

Testimony by the New York Legal Assistance Group,
Oversight – Public Benefits Processing Delays at the Human Resources
Administration, and in Support of
Int. 0567-2022, Int. 0647-2022, Int. 0651-2022, Int. 0652-2022, Int. 0741-2022, Int.
0902-2023, Int. 0910-2023
Before the New York City Council Committee on General Welfare
September 27, 2023

Deputy Speaker Ayala, Council Members, and staff, thank you for the opportunity to speak to the Committee on General Welfare on the delays in 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 (Supplemental Nutrition Assistance Program) 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. The Shelter Advocacy Initiative at NYLAG provides legal services and advocacy to low-income people in and trying to access homeless shelter placements in New York City. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process. We also assist and advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions and resources for their needs, and offer representation at Administrative Fair Hearings.

I have worked with individuals and families who are attempting to apply or recertify for cash assistance and SNAP benefits, in addition to families facing eviction who applied for or receive rental assistance administered by the Human Resources Administration ("HRA"), and households who have or need CityFHEPS to exit the shelter or maintain their permanent housing. Finally, I am co-counsel in *Forest v. City of New York*, a case against the city for delays and systemic barriers to

accessing and maintaining benefits. I appreciate the opportunity to offer the following comments.

1. Oversight

I testified before this counsel in December of 2022 about HRA’s persistent delays in processing applications and recertifications for SNAP and Cash Assistance benefits, and about how our clients were left without benefits to feed and care for their families. I spoke about HRA’s failing to maintain functional systems both online and in person that enable SNAP and cash assistance applicants and recipients to obtain and maintain benefits—including the failure to process paperwork, index documents, and conduct interviews—and how this affects a person's ability to apply for rental assistance to stop their eviction, and contributes to the churn¹ of applicants and recipients.

In January of 2023, NYLAG sued the City of New York for failing to comply with the law by not processing applications and recertifications and issue benefits in a timely manner, and for failing to maintain functional systems to allow applicants and recipients to apply or recertify for benefits. HRA must comply with the terms of the preliminary injunction and come into full compliance, meaning zero delays, by

¹ “Churning’ occurs when eligible families exit the program only to reapply for benefits within a short period of time” Rosenbaum, Dottie, *Lessons Churned: Measuring the Impact of Churn in Health and Human Services Programs on Participants and State and Local Agencies*, Center on Budget and Policy Priorities, March 20, 2015 available at <https://www.cbpp.org/sites/default/files/atoms/files/3-20-15fa.pdf>.

March 2024. As of August 31, 2023, over 32,000 households were still experiencing delays. I have concerns about HRA's ability to come into compliance.

HRA has repeatedly testified about having an unprecedented number of applications starting in March of 2020, recovering from a global pandemic, and persistent staffing issues. But the increase is not an aberration. It has been over three years. And yet, we still have not heard from HRA about a meaningful and effective plan to address these delays and comply with its legal mandates to process applications on time. New Yorkers in need are still waiting without benefits to which they are entitled. They are without money to buy groceries, and these delays cause eviction. Because of HRA's delays, we have more households facing emergencies, increased economic instability, and a higher number of applications for HRA to process, when these households do inevitably reapply for benefits.

I want to highlight some of the delays our office has seen, and the impact this continues to have on our clients.

The Process of Completing an Application or Recertification for Cash

Assistance and SNAP Benefits:

A client who seeks to apply or recertify for Cash Assistance or SNAP benefits must complete three steps before HRA makes a determination on their application. First, they must complete the application or recertification form itself. Next, they must submit any supporting documents needed to verify certain aspects of their

eligibility. Finally, they must complete an eligibility interview. 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. Our office has clients experiencing delays at each stage, but most recently we have been seeing problems with the indexing of documents and completion of the phone interview.

Indexing of Documents:

HRA routinely fails to index documents submitted online and via other methods, such as fax or in person. As a result, our clients are either repeatedly asked to resubmit documents, 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 \$23 or \$281 for an individual. NYLAG frequently receives referrals for clients experiencing these problems. Those clients are fortunate to have the information and knowledge or assistance from a social worker who has told them that they are eligible for more. Many recipients do not know that they are eligible for more or that they can challenge HRA to issue a higher level of benefits when they have made a mistake. 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.

On-Demand Interviews:

HRA recently implemented a new on-demand telephone interview system for people applying or recertifying for cash assistance. Previously, on-demand interviews were only available to SNAP-only clients. We are pleased that the agency took this step in an effort to create a more accessible and efficient telephone interview system, and we are hopeful that this will be an improvement for our clients. Most clients are now given a number to call, which they must do by a certain date, to complete their interview. Unfortunately, we are getting reports from our clients about extremely long wait times, never receiving a call back, and not being able to complete their interview in person if requested. Regarding the wait times, the automated message tells the client if the wait time will be over 45 minutes but gives no additional specificity. This makes it exceedingly difficult for clients who may be making this call while on a break from work. Further, we have had clients waiting over 2.5 hours to reach a representative. At certain times of the day, the caller is given the option to receive a call back, but they are not given an option about when they will receive that call, or any more than an approximately 2-hour window. Again, this is challenging for working people who need to know when they may have to go on break, if they are even permitted. Finally, our clients often report that they

requested a call back and never received one. We have reports that clients who go to a center to complete the interview in person are directed to a phone where they end up on the same phone interview queue as a call from elsewhere.

When the phone interview is not completed, HRA 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.

Emergency Assistance Grant (“One Shot Deals”):

Emergency assistance grants are available for rent arrears and other emergencies, such as utility arrears. NYLAG clients report that they submit applications for emergency assistance grants, usually online, and they never receive a decision from HRA. When NYLAG intervenes on an application for a rent arrears grant, we are often told that the application was never received by HRA’s Homelessness Diversion Unit (“HDU”), the department that processes these applications. We believe that the Benefits Access Center, which is part of the Family Independence Administration (“FIA”) is not sending all applications to HDU for processing. However, HRA is rarely transparent with advocates about what

transpired within the agency. The result is that a client applies, completes all steps for the application, and never receives a determination. What we are usually told is that the Rental Assistance Unit, which is part of HDU, cannot locate the application, and the client must start the entire process from the beginning by reapplying. For a household in housing court, they simply do not have time. They are already facing eviction. These are not cases denied by the Agency because they are not eligible. These are clients who are often eventually found eligible, but their application for assistance was just never processed, and the delay is extremely harmful.

CityFHEPS delays:

We are concerned about delays in processing updates to CityFHEPS cases. NYLAG routinely represent clients who are in months of arrears without knowing that their subsidy was not adjusted to reflect a rent increase. Some clients do not 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 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.

Mandatory Employment Appointments:

Starting October 2, 2023, HRA re-implementing mandatory employment, training, education, and other engagement activities. This will increase the calls to

HRA and visits to Benefits Access Centers when clients receive confusing notices, when they are unable to participate and need an evaluation, or when HRA reduces or discontinues their benefits because of failure to comply. We are seriously concerned about HRA's ability to manage this increase in phone and foot traffic when they are already failing to meet their legally mandated deadlines and cannot perform basic operations as it is.

Finally, NYLAG supports the passage of all the bills introduced at this hearing.

2. Int. 0567-2022, Prohibiting homeless families with children from being housed in private buildings with multiple class C housing maintenance code violations.
3. Int. 0647-2022, Requiring sheriffs and city marshals to report housing displacement to the department of social services/human resources administration to evaluate eligibility for legal counsel.
4. Int. 0651-2022, Precluding the department of homeless services from requiring a child's presence at an intake center when a family with children applies for shelter.
5. Int. 0653-2022, Requiring the dept of social services and the dept of homeless services to provide drug treatment services.
6. Int 0741-2022, Radiator inspections in homeless shelters.
7. Int. 0902-2023, Requiring the department of homeless services to provide process navigator services to every family with children entering an intake center.
8. Int. 0910-2023, Establishing a universal benefits application for city benefits and codifying Access NYC, and to repeal section 3-119.3 of the administrative

code of the city of New York, relating to a study on notification of public assistance eligibility

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

