

Testimony by the New York Legal Assistance Group,

Oversight – Timeliness of Public Benefits Processing at the Human Resources

Administration, and in Support of

Int. 0641-2022 and Int. 0703-2022

Before the New York City Council Committee on General Welfare

December 15, 2022

Deputy Speaker Ayala, Council Members, and staff, thank you for the opportunity to speak to the Committee on General Welfare on the timeliness of public benefits processing at the Human Resources Administration, and legislation impacting public benefits applicants and recipients. My name is Abby Biberman, and I am the Associate Director of the Public Benefits Unit at the New York Legal Assistance Group (“NYLAG”).

NYLAG uses the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustices. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients, whose legal and financial crises are often rooted in racial inequality.

NYLAG's Public Assistance and SNAP Practice represents clients having trouble accessing or maintaining these benefits. We represent our clients at Administrative Fair Hearings and conduct advocacy with the Department of Social Services ("DSS"), Benefits Access and SNAP centers, and bring impact litigation to ensure that our clients are obtaining and maintaining an adequate level of benefits. Our Shelter Advocacy Initiative provides legal services and advocacy to low-income people in and trying to access the shelter system. We assist and advocate for clients who are already in shelter as they navigate the system and work towards exiting shelter and establishing and maintaining permanent housing.

I have worked with individuals and families who are attempting to apply or recertify for public assistance and SNAP benefits, in addition to families facing eviction who applied for or receive rental assistance administered by HRA. In conjunction with our Tenants' Rights Unit, we ensure that our clients obtain the benefits needed to pay arrears and stop their evictions. I appreciate the opportunity to offer the following comments.

1. Oversight

First, HRA is persistently delaying processing applications and recertifications for SNAP and Cash Assistance benefits, and our clients are left without benefits to feed and care for their families. Second, HRA is failing to

maintain functional systems both online and in person that enable SNAP and Cash applicants and recipients to obtain and maintain benefits.

There are three major problems related to processing of applications and recertifications: (1) failure to process the actual recertification and application forms; (2) failure to conduct the interviews; and (3) failure to index documents that clients submit to support their recertifications and applications for benefits.

First, HRA is failing to process the multi-page recertifications and applications that clients complete, sign, and submit, either online, by fax, mail, or in person. HRA testified about unprecedented need. HRA has a duty to these New Yorkers in need, and there are laws and regulations it must follow in serving clients. We have had an unprecedented number of clients over the past several months who have submitted their SNAP recertifications on time only to find out the following month that HRA has failed to process the paperwork and discontinued their benefits, often without notice. These clients must challenge the action at a Fair Hearing to have the discontinuance reversed, or they must reapply for benefits. Even if they request a Fair Hearing immediately, they have no right to aid continuing under the regulations, which would have allowed them to receive benefits while their hearing is pending, so they are without money to buy food. New benefits applicants and those reapplying for benefits (who are treated as new) are also experiencing delays. They complete their applications and do not receive a determination or

benefits to which they are eligible by the 30<sup>th</sup> day, as required by state law and regulations. They are simply left waiting for benefits they desperately need.

The delays we are seeing include emergency assistance applications for rent arrears (“One Shot Deals”). Clients report to us that they submit applications, usually online and never receive a decision from HRA. When NYLAG intervenes, we are often told that the application was never received by HRA’s Homelessness Diversion Unit, the department that processes emergency assistance applications. HRA is not transparent with advocates about where the breakdown occurs, and we are usually told that our clients must reapply, even when we have proof that they already submitted a complete application.

The delay in processing an application for cash assistance benefits also impedes their ability to apply for rental assistance programs to help pay arrears and ongoing rent. For both emergency assistance and rent subsidy cases, with the clock running in housing court, our clients are at serious risk of eviction when HRA delays in processing a recertification or new application.

Second, clients are unable to connect with caseworkers to complete the required phone interview. For Cash Assistance, HRA is supposed to call the client to complete the interview. Clients are not given a scheduled interview time and if circumstances lead them to miss the call, it is often impossible for them to connect with a caseworker again to complete the interview. The agency codes this as an

incomplete application or recertification and rejects the case. This contributes to administrative churn, causing some clients to temporarily lose benefits or to submit multiple reapplications before they are accepted. Meanwhile, as with the delay, these clients who are forced to reapply are missing deadlines to pay in housing court, losing out on rental supplement programs for which they are eligible, and at serious risk of eviction.

Finally, HRA routinely fails to index documents that are submitted online and via other methods, such a fax or in person. As a result, our clients are improperly denied benefits for failure to submit documents, or they are accepted for benefits at a much lower level than they should be based on their household income and expenses. For example, a client may be accepted for SNAP benefits due to their income, but a SNAP budget deducts expenses that they can document, such as rent. If the agency fails to index the documents they submit, it can result in the difference between a monthly SNAP benefit of \$20 or \$281 for an individual. For Cash Assistance recipients, most of the documentation is required to get approved for benefits, so the case will get rejected, and the client will need to request a hearing or reapply for benefits, or both.

## 2. Int. 0641-2022 Would Improve the Client Experience at Benefits Access and SNAP Centers, But HRA Needs to Improve In Person Case Management

Int 0641-2022, which would require all Benefits Access and SNAP centers to have an expediter on site at all times to assist clients with checking-in, would

improve the client experience for those who need in person assistance, but it does not go far enough. The queue management system will help our clients know when they will receive assistance and help them to manage their own time. Many of our clients must take time off from work to visit the center, seek childcare, or are forced to bring their kids with them. Giving them an idea of how long the wait will be an improvement and allow for better planning in light of other obligations.

Our clients rely on Benefits Access and SNAP centers, but they are not being served properly when they get there. In most cases, our clients visit the center because they either do not have access to technology, have not been able to complete the tasks they need to using Access HRA, or they have completed the tasks, but they have not been able to connect with anyone at HRA by telephone to complete the required interview. We know this, because our clients contact us understandably panicked about losing their benefits or needing immediate assistance to apply or reapply. These are clients who really need to speak with a representative when they go in person to a center, but instead they are directed to a kiosk, where they are told to apply or upload documents using the computer. Most of the time, our clients could truly benefit from and resolve their issues by meeting with a HRA caseworker to either have someone explain what they need to do, to physically accept and index their documents, or to help them complete a required interview. Therefore, an on-site expeditor would be an improvement, but what they also need is more in-person

case management. This will help to prevent more case closures, reapplications, and reduce fair hearings.

Finally, HRA's reliance on Access HRA and Infoline is causing too many clients to fall through the cracks. Many of NYLAG's most vulnerable clients, including seniors and the homeless, are not able not able to utilize these platforms, and need more comprehensive in-person assistance to apply for and recertify their benefits.

### 3. Int. 0703-2022 Would Improve the Administration of Rental Assistance Programs

NYLAG supports Int. 0703-2022, which would require HRA to submit quarterly reports on whether rental assistance payments are being made on time to landlords. A key component to maintaining stability in permanent housing is reliable rental assistance programs. NYLAG represents clients in housing court and people who are exiting the shelter system with rental assistance programs. Unfortunately, the clients who are even lucky enough to secure ongoing rental assistance frequently encounter problems after the initial payments are made. Our clients who rely on both FHEPS and CityFHEPS vouchers report that DSS often does not pay their rent on time and sometimes will discontinue rental payments without notice to the client or the landlord. We routinely represent clients who are in months of arrears without even knowing that the payments were not being made. Some clients don't learn that they are in arrears until the landlord serves them with a new

petition. NYLAG attorneys and paralegals conduct extensive advocacy with HRA to reinstate these programs and get retroactive payments issued to the landlord, but we are extremely concerned about the benefits recipients who do not have an advocate to help them. These individuals and families will end up back in housing court or in a shelter. Oversight and reporting on rental subsidies are steps in the right direction to improving administration of these programs.

We thank the Committee on General Welfare for the work it has done to facilitate services for vulnerable New Yorkers, and for holding this hearing and taking this opportunity to continue to improve the conditions for our clients. We hope we can continue to be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group



