

**Welfare to Work Commission
Of the Suffolk County Legislature**

Minutes of the February 19, 2010 Meeting

Present: Richard Koubek, Chair; Kathy Liguori, Vice Chair; Idania Aponte; Ellen Krakow; Jack Caffey; Bridget DePasquale; Don Friedman ; Judy Cahn; Roland Hampson; Vincent Cassidy for Pam Killoran; Frank Casiglia; Eric Lopez; Rob Greenberger; Peter Barnett;

Excused: Gwen Branch; Nina Leonhardt; Jane Devine; Michael Haynes; Joan Grant; Peggy Boyd; Mike Stoltz

Guest: Ali Nazir for Legislator John Kennedy

1. **Minutes:** The minutes of the January 15th meeting
2. **Commission's 2010 Goals:** Chair Richard Koubek presented the draft 2010 Commission goals that were developed in consultation with the committee chairs. After a brief discussion, the goals were adopted unanimously on a motion by Jack Caffey, seconded by Rob Greenberger. (The goals appear below in the 2010 report to the Legislature.
3. **Commission's 2010 Report to the Legislature:** Again on a motion by Jack Caffey, seconded by Kathy Liguori, the Commission adopted the draft 2010 report to the Legislature which appears below.
4. **Child Care Committee:** Chair Kathy Liguori reported that the Child Protective Services communication meetings will resume in March or April. She further reported that the County had received its federal stimulus funds which helped to significantly reduce the number of families on the waiting list for subsidized child care from about 900 to about 200. She also reported that the 2010 state budget may require counties to pay a larger portion of their Title XX child care expenses that were previously paid with State funds.
5. **2010 Staffing Report:** Roland Hampson presented the Commission with the 2010 SCDSS staffing report that compared staffing levels in January 2010 with June 2009. Richard Koubek prefaced the report by citing legislative Budget Review Office January 29, 2010 memo to Legislator Kate Browning showing that "the number of vacancies throughout DSS decreased from the November level of 194 to the January level of 158...with the overall vacancy rate decreasing from 10.9% in November 2009 to 8.8% in January 2010." Mr. Koubek further noted that while the vacancy rate tends to go down each year due to end-of-the-year hires, the January 2010 vacancy rate of 8.8% was considerably below the 2009 vacancy rate in March 2009 of 12.9% that the Commission had reported to the Legislature on April 23, 2009. Mr. Hampson then presented his 2010 staffing report with these highlights:
 - a. SCDSS Commissioner Greg Blass has requested that the County fill 25-33% of the vacancies between January and June, 2010.

- b. The Client Benefits staff remained at 318, June 2009 compared with January 2010, despite the TA caseload rising from 27,715 to 31,097 and the Food Stamps caseload rising from 27,715 to 31,097, and despite the approval of 20 new Client Benefits positions last summer. This is due to the large number of SCDSS retirements.
 - c. The Days to Disposition for applications improved significantly during this period: 55 days to 36 days for FA applications; 60 days to 38 days for SN applications; 19 to 13 days for FS applications.
 - d. Jack Caffey stated that the improved staffing at SCDSS can be attributed to the efforts of Commissioner Greg Blass. Richard Koubek agreed, but noted that the staffing situation requires on-going monitoring by the Commission. When questioned on the specifics of using temporary staff, Mr. Hampson did not have the information available but offered to provide division-specific use of temporary staff on a monthly basis for one division per month. This offer was well received. Mr. Koubek further requested that, if possible, the Commission receive monthly reports on permanent staffing for each unit in the Client Benefits Division.
6. **Sober Homes Committee:** In the absence of co-chairs Michael Stoltz and Peggy Boyd, Richard Koubek reported that several focus groups have been or will be held to enhance the formal testimony provided during the October 2009 public hearings. These groups will include treatment providers and sober homes providers. He pointed out that one of the key findings from a focus group was that the New York State Office of Substance Abuse Services (OASAS) has a type of regulated, community-based supportive housing which has minimal treatment and supervisory requirements, yet is bound by OASAS regulations that he thought might be applicable to sober homes. He noted that the current issue of Newsday contains a story about a federal court decision that struck down the 2003 Suffolk County law regulating sober homes on the grounds that it violated the federal Americans with Disabilities (ADA) and Fair Housing Acts. This law, which limited all sober homes to six residents, regardless of the size of the house, included public hearings involving municipality leaders and neighbors in the site selection process; required a 24/7 on-site certified manager as well application fees and annual licensing fees and unannounced inspections, had never been enforced pending the outcome of this decision. Committee member Ellen Krakow from Nassau Suffolk Law Services, the agency that filed the suit, then provided the Commission with an overview of the decision:
- a. The judge held that any legislation regulating sober homes must surpass a “strict scrutiny” test, meaning that the restrictions/requirements in the law must (1) further a legitimate government interest (e.g. public safety) and (2) must be the “least discriminatory” means of furthering that legitimate public interest. This “strict scrutiny” test is a very high level of judicial review and one that will make it quite difficult to successfully defend in court any new sober house legislation if that new legislation is challenged for violating the ADA or the Fair Housing Act.
 - b. The judge criticized the Legislature for developing the 2003 law without consulting the County’s Director of Community Mental Hygiene Services and criticized the County for relying in the litigation on lay, anecdotal

evidence (i.e. citizen petitions and statements made by neighbors and civil leaders at legislative meetings) rather than on more reliable and verifiable evidence, such as official studies, to demonstrate that sober homes actually posed the public safety problems the County had alleged.

- c. Don Friedman agreed that in-court anecdotal evidence can be useful but is often insufficient to prove a fact. He further stated that the decision reinforced existing law which prohibits municipalities from adopting specific regulations targeted at a protected class of disabled people such people suffering from substance abuse addiction. He also noted that such laws are more likely to survive challenge if they apply to all housing.
 - d. Some members of the Commission asked why other State agencies that provide community residences, including OASAS and OMRDD, can regulate their housing. Ellen Krakow said that the residences regulated by OASAS are different because they are residences that provide treatment services in addition to housing. Likewise, OMRDD housing provides beneficial services and oversight within the homes that the profoundly developmentally disabled population unquestionably needs.
 - e. Richard Koubek suggested that Robert Briglio, who argued the case for Nassau/Suffolk law Services, be invited to address the Commission to explain the implications of the decision. He noted that the Commission's report to the Legislature might outline recommendations for adopting a County sober homes law that would not violate federal ADA and Fair Housing laws. He also suggested that the Legislature's attorney, George Nolan, be invited to this meeting, or to address the Commission at a later time. Jack Caffey said that he would inquire about the proper role of the legislative attorney in these proceedings.
7. **Employment Assessment Committee:** Chair Rob Greenberger reported that the meeting in January with SCDSS staff continued to demonstrate productive discussion around policies and procedures to reduce sanctions through enhanced compliance with the ADA regulations. The Committee will meet again in February.
 8. **EFSP Cut:** Richard Koubek pointed out that the cover story in today's *Newsday* called attention to the loss of \$1 million in federal Emergency Food and Shelter Program (EFSP) funds to Suffolk County due to federal regulations that require counties to obtain unemployment and poverty data to qualify for EFSP funds only from incorporated governmental units. Since Nassau has several such incorporated villages with high unemployment and poverty rates (Freeport, Westbury and Hempstead) they qualified for EFSP funds. Since Suffolk has fewer incorporated villages, with poverty concentrated in unincorporated hamlets such as Wyandanch, Brentwood and Mastic/Shirley, they did not qualify for EFSP funds. Peter Barnett, a member of the Local EFSP Board, reported that Senator Hilary Clinton had previously addressed this disparity, and that Senators Charles Schumer and Kirstin Gillibrand are expected to do so. He said that the formula must be changed and that alternate funding must be found for 2010.
 - a. Mr. Koubek reported that the New York State EFSP Set-aside Committee may be able to restore only about \$300,000 of the EFSP funds.

- b. There ensued a discussion about how the loss of EFSP funds will negatively impact nonprofit agencies that administer these funds for emergency food, shelter and utilities needs. Several Commission members are slated to lose EFSP funds including Catholic Charities, the Gerald Ryan Outreach Center, the LI Council of Churches, The INN, Family Service League and LI Cares.
 - c. A motion was made by Ellen Krakow, seconded by Roland Hampson, that a letter be crafted to protest Suffolk County's loss of the EFSP funds. The motion passed unanimously.
 - d. Mr. Koubek asked Commission members to document how the lost funds will reduce services. He stated that a draft letter would be circulated for comment and then a vote would be taken by email. (Note: the approved letter is below. The letter passed on March 1st an email vote: 15 Yes; 0 No; 2 Abstentions (Pam Killoran and Roland Hampson).)
 - e. Mr. Koubek thanked Roland Hampson and Commissioner Blass for pursuing the EFSP issue and for helping to bring the issue to public attention. Mr. Hampson thanked the Commission for their assistance.
9. **Next Meeting: Friday, March 12, 9:30 AM** in Conference Room A of the SCDO One Stop Center.



**Annual Report to the Suffolk County Legislature
On the 2009 Activities of the
Welfare to Work Commission of the Suffolk County Legislature**

February, 2010

As required by the 15th Resolve of Resolution No. 181-2003, the Welfare to Work Commission of the Suffolk County Legislature is pleased to submit its annual report containing the Commission's goals for 2010 and a summary of its activities for 2009.

Commission 2010 Goals

1. Prepare a report to the Suffolk County Legislature on sober homes, based on the two public hearings the Commission held on this subject in October, 2009, with recommendations on policies and procedures to improve the oversight and delivery of services at sober homes in Suffolk County.
2. Continue to focus on the quality, availability and affordability of child care for working poor families and to explore policies and procedures to improve communication between child-care providers and the Suffolk County Department of Social Services (SCDSS) Child Protection Services Division.
3. Continue to assess evening hours at SCDSS centers.
4. Continue to assess staffing levels at SCDSS and the Suffolk County Department of Labor (SCDOL.)
5. Continue to assess the SCDSS and the SCDOL Employment Program with special attention to the work rules in the federal Temporary Assistance to Needy Families (TANF) regulations and, where appropriate, make recommendations to each Department and to the Suffolk County Legislature and to the Suffolk County congressional delegation.
6. Work with SCDSS regarding intake assessment forms and procedures, in conjunction with the possible release of a new Office of Temporary and Disability Assistance (OTDA) assessment tool, so as to improve mental health and chemical dependence assessments, compliance with the federal Americans with Disabilities Act requirements and ultimately, reduce the number of sanctions at SCDSS.
7. Work with SCDSS to create special trainings and lines of communication for non-profit organizational staff to expedite the SCDSS applications and services of their clients.
8. Revisit the 2007 *Affordable for Whom?* Commission report on affordable housing to determine the degree to which Commission recommendations have been implemented.

Commission 2009 Activities

SCDSS Evening Hours: The Commission's 2009 goal "to continue to explore opening SCDSS centers one evening a week" to accommodate working poor people was pursued throughout the year by the Commission. In December, 2008, the County Executive ordered a plan to be implemented in February, 2009 for evening hours on a rotating basis that closes each center on the morning that it is open in the evening. The Commission formally recommended that both the Legislature and the Executive resolve their disagreements over this policy, which they did, and the policy was implemented in February, 2009. The Commission monitored the policy and ascertained that the initial publicity about evening hours went primarily to people receiving Public Assistance rather than working poor people. A SCDSS Evening Hours Committee was created to design a new SCDSS evening hours publicity flyer using language and identifying programs that appeal to working poor people who might not typically think of themselves as candidates for SCDSS assistance.

- The flyer was released in the fall of 2009. It has been placed on the website of LIPA and a reference to the new evening hours was included in a LIPA advertisement about programs for the working poor that was published on January 19, 2010.
- SCDSS also created a public service announcement that is running on local radio stations. And Legislator Kate Browning held a press conference with the Commission, the Suffolk County Executive and the SCDSS Commissioner in December to reinforce the availability of evening hours.
- Unfortunately, neither LIPA nor National Grid included the new evening hours in their important November, 2009 billing insert which contained programs to help working poor people.
- Evening hours will be assessed by SCDSS in February, 2010.

Understaffing at SCDSS and SCDOL: The Commission's 2009 goal to "continue to assess staffing levels at SCDSS and the Suffolk County Department of Labor" was addressed throughout the year. The Commission continues to receive quarterly reports on SCDSS staffing levels from the legislative Budget Review Office. In April, the Commission presented a report from its Staffing Committee to the Health and Human Services Committee indicating that patterns of understaffing persisted into 2009. The report was well received by the Health and Human Services Committee. In the summer of 2009, County Executive Steve Levy authorized the hiring of 20 additional staff for the Client Benefits Division and 8 additional Child Protective Services (CPS staff.) The Commission sent a letter to the Health and Human Services Committee in September commending the County Executive for adding much-needed staff at SCDSS and noting that there may be a correlation between understaffing and delays in the processing of SCDSS applications. The Commission will continue to monitor staffing throughout 2010.

Sober Homes: Legislator Kate Browning brought to the attention of the Commission, in the spring of 2009, the issue of unregulated sober homes. Many of the residents of these homes are Public Assistance clients. In assessing the issue, the Commission learned that the residents of sober homes are protected by the Americans with Disabilities Act (ADA) and the federal Fair Housing Act because they are chemically dependent. Additionally, the Commission learned that the New York State Office of Alcohol and Substance Abuse Services (OASAS) does not have and has not sought the statutory power to regulate sober homes because these homes do not provide treatment, which is the purview of OASAS. The Commission therefore formed a Sober Homes Committee that planned two public hearings on sober homes in October, 2009 which produced nine hours of testimony from 35 presenters, many of them experts in the field. Additional testimony was filed with the Office of the Clerk of the Legislature and the Sober Homes Committee is conducting focus groups with individuals and groups that were not able to testify at the formal hearings. The Sober Homes Committee hopes to have a formal report by May of 2010, containing recommendations on policies and procedures to improve the oversight and delivery of services at sober homes in Suffolk County. This report will be presented to the Legislature and the issue of sober homes will be monitored by the Commission throughout the year.

Employment Assessment: Two other goals of the Commission in 2009 were to “continue to assess the SCDSS and SCDOL Employment Program with special attention to the work rules in the federal Temporary Assistance to Needy Families (TANF) program and to “work with SCDSS regarding intake assessment forms and procedures...so as to improve mental health and chemical dependence assessments, compliance with the federal Americans with Disabilities Act (ADA) requirements and ultimately, reduce the number of sanctions at SCDSS.”

- Regarding the TANF statute and regulations, Commission recommendations made in 2008 were reviewed and it was agreed that this issue would be pursued in 2010 as the new administration in Washington prepares for TANF reauthorization in 2011. The Commission receives periodic updates on TANF proposals from member Don Friedman of the Empire Justice Center which is working with State and national coalitions to assess whether TANF regulations could be less punitive. The Commission’s Employment Assessment Committee will prepare specific recommendations for federal action that will be shared with the Suffolk Legislature and Suffolk Congressional delegation.
- Regarding the SCDSS intake and assessment forms and procedures, the Commission’s Employment Assessment Committee meets on a regular basis to examine existing policies and procedures with respect to the ADA. In December, 2009, a special meeting took place during which Committee members, representatives from Suffolk County’s Office of Handicapped Services and Department of Law as well as SCDSS, and Cary LaCheen of the National Center for Law and Economic Justice, discussed pertinent ADA issues with respect to SCDSS and SCDOL. This constructive dialogue will continue in 2010.
- The Employment Assessment Committee reviewed the biennial Temporary Assistance and Food Stamps Employment plan (the blueprint for SCDSS welfare-to-work policies and procedures required by OTDA) and made only one recommended change which was accepted by SCDSS: that the Suffolk Works college policies be included in the plan.

Child Care: The Commission continued to monitor the federal and State under funding of subsidized child care for working poor families. Additionally, the Child Care Committee of the Commission met with SCDSS Child Protective Services (CPS) staff as well as representatives of the Child Care Council of Suffolk to consider ways to improve communication between child care providers and CPS regarding at-risk children. This issue will be pursued in 2010.

Conclusion: In July of 2009, the Commission welcomed the appointment of Gregory Blass as the SCDSS Commissioner and had a very productive dialogue with the new Commissioner on ways that the Commission and the Department can work together constructively on policies and procedures that will improve the delivery of services at SCDSS. The Commission meets monthly, always with a quorum, and has created several committees that also meet to pursue issues such as Sober Homes, Child Care, Employment Assessment and Staffing. The Commission members have worked tirelessly, and will continue to do so, to fulfill our legislative mandate to “evaluate and

make recommendations of federal, State and county policies and procedures to move people from welfare to work.”

Respectfully Submitted,

Legislator Kate Browning, Chair, Health and Human Services Committee
Richard Koubek, Ph.D., Commission Chair, For Legislator Kate Browning
Kathy Liguori, Commission Vice Chair, Tutor Time
Idania Aponte, The INN
Peter Barnett, Wyandanch Homes and Property Development Corporation
Peggy Boyd, Family Service League
Gwendolyn Branch, Long Island Council of Churches
Jack Caffey, For Presiding Officer William Lindsay
Judy Cahn, Eastern Suffolk BOCES
Frank Casiglia, Suffolk County Association of Municipal Employees
Bridget DePasquale, Catholic Charities
Jane Devine, Gerald Ryan Outreach Center
Don Friedman, Empire Justice Center
Joan Grant, EOC of Suffolk County
Robert Greenberger, FECS Health and Human Services System
Roland Hampson, Suffolk County Department of Social Services
Michael Haynes, Long Island Cares, Harry Chapin Food Bank
Pam Killoran, Suffolk County Workforce Investment Board
Ellen Krakow, Nassau/Suffolk Law Services
Nina Leonhardt, Suffolk County Community College
Eric Lopez, Suffolk County Department of Labor
Michael Stoltz, Clubhouse of Suffolk

Commission EFSP Letter

March 2, 2010

Dear _____ :

We write on behalf of the Welfare to Work Commission of the Suffolk County Legislature to express our strong disapproval of FEMA’s National Board of the Emergency Food and Shelter Program (EFSP) reduction of Suffolk County’s EFSP grant to zero, down from a total, with federal stimulus funds, of \$1.4 million in 2009. These 2009 funds were quickly utilized by non-profit organizations to assist Suffolk residents suffering the ripple effects of the national economic crisis that significantly impacted areas like Long Island which are tied to Wall Street. In December, 2009, over 100,000 Long Islanders were unemployed. We join with Senators Charles Schumer and Kirsten Gillibrand, with Suffolk County Executive Steve Levy and Nassau County Executive Edward Mangano and with the Local EFSP Board on Long Island in urging the National Board to immediately change the allocation formula to address impacted areas, including

those that are not incorporated, and to identify alternate funding to make up for the \$1 million in Suffolk EFSP funds lost for 2010.

On February 3rd, 2010, Island Harvest and LI Cares released the Long Island section of the *National Hunger in America 2010* report which showed a 21% increase in requests for help at food pantries and soup kitchens since the last report was released in 2006. Over 280,000 Long Islanders seek help at emergency food programs each year; 110,000 of them are children. Yet, these food pantries, outreach centers and soup kitchens will bear the brunt of the \$1 million loss in EFSP funds which cannot be restored by the State Set-aside program.

This critical loss in County-wide funds will result in many agencies reducing or eliminating services. Here are but a few examples of the impact on several agencies that hold seats on the Welfare to Work Commission:

- The Gerald Ryan Outreach Center in Wyandanch, which serves 600 families a month, is losing \$75,000 which, last year assisted 11,500 individuals who needed emergency food, averted the termination of utilities in 60 households and helped six households avoid eviction.
- The Long Island Council of Churches is losing \$61,622 which last year provided 76 families with emergency rent and mortgage assistance as well as hundreds of people with emergency food.
- Catholic Charities is losing \$133,397 which last year served 110 individuals and families with emergency rent or mortgage assistance.
- Family Service League, Inc. is losing \$94,000 which last year provided over 10,000 meals and paid rent arrears for 66 families.

One-fifth of Long Island households earn under \$40,000 a year which is the true poverty level for the high cost of living within our region. These struggling families have to choose each month between feeding their children and paying the rent. These are the families served by the programs that are slated to lose \$1 million in EFSP funds. On their behalf, we call on the National Board to act today to change the EFSP funding formula and to find alternate funding for the \$1 million in EFSP funds lost to Suffolk County.

Yours truly for the Commission,

Richard Koubek, Ph. D., Chair

Kathy Liguori, Vice Chair