



Testimony of the Legal Aid Society
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“Barriers that Youth and Young Adults Face in Accessing Public Assistance”
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Introduction

The Legal Aid Society is pleased to have the opportunity to testify before the New York City Council’s General Welfare Committee on the important issue of barriers faced by youth and young adults seeking to access public assistance. This testimony was prepared jointly by Kimberly Forte, a staff attorney in the Legal Aid Society’s Juvenile Rights Practice Special Litigation and Law Reform Unit and Susan Welber, a staff attorney in the Legal Aid Society’s Civil Practice Law Reform Unit, who represents clients on a range of government benefit issues.

The Legal Aid Society is the nation’s oldest and largest non-profit law firm dedicated to serving low-income families and individuals.

The Society’s Juvenile Rights Practice (JRP) provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children’s rights and welfare in every borough of the City. Last year, JRP staff represented some 34,000 children. JRP’s perspective on issues raised in this testimony comes from daily contacts with children and their families and frequent interactions with the courts, social service providers, and State and City agencies. In addition to representing many thousands of children, youth and adults each year in trial and appellate courts, JRP also pursues impact litigation and other law reform initiatives on behalf of our clients.

The Legal Aid Society’s Civil Practice also has offices in every borough of the City, handling more than 30,000 civil matters for its clients each year and winning over 90 percent of the cases that go to court or an administrative hearing. An additional two million individuals benefit from the Civil Practice’s pending class action litigation. The Civil Practice works to improve the lives of needy New Yorkers by helping vulnerable families and individuals on issues ranging from health care, housing, employment and training, economic development, public assistance, immigration, domestic violence and disability-related issues.

Through Legal Aid’s Public Benefits practice, Legal Aid represents a large number of clients who are forced to rely upon public assistance to get through difficult times that are often caused by a change of circumstances such as unemployment, disabling medical and mental health conditions, domestic violence, homelessness or even the need for child care. Our clients usually have two goals when they seek out public assistance. In the short-term, they seek to

obtain and maintain subsistence income so they can keep a roof over their heads or end a period of homelessness and feed their children. In the long-term, they seek a path to a more stable income, whether through acquiring skills and education that will facilitate employment, finding paid employment directly or obtaining a more adequate level of public benefits they may qualify for such as Social Security.

Youth and Young Adults Face A Broad Range of Barriers to Accessing and Maintaining Public Assistance

As the General Welfare Committee is aware, New Yorkers of all ages and backgrounds face a broad range of obstacles to accessing basic safety net benefits, including cash assistance, Food Stamps and Medicaid, administered by the New York City Human Resources Administration (“HRA”). As the local and national economy continues to stagnate and unemployment benefits cease for the long-term unemployed, an increasing number of New Yorkers are eligible for and need public assistance. Yet, as HRA’s own statistics show, the increase in recipients lags behind the need. There are many causes for the gap between client needs and utilization of HRA administered benefits. Some of the every day reasons we see clients being turned away from Job Centers include a lack of accommodations for clients with disabilities seeking benefits; the lack of translation services available to clients who do not speak English and poorly trained workers who fail to apply properly eligibility rules concerning immigration status, domestic violence waivers and budgeting of work income. Most recently, staffing cuts resulting in long lines at welfare centers make even getting through HRA’s front door difficult for many clients.

Of course, young adult clients are not exempt from any such problems. In fact, they face even more barriers given their age and attendant lack of experience and other unique obligations, such as school. Accordingly, today we focus on the barriers to accessing public assistance particular to youth and young adults. We look at the issues in two distinct contexts: (1) young adults who are seeking to build a life independently, and (2) young adults who continue to live with a parent or guardian.

I. Issues Facing Young Adults Seeking To Open Their Own Cases

Young adults seek public assistance on their own – independent of their parents and guardians – for a variety of reasons, including aging out of foster care, needing to get out of the family home for a variety of reasons and becoming a parent of a young infant. Often these young adults are at a precarious stage in their lives: juggling the need to acquire education and skills and the experience of living on their own for the first time, meeting their expenses and sometimes even caring for a young child. The public assistance available to these young adults may be meager, but it can often make the difference between success – finishing school, raising a healthy baby, getting a decent job – and despair. Access is key, and yet, as highlighted below, we observe significant barriers to access for young adults seeking public assistance on their own.

A. HRA Denies Presumptive Eligibility To Teens Coming Out of Foster Care Causing Them to Lose Important Sources of Housing

Approximately 1,100 youth in New York City age out of foster care every year, and to ensure they do not age out to unstable housing or homelessness, these youth receive a priority

status when applying for public housing or Section 8 vouchers through the New York City Housing Authority (NYCHA). In order to complete an application with NYCHA, a young adult must show a source of income approximately three months after her initial application. Many foster care youth do not have sources of income because they are attending school (either high school or college). Some are parents of young children and do not automatically receive day care services for their children, which would allow them to work. Some foster care youth are eligible for SSI but cannot apply because they are in foster care and some are simply the victims of a difficult economy.

To assist these young people in applying for housing, as a result of intensive advocacy by JRP attorneys and other advocates, ACS and HRA have entered into an agreement whereby HRA will provide a presumptive public assistance (PA) eligibility letter for a foster care youth applying for housing. However, HRA has adopted unduly restrictive criteria for issuing such a letter. The letter is only available for youths who are turning 21, being discharged from foster care and who are parenting, have a disability, or who are unemployed and have been searching for employment for 90 days. It also applies to those young people who are enrolled in vocational training programs. "Youth who are turning 21" is defined as young people who are within 90 days of their 21st birthdays.

Because of the complicated and narrow HRA criteria for issuing a presumptive eligibility letter, many eligible young adults have a difficult time obtaining a letter. This has severe adverse consequences for young adults seeking to obtain their own housing. Because it can take several months to obtain housing, either through NYCHA or other available programs, foster care youth are encouraged by ACS to apply for housing at 19.5 years of age. However, a youth must apply for housing no later than 20.5 years of age to ensure she is determined eligible prior to reaching age 21. Unfortunately, applications for housing do not come with precise timelines. Neither the advocates nor ACS can predict when NYCHA will request proof of income. When HRA refuses to provide a presumptive eligibility letter because a youth does not meet the required criteria and the youth is unemployed, NYCHA will close her application and place an 18 month penalty on any reapplications. This penalty frequently lasts beyond a youth's 21st birthday, leaving her ineligible for the priority status when reapplying for NYCHA.

Given that these letters only show a "presumption" of eligibility, the strict criteria are inexplicable and, in many cases, eliminate the possibility of receiving one of these crucial letters.

Recommendation: The Council can require HRA to change the criteria for issuing a presumptive eligibility letter. The criteria should be that if a youth in ACS's care is applying for housing during the requisite period between ages 18 and 21 and that youth has no source of income at the time NYCHA requires proof of income, she will receive a presumptive PA eligibility letter. HRA may argue that this encourages a youth to use PA as default income and to not seek employment. However, ACS is responsible for assisting a youth to find employment and should be doing so until a youth turns 21 years of age. In our experience, the majority of our clients very much want to obtain jobs and be self-sufficient, but are often unable to do so despite their best efforts.

B. **HRA Worker's Misapplication of Basic Eligibility Rules**

Just as with many adults, a reason many teens/young adults face difficulties in opening their own cases is that they are misinformed and told by HRA workers that they cannot apply or are not eligible. All applicants, including young adults, should be given an application, and any help they need to complete it, regardless of whether they are eligible. See 18 N.Y.C.R.R. § 350.3(a) (providing the right to apply). Instead, teens/young adults are often told that they are not eligible simply because of their age. The message our teen/young adult clients receive from the agency is not to bother. Sometimes this message is accepted as the truth despite lawyers and social workers and other advocates telling the young adult that he or she is in fact eligible. It may take months for the young adult to reapply after being turned away erroneously, if he or she ever musters up the courage to try again at all.

Another variation on the misinformation given our clients is when they are told incorrectly that they cannot apply when their parents have an open public assistance case. This misinformation given to our clients is the result of inadequate training of HRA staff. This is most unfortunate since these line workers are the ones who have that first, critical contact with a teen/young adult applicant.

Youth with a goal of Another Permanent Planned Living Arrangement (APPLA) who are placed on trial discharge, defined as youth remaining in the custody of ACS but supporting themselves in the community, also find accessing public assistance difficult because of poor worker training. While on trial discharge, our clients are often turned away from applying for public assistance because individual HRA workers find that the youth is "in care." Although this can be corrected by letters and/or involvement from ACS and/or one of its foster care provider agencies, a young person who is clearly eligible for public assistance should not have to take extra, unnecessary steps due to an HRA worker's ignorance.¹

Recommendation: The Council can require HRA to issue a comprehensive policy directive dedicated to eligibility and other rules applying to teens and young adults and require HRA to train and monitor its staff on these rules. Advocates have long requested that HRA issue such a policy, and the agency has yet to do so. Such a policy would clarify the rules for workers and hopefully lead to more accurate information being provided to teens/young adults. Advocates could also use the policy to point HRA workers to their own rules in support of client advocacy efforts.

II. **Issues Facing Young Adults Within Families**

Teens and young adults who remain in the household of their parents or guardians are in no less need of assistance. These teens may be enrolled in high school, vocational education or college, or they may be working. They may also have their own young children and need the support of their families. As discussed below, such teens and young adults also face barriers that

¹ On a related note, the Council should be aware that young parents aging out of foster care do not automatically receive subsidized child care benefits from ACS, resulting in a barrier to work. If a young person gains employment but finds she cannot support her family while at the same time paying for child care, she cannot quit her job and then be eligible for PA and child care benefits. In fact, these youth are penalized for doing just that. To assist in reducing the number of youth aging out to homelessness, the Council should reexamine the requirements for obtaining subsidized child care NYC and take steps to address this inequity.

impact their lives adversely, and often the lives of those family members – parents, siblings and their own children – with whom they reside.

A. Unnecessary HRA Appointments Cause Disruption in Teen School Day To Comply With HRA Requirements

As you know, subject to some exceptions, adults are required to participate in mandatory work and training activities in order to be eligible for public assistance. However, children under age 16 are not required to participate in work activities; nor are young adults under the age of 19 who are attending full time secondary, vocational or technical school. N.Y. Soc. Serv. L. § 332(1)(b). Despite this statutory exemption to the work requirements, HRA routinely calls teens and young adults for mandatory work-related appointments at Job Centers. Such appointments are often scheduled in the middle of the school day requiring that a young person miss school to attend the appointment. The notices are often the first correspondence a teen public assistance recipient receives from the agency independent of his or her parent or guardian and can be very confusing.

Where a teen or young adult's school attendance has already been verified, and they are statutorily exempt from work requirements, calling such teens in for a work-related appointment in the middle of the school day is wholly unnecessary and disruptive to the teen's school attendance. The policy of calling in teens known to be exempt from work requirements based on school attendance should cease. Even when school attendance has not yet been verified, a mandatory call-in appointment is the most inefficient and onerous way of verifying whether the young adult is in school and exempt from work requirements. Especially when we believe a large number of the teens being called in for such employment appointments are enrolled in public, secondary school, HRA should give such youth the option of allowing the agency to verify school attendance in a more direct way – by simply contacting the Department of Education – and when verified, dispense with the employment appointment.

The impact of choosing mandatory call-ins in such circumstances – whether for the purpose of obtaining information or discussing employment requirements – is that there is a great risk that the teens/young adults will miss the appointment, especially if they are enrolled in school. The impact of missing such an appointment comes with a severe penalty. The teen/young adult will have her pro rata share of the family's benefits removed from the household's budget, and the family has to make their public assistance grant and work income stretch that much further to cover the teen/young adult's needs. Sometimes, the family's housing is put at risk. Housing subsidies such as the FEPS program require a certain number of public assistance recipients in the household to qualify for assistance that would cover the rent. When the family loses the assistance, their rent is not paid, and they are at risk of eviction.

A recent example of such a teen, is our client S.B. He is 18 and enrolled in his senior year of high school. He has five younger siblings, and his mother is disabled and receives SSI. HRA allegedly mailed him an appointment letter to come in to for a employment-related appointment. Only the family never received the notice from HRA because of a wrong address being used by HRA. Nor did the family receive the notice saying their benefits would be reduced. The client's mother only realized something was wrong when she went to pick up her benefits and learned that the case was sanctioned. Although HRA agreed to withdraw the adverse action at the Fair Hearing, the family is still facing problems. During the pendency of

the fair hearing, the advocate for the young man saw from the records brought to the hearing by HRA that he had missed a subsequent appointment, this time for fingerprinting, a month earlier. The family never received that notice either, and now the parties will need to have another fair hearing to straighten out the case. In the meantime, the family's landlord is not getting the full shelter allowance, and the family is at risk of eviction. All of this could have been avoided had HRA simply asked the Department of Education for verification of the child's school attendance.

Another young man, D.T., lives with his disabled mother, who is a client of Legal Aid. D.T. is in high school and was called in for a appointment to discuss how he would meet the agency work requirements (which he is exempt from due to his continued enrollment in high school). The appointment was at 9 a.m. and he could not attend because he had an exam that day. The family called the center to see if the appointment could be rescheduled, but they were told that someone had to come in for him. The disabled mother could not go in herself, and D.T. was called in for a conciliation appointment to explain. This appointment was scheduled for 10 a.m. This time, D.T.'s mother arranged for her brother, D.T.'s uncle, to attend the appointment. He brought in the proof that D.T. is in school full time school, and the family avoided sanction.

Recommendation: The Council can require HRA to closely examine its call-in policies for teens and report to the Council with a complete list of all appointments to which youths between the ages of 16-21 may be called in during school hours. Where school attendance verification has not otherwise been obtained and is needed to determine whether the teen is exempt from work requirements, teens/young adults should have the option of either signing a release allowing HRA to seek school public school enrollment information from the Department of Education directly or coming in for appointments at HRA Job Centers. When teens and young adults choose to be interviewed in person, HRA should designate special after-school hours appointment times, so teens and young adults do not needlessly miss school. The Council can require HRA to cease calling in teens and young adults whose school attendance is already verified and are therefore exempt from work requirements for unnecessary work-related appointments.

B. HRA's Failure to Advise Teens and Their Parents Regarding Public Assistance Options

Another difficulty faced by teens residing with their parents is a lack of information about their options for continuing to receive public assistance and the impact on their parent or guardian's case. The last thing many teen/young adults want is to cause their families to lose a basic source of support or face an insecure housing situation. Yet this is what happens when HRA fails to provide teens with basic information regarding their options.

A relatively recent Office of Temporary and Disability Assistance (OTDA) information letter spells out the options with relative clarity. See 10-INF-10. The State directive explains that when a teen turns 18 he is no longer a mandatory member of the family's household for public assistance purposes. Once turning 18, the teen/young adult may stay on the family's budget or not. If he or she wants to stay on the budget and is enrolled in school full time, he or she can do so until turning 19. After turning 19, he or she can receive benefits as his or her own case or in some circumstances, may remain on the family's case if he or she so chooses. Finally, if the teen/young adult wants no form of public assistance, that is an option too.

Instead of conveying these rules to young adults and their families, often they are simply told erroneously that the teen/young adult must stay on the case until they turn 21. The result is that teens/young adult are deprived of their autonomy, falsely believing their choices for education and work are only those offered by HRA. The other consequence is unnecessarily putting teens/young adults in conflict with the rest of their family when they are unable or unwilling to follow HRA rules. For example, when a 19-year-old who need not be on the case and would prefer not to be fails to comply with a welfare rule, not only does he or she lose his or her pro rata share of benefits, but the entire family's housing may be at risk. The sanction on the teen's case may cause a termination or reduction in the amount of rent that gets paid to the household's landlord. The family may fall behind in rent, and before long face eviction. Where the teens/young adults have choices, such conflict and adverse consequences can be avoided.

Recommendation: As recommended above, the Council can require HRA to issue a comprehensive bulletin that clearly lays out the options available to teens/young adults when they reach 18 and are no longer required to be a part of the family's public assistance household. HRA should also be encouraged to develop a one page information sheet, written in basic English and available in other languages, that can be distributed to teens/young adults and their families.

C. Misinformation to Youth about Food Stamp Finger Imaging Requirements

HRA is so oriented to setting up barriers to access for young adults that they have even done so for Food Stamp benefits – which are entirely federally-funded. For example, HRA went so far as to send out special call-in notices to 18 years olds who were in families receiving Food Stamps only – advising these 18 year olds to go to an HRA office to get finger imaged – but not bothering to tell these young adults that this requirement was actually not mandatory. In fact, according to Federal Food Stamp rules, HRA is not permitted to require these young adults to come in for finger imaging in between certification periods. HRA never explained in their notices to these young adults that they could wait until the family's next Food Stamp recertification to be finger imaged. See HRA Policy Bulletin 10-82 OPE.

Recommendation: The Council can require HRA to revise the call-in notices sent to 18 year olds being called in for finger imaging to say explicitly that such appointments are not mandatory.

D. HRA's Preventing Teens from Bringing Parent to Employability Interviews

Finally, numerous teen/young adult clients and their parents complain that HRA is prohibiting the parents from accompanying the teen/young adult to HRA appointments. The advantage to a teen/young adult who is unfamiliar with HRA rules of bringing a parent along to assist in completing documents, explaining preferences, raising questions and addressing concerns is obvious. Yet many teen/young adult clients are denied this option by HRA workers. To date, we are not aware of any HRA policy directive clarifying this rule for workers who interface with teen/young adult clients or any changes in appointment notices to simply state that a parent may accompany his or her child to such appointments.

Recommendation: HRA can be required to include language in its mandatory appointment notices informing teens/young adults and their parents that they have the option of bringing a

parent or guardian to their appointment. The Council can also require HRA to include the rules on bringing a parent to the appointment for a teen/young adult in the same comprehensive policy directive recommended above.

Conclusion

We at the Legal Aid Society remain available to answer any questions the Committee may have about the barriers teens and young adults seeking public assistance face. Thank you for this opportunity to present this information based on the experience of our clients.

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