.
- The University at Albany Social Work department is working on designing a template of questions through a structured interview. Interviews would be conducted by LDSS and would be pass-fail. Candidates will proceed to next step if they pass the interview.
- Overall, commissioners said that they wish to avoid adding layers to the process as they will never get through it all to hire. They want a wider net thrown not a tighter net. They want Training and Education (T&E) as streamlined as possible and not cumbersome. They remember early days when T&E was a review of one's resume. They want to mirror how districts hire attorneys. Confirm degree and work experience and then ask pertinent questions of importance to that district.
- We realize T&E is another type of exam but it has to be an efficient process or it won't help. We have to be mindful of the worthwhile purpose of civil service, which districts support, while finding ways to make it easy to hire. Everyone is seeking simplicity – the slowness of the process means candidates are hired elsewhere. They already have a T&E for psychologists and others that is a simpler process. Why not for local district staff?

Balloons Here, There and Everywhere

A festive balloon-filled dinner (decorated by mischievous elves: Queen Elf Tammy, Princess Kathy-Leia, Yoda-Yetter, and Kristen, Gatherer of Fish Rocks) celebrated Sheila's 27-year career as the NYPWA Executive Director with a compendium of kind words and a precious gift. The balloons appeared again at our meeting room on Thursday.

Mike Piazza, Commissioner, Putnam County from 1994 – present, has known Sheila since 1995 and he offered his remarks.

Gratitude from the Unsurpassable Mike Piazza, NYPWA Past-President 2001

When Sheila's plans to leave were announced at the summer conference, she mentioned that I was the only commissioner here when she started.

I want to offer my personal thanks to her based on the fact that if it had not been for Sheila, I would not have lasted 29 years as commissioner. Whether she wants credit for that or not, I don't know.

It must have been about 25 years ago, when a fellow board member at the time (Jane Rogers, Cortland) said "Sheila has a big, big brain." It was absolutely accurate. Her ability to understand information, synthesize it, to write it – she is a tremendous writer - and to take the arcane things that we have to deal with every day and make them understandable, and to guide us in the way that she has -- it is really a gift and it's been a gift to all of us.

Her intelligence, her memory, and especially her willingness to talk to us and to help explain things...she really helped me. We would have these calls after 5 o'clock. I would be saying that I live in a 'clown car' here and everything is crazy but then I would be able to maneuver and negotiate the situation thanks to what she was able to do for me.

And personally. I wanted to say that she has a tremendous sense of humor and *benevolent sarcasm*. I didn't want to just say sarcasm because then she might take offense and then say something sarcastic about it. Our sarcasm helped us get through so many tense times, and you know it helped just to make light of the insanity of the situation we are in sometimes. Personally, she has been so very important to me, through so many difficult times, and to all of us."

MORE

- Sheila announced that Paul Brady passed the "New Executive Director Training" exam with high marks due to getting all the Star Wars themed bonus questions correct. Then, Sheila gallantly, and cautiously, passed the **flaming torch** on to Paul to lead the way when he starts his journey as executive director on January 23, heading into the winter conference. A warm welcome and congratulations to our next Executive Director, Paul Brady, from all of us.
- NYPWA Jedi Master Yoda-Yetter was awarded a lightsaber to use for his Treasurer duties.
- Magic wands were given to commissioners to supplement their magic powers in 2023.
- Sheila thanked President Eileen Tiberio for her outstanding leadership, all of the commissioners for their support, and NYPWA staff Rick Terwilliger, Director of Policy & Communications (since 2013) as well as Nicole Gee, Administrative/Conference Coordinator (since 2007) for their incredible and exemplary service to the NYPWA.
- Sheila will make her contact information available to commissioners who wish to reach her after January 23rd when she emerges as a full-time writer. Her first book, newly titled, "Benevolent Sarcasm" will include a dedication to the NYPWA and to all the local social services commissioners in NYS. Your names will be changed to protect the not-so-innocent.