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**REPORT ON LEGISLATION BY THE
SOCIAL WELFARE LAW COMMITTEE**

**A.4181
S.5753**

**M. of A. Hevesi
Sen. Ramos**

AN ACT to amend the social services law, in relation to the standards of monthly need for persons in receipt of public assistance.

THIS BILL IS APPROVED

The New York City Bar Association’s Social Welfare Law Committee (“the Committee”) supports A.4181/S.5753, which would amend the social services law to increase the cash allowance provided to a particular subset of homeless New Yorkers, those individuals and families living in shelters which serve three meals a day. The allowance given to individuals is called the "personal needs" allowance, and the allowance for families is called the "special needs" allowance. The amended law would raise the personal and special needs allowances from the current levels, which were set over 20 years ago, to levels comparable to what residents of congregate care facilities receive as an allowance for their personal needs. For example, under the proposed legislation, this would mean that for a family of three, the allowance would be increased from \$189 to \$322 per month. Although this will not completely update the grant levels in pace with inflation -- it is still just \$3.50 per day per household member -- it would mean that homeless children, their parents and other homeless individuals would for the first time in years receive an allowance that will enable them to purchase many of the important items needed for personal hygiene, including diapers, shampoo, menstrual products, over the counter medicine, and other necessities, such as clothing and laundry-related products.

BACKGROUND

New Yorkers who apply for “welfare” or “cash assistance,” often do so because of a change of circumstances such as the loss of a job, eviction, domestic violence or the onset of disabling medical or mental health condition. The assistance levels that households are eligible for depend on various elements of need, including household size, rent and utility costs, and whether there is other income in the household, such as wages from low-wage work.¹

When a family is homeless, the amount of the grant also depends on what type of shelter the family resides in. There are several types of shelter, including those that provide kitchen

¹ N.Y. Soc. Serv. L. § 131(a).

facilities in which households can cook meals for themselves, and those in which meals are provided. When a family is in a household with cooking facilities, they get the full cash grant for their family size, plus Supplemental Nutrition Assistance Program (SNAP) benefits to purchase food that they then prepare. In contrast, when the shelter provides meals, the family is eligible for far less. First, instead of a full cash grant, the family receives a personal or special needs allowance that is only for “clothing and incidentals.”² While the amount of the regular cash grant was increased state-wide over the period 2009-2011 for the first time since 1990, the amount of the personal or special needs grant for New Yorkers in shelters that provide meals was not increased at that time. At least since 1997, the State has set the “needs” allowance for this population annually at \$45 per month for a single individual and \$63 per month per household member for families with children. In other words, a mother and child living in a meal-providing shelter today must survive on a cash grant of only \$126 per month. Despite having meals provided, families may be eligible for some SNAP. This does not make up for the shortfall in cash however, because SNAP is only for the purchase of food.

Due to these inequities between assistance available to households in shelters that provide meals and those that do not, homeless adults and children in shelters that serve three meals per day nevertheless suffer from the horrific consequences of extreme poverty. Families in these placements have a difficult time surviving without experiencing overwhelming hardship and deprivation because the current level of the “needs” allowance is so low.

REASONS FOR SUPPORTING THE BILL

This bill is narrowly tailored in order to help some of the most vulnerable New Yorkers who have been surviving on far too little for far too long. Some of the key reasons this bill warrants enactment are discussed below.

1) The bill provides a justified update to the personal needs grant based on a common sense measure of need already used by the State

The personal/special needs allowance requires an update. While all recipients of cash assistance experience hardship because grants still fall well below the poverty level (even with the 2009-2011 increases), families in shelters that provide meals face especially tough circumstances. A family of two receiving \$126 per month have just \$4.20 per day to cover the cost of items not covered by SNAP. In contrast, a mother and child in shelter without meals receives \$290 per month in Cash Assistance, more than twice the level of the “needs” allowance for a family of the same size living in a shelter that serves three meals. Yet both families have the same needs for personal hygiene products, over-the-counter medicines and clothing.

² See 18 N.Y.C.R.R. § 900.17(a) (providing that “[l]ocal districts shall provide a monthly *special needs allowance* to families and to pregnant women residing in public or private Tier II shelters providing three meals per day” and sets forth a schedule by household size starting at \$63 for a household of one) § 352.8(c)(1) (providing that “[e]ach social services official shall provide an *allowance for monthly personal needs* for clothing and incidentals for recipients residing . . . under room and board arrangements or approved residential programs for victims of domestic violence in which three meals per day are provided . . .”) & § 352.8(f) (providing that “[a] single person who resides in a shelter for the homeless who has applied for and is found eligible for safety net assistance must be paid a monthly cash allowance of \$45, reduced by any available income. . . The remainder of said standard of need is to be met through the provision of items of need by the shelter”); see also NYS OTDA 18-INF-05 & 97-ADM-1.

The bill offers a common sense measure for determining the amount of the needed increase – the 2018 State levels for personal needs allowances available to residents of Congregate Care Level 1 facilities.³ Using that measure, the proposed bill increases the monthly needs allowance for homeless individuals residing in meal-providing shelters from \$45 to \$144. For families with children, the needs allowance is based on family size, with the grant for a family of three being raised from \$189 to \$322 per month. Like shelters providing meals, Congregate Care Level 1 facilities also provide meals for residents and staff support for populations with special needs.

2) Increased personal/special needs grants will help families find longer-term solutions to homelessness and save the State money spent on shelter.

In addition to providing economic assistance and helping to restore a feeling of dignity to the New Yorkers eligible for a personal/special needs allowance, the bill would both help families find exits out of the shelter system and help the State save resources spent on shelter.

Currently, the extreme deprivation suffered by homeless New Yorkers makes it even harder for them to find permanent housing and exit the shelter system. Social service districts require individuals and adult family members residing in all types of shelters to continuously search for employment and housing. Those living in shelters receiving the minimal needs allowance often face the impossible dilemma of whether to purchase bus or subway fare to get to a job interview or a real estate broker⁴ or items needed for their family’s health and well-being such as soap, aspirin for a feverish child, school supplies, or socks. Not only does the stress of these day-to-day decisions take an enormous toll on the adults making them and impacts the children in their care,⁵ not having enough to purchase essentials and get to job interviews or housing appointments makes it harder for these New Yorkers to find jobs and housing. Moreover, such deprivation can lead to hard choices for shelter residents – such as panhandling, turnstile jumping – carrying the risk of arrest and criminal penalties which make it difficult, if not impossible to secure stable housing and employment. The cost to both the individuals and society is enormous.

By giving impacted New Yorkers grants that would enable them to fill in the gaps in transportation and apartment search costs while still meeting their families’ basic needs, New York would be helping these families find the jobs and housing they need to exit shelter. Aside

³ See NYS OTDA 18-INF-05. Congregate Care 1 facilities are State certified Family Homes for Adults and Family Care Homes.

⁴ Social service districts can provide an apartment search allowance and work-related carfare to shelter residents, but only in instances where there is a monitored apartment search or pre-approved work activities. Thus, if a shelter resident has not yet been assigned an employment related activity by the social services district, she will not be in receipt of a carfare allowance to attend a job fair, for example. Even in circumstances where shelter residents are eligible for these additional allowances, the social service districts do not consistently provide them to many eligible households.

⁵ Research has shown that in conditions of scarcity of money, mental bandwidth and problem-solving skills decline. See Mani, A., Mullainathan, S., Shafir, E., & Zhao, J. (2013). Poverty impedes cognitive function. *Science*, 341, 976–980.

from the personal benefit to these families, such a result stands to save the State money on the exorbitant cost of shelter, currently \$3,936 per month on average for a family in a Tier II shelter that serves meals.

CONCLUSION

For the reasons cited herein, the Social Welfare Law Committee encourages the Legislature to take action to ensure that all New Yorkers living in homelessness are provided the basic assistance any family needs to be as healthy and cared for as possible in difficult circumstances, and in so doing facilitate ending homelessness for such families and saving the State money spent on shelter/temporary assistance. The proposed legislation warrants the Legislature's attention and support.

Social Welfare Law Committee
Susan E. Welber, Chair

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