

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

Minutes of the February 13, 2020 Meeting

Present:

Richard Koubek, Chair
Kathy Liguori, Vice Chair
Legislator Sarah Anker
Dorothy Cavalier, Office of legislator Sarah Anker
Jenn Hann for Legislator Sam Gonzalez
Ayesha Alleyne (Wyandanch Homes and Property Development Corporation)
Peggy Boyd (Family Service League)
Barbara Egloff (Eastern Suffolk BOCES)
Don Friedman (Empire Justice Center)
Greta Guarton (LI Coalition for the Homeless)
Michael Haynes (LI Cares/Harry Chapin Food Bank)
Arlene Jackson (Suffolk County Community College)
Richard Krebs (SC Department of Labor)
Nicholas DeBello for Christian Limbach, (SC Association of Municipal Employees)
Alicia Marks (Marks of excellence Child Care Center)
Traci Barnes for Commissioner Frances Pierre (SCDSS)
Donna Teicher for Dr. Jeffrey Reynolds (Family and Children's Association)
Jacki Powers for Michael Stoltz (Association for Mental Health and Wellness)
Jose Veliz (EOC-LI)

Excused

Christina DeLisi (Presiding Officer Robert Calarco); Kim Gierasch (Suffolk County Department of Health); Luis Valenzuela (LI Council of Churches); Beth Zweig, Nassau Suffolk Law Services

Guest: Ryan McGarry, Suffolk County Association of Municipal Employees

Absent:

Rachel Seiler (Community Development Corporation of LI)

1. **Minutes:** Chair Richard Koubek pointed out that the January Commission meeting had to be cancelled because there was no room availability at the SCDOL One Stop Center. A motion to accept the December minutes, made by Kathy Liguori, seconded by Peggy Boyd, passed unanimously.
2. **Commission and Legislative Leadership Changes:** Mr. Koubek stated that the Commission's protocol has been to elect a Chair and Vice Chair every two years, corresponding to the start of each two-year legislative session. He noted that the new Presiding Officer is Legislator Rob Calarco with Legislator Kara Hahn now the Deputy Presiding Officer. The Education and Human Services Committee has been renamed the Senior Services and Human Services Committee, chaired by Legislator Sarah Anker. Legislator Sam Gonzalez will serve as Vice Chair.
 - a. Legislator Anker greeted the Commission, thanked them for their years of service and expressed her interest in working with the Commission.
 - b. Vice Chair Kathy Liguori announced that she has retired from Habitots Child Care Center. Mr. Koubek expressed his deep gratitude for all Ms. Liguori's years of

service to the Commission. Ms. Liguori stated that she and Mr. Koubek are the last of the founding members of Commission when it was created in 2003. She expressed her gratitude for the many opportunities the Commission offered her to serve the people of Suffolk County, especially the children needing child care, and also expressed her sadness at leaving the Commission. Mr. Koubek stated that the Commission's child-care seat was created by Legislator Vivian Vioria Fisher in 2003 with the hope that a child-care provider would serve as the child-care industry representative. He stated that Ms. Liguori brought a business person's sensibilities to the Commission as well as her passion for the children served or needing service by child care providers. Ms. Liguori received a standing ovation.

- c. Mr. Koubek announced that he, Ms. Liguori, Legislator Gonzalez and Legislator Anker all recommended that the child care seat be filled by Alicia Marks, Executive Director of Marks for Excellence Child Care Center in Amityville. The child care seat is an appointment made by the Chair of the Senior Services and Human Services Committee of the Legislature. Ms. Marks was welcomed to the Commission and expressed her eagerness to serve.
 - d. A motion by Kathy Liguori, seconded by Richard Koubek, for Ayesha Alleyne to serve as Vice Chair of the Commission passed unanimously. A motion by Peggy Boyd, seconded by Greta Guarton, for Richard Koubek to serve as Commission Chair, passed unanimously.
 - e. Richard Krebs announced that this would be his last meeting as he is retiring from DOL. Mr. Koubek thanked Mr. Krebs for his years of service to the Commission and for his dedication to the clients served by DOL's SWEP program. Mr. Krebs received a standing ovation.
3. **Public Charge Regulations:** Mr. Koubek stated that this topic had been tabled in October when three federal courts issued injunctions blocking implementation of the new Public Charge federal regulations proposed by the Trump Administration. However, the US Supreme Court issued a ruling in January 2020 lifting these injunctions. The new regulations are scheduled to go into effect on February 24th. The Second Circuit of the US Court of Appeals will hear arguments on the merits of the case on March 3rd. Mr. Koubek then introduced attorney Don Friedman of the Empire Justice Center for an analysis of the new Public Charge regulations.
- a. **Public Charge Rules:** Mr. Friedman reported that in October 2018, the Trump administration published proposed changes to the Public Charge rules which were blocked in October, 2019 by three federal court injunctions, now lifted by the US Supreme Court. Existing federal Public Charge regulations deny Legal Permanent Residency status to person considered "likely to become primarily dependent on the government for subsistence." A Public Charge assessment is made when a person applies for a visa to enter the United States or when a person applies to U.S. Citizenship & Immigration Services to adjust their status to Legal Permanent Resident. Public Charge assessments are not done for:
 - DACA and TPS recipients
 - U.S. citizens
 - Lawful Permanent Residents (LPR)
 - VAWA (people admitted under the Violence Against Women Act)
 - Asylees and Refugees, or those with applications pending
 - b. **Changes in the Public Charge Rules:** Under the previous regulations, a person might be assessed as a Public Charge if he/she used Cash Assistance – Public Assistance or SSI

– for more than half their income for an extended period or if they required long-term institutional care paid for by Medicaid. Each Public Charge assessment considers the totality of the person’s circumstances. People can be rated more or less favorably depending on their age, employment status, education, income, health, credit rating, assets and savings, physical or mental disabilities, and English proficiency. In addition to this change, reliance on the following additional programs can now be taken into account in the Public Charge assessment process:

- SNAP (Food Stamps)
- Section 8 Vouchers
- Public housing
- Non-emergency Medicaid for people over the age of 21

Mr. Friedman stated that the new regulations will disproportionately affect the elderly, people with disabilities, children, women, people of color and other marginalized groups.

c. **Programs not included in the Public Charge Assessment:**

- WIC
- School Meal programs
- Child Health Plus
- Child-Care Subsidies
- HEAP
- Medicare
- Emergency Medicaid
- Health Clinics
- Food Banks
- Social Security Retirement and Social Security Disability
- Unemployment benefits and Workers Compensation
- School Financial Aid
- Receipt of Medicaid services during pregnancy and up to 60 days after pregnancy
- Receipt of public benefits (including Medicaid) by an active duty member of the U.S. Armed Forces and their families.

d. **Need for Public Education:** Mr. Friedman and Mr. Koubek both stated that the new Public Charge regulations are another example of the Trump Administration using fear and intimidation to discourage immigrants from entering or remaining in the United States. A key message which needs to be conveyed is that each person has to make an informed decision about applying for or continuing to receive public benefits. Mr. Koubek stated that he was on a conference call with advocates this week in which it was also made clear that the many exemptions to the new Public Charge rules have to be circulated to allay immigrants’ fears. Mr. Friedman distributed a draft Public Charge informational resource prepared by Cheryl Keshner of the Empire Justice Center. Members of the Commission suggested that the exemptions be placed high on this resource in order to calm the immigrant community. The Commission achieved consensus that the draft will be revised and finalized by Cheryl Keshner and Mr. Friedman, in consultation with other Public Charge experts, and then submitted for an electronic vote by the Commission. Upon adoption, the informational resource will be shared with Suffolk County and other legislators, DSS, DOL, DOH, nonprofit organizations that serve immigrants and other related agencies. [Note: the final draft – attached below – was submitted for an electronic vote on February 20th, on a motion by Mr. Friedman, seconded by Mr. Koubek, and passed: 12 Yes; 0 No; 1 Abstention - Arlene Jackson]

4. **Commission Goals for 2019 and 2020:** Mr. Koubek distributed the Commission goals for 2019 which the Commission reviewed, noting that almost all the goals had been achieved or undertaken in 2019. One carryover goal was an assessment of how poor people can overcome barriers to self-sufficiency. The Commission’s October discussion of mental-health assessments was reviewed as was the Commission’s December survey of case-management programs. Mr. Koubek suggested that the Commission consider a public hearing in 2020 on barriers to self-sufficiency, offering a different narrative from the popular but unfounded notion that most people are poor because they are lazy. Successful case- management models and mental-health treatment programs as well as educational, training and apprenticeship programs might be lifted up as vehicles for moving poor people into lives of self-sufficiency. Legislator Anker suggested that the hearings highlight success stories. Ms. Liguori stated that the hearings are an excellent vehicle for public education which is one of the primary mission objectives of the Commission. Mr. Koubek noted that some topics such as supportive housing are better suited for roundtable conversations or work group sessions with stakeholders rather than full public hearings because their content is very complex and sensitive. However, he stated, the Commission’s 2012 hearings on Suffolk poverty were very successful in capturing media and government attention while yielding an important report to the Legislature. He proposed that this topic be taken up at the March meeting when the Commission establishes its 2020 goals.
5. **2020 Meeting Schedule:** The following 2020 meeting dates were established for the Commission:
 - March 12th
 - April 9th
 - May 14th
 - June 12th
 - July 10th
 - August 13th
 - Sept. 10th
 - October 8th
 - November 13th
 - December 10th
6. **Next Meeting:** Thursday, January 15, 2020 (Cancelled due to the unavailability of a meeting room)

Public Charge Informational Resource

Suffolk County Legislature



WELFARE TO WORK
COMMISSION
Of the Suffolk County
Legislature

The New Federal Immigration Rules on Public Charge: Who’s Impacted ... And Who’s Not?

Recently, the federal government announced that there will be changes to the “Public Charge” rule. Even though these changes take effect on February 24, 2020, the courts are still deciding whether this is legal, so there may still be changes in the future.

We do not want you to go hungry or to put your health or your family’s health at risk. *Here is some information which may help you understand what type of help is available and whether these changes may affect you*

or your family members. It is also important to remember that the public-charge rules will not change your eligibility for benefits.

WHAT IS PUBLIC CHARGE?

When a person applies for legal permanent residency (“green card”) or certain types of visas to enter the United States, immigration authorities may consider whether that person can support him or herself. If they believe the person has depended upon certain government benefits, or is likely to depend on those benefits over a long period of time, they may consider that person to be a “Public Charge” and may not grant him or her a green card or visa. Other factors considered include age, family size, income, education and health. *Using benefits alone does not make a person a Public Charge.*

CAN ALL IMMIGRANTS BE CONSIDERED A PUBLIC CHARGE?

NO! Immigrants with the following status (or many who have applications pending) **CANNOT** be considered a Public Charge:

- Legal Permanent Residents unless returning to the U.S. after 6 months or more abroad
- U.S. Citizens
- Refugees and Asylees
- Special Immigrant Juvenile Status
- U-visas and T-visas
- VAWA self-petitioners
- Immigrants with DACA and TPS are exempt unless they are adjusting their status to Legal Permanent Residency through a family-based petition

WHAT PROGRAMS AND SERVICES ARE SAFE AND WILL NOT PUT ME AT RISK OF PUBLIC CHARGE?

- WIC
- School Meal programs
- Child Health Plus
- Child-Care Subsidies
- HEAP
- Medicare
- Emergency Medicaid
- Health Clinics
- Food Banks
- Social Security Retirement and Social Security Disability
- Unemployment benefits and Workers Compensation
- School Financial Aid
- Receipt of Medicaid services during pregnancy and up to 60 days after pregnancy
- Receipt of public benefits (including Medicaid) by an active duty member of the U.S. Armed Forces and their families.

WHAT BENEFITS MAY PUT ME AT RISK OF BEING A PUBLIC CHARGE?

In the past, benefits which have been reviewed when considering Public Charge have included:

- Cash assistance (Temporary Assistance, Safety Net Assistance and SSI)
- Long-term institutionalization which was paid by Medicaid.

Using these benefits alone does not make a person a Public Charge.

WHAT OTHER PROGRAMS COULD NOW BE CONSIDERED UNDER THE NEW RULES?

These programs may only be considered from 2/24/20 forward and are **NOT** retroactive. This means if you used these benefits before then, it will not count against you.

- Section 8 Housing Subsidies
- Public Housing
- SNAP (Food Stamps)
- Non-Emergency, federally-funded MEDICAID for adults (age 21 and up).

WHAT ABOUT STATE-FUNDED MEDICAID?

In NY State, many immigrants qualify for Medicaid even if they are not legal permanent residents. State-funded Medicaid is **NOT** counted as a Public Charge. The Essential Plan is also not considered for Public Charge. Most immigrants should be able to keep their health insurance without penalty.

WHAT IF I ONLY GET BENEFITS FOR MY CHILDREN?

Benefits received by your children or other family members who are not applying for a green card will **NOT** be counted as a Public Charge and are safe to use. You do not have to cancel services received by your children.

IF I APPLY FOR HELP, WILL MY INFORMATION BE KEPT CONFIDENTIAL?

The Department of Social Services and health care providers are required by law to keep your information confidential.

WHO SHOULD I CONTACT IF I HAVE ANY QUESTIONS?

Please contact the following organizations if you have any questions about Public Charge. Help is available in many languages: *NY State Office for New Americans at 1-800-566-7636, Empire Justice Center at 632-650-2306*. For further information about Public Charge:

www.protectingimmigrantfamilies.org