

1702

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sens. DILAN, ADAMS, BRESLIN, DIAZ, DUANE, HASSELL-THOMPSON, HUNTLEY, KRUEGER, KRUGER, MONTGOMERY, ONORATO, PARKER, SAMPSON, SAVINO, SCHNEIDERMAN, STAVISKY, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend The Welfare Reform Act of 1997, in relation to collection of data relating to applicants for and recipients of public assistance programs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 1 and 2 of section 149 of part B of chapter
2 436 of the laws of 1997, constituting The Welfare Reform Act of 1997,
3 are amended to read as follows:
4 1. The department of social services or [its] successor agencies [and
5 the], THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF CHILDREN AND FAMILY SERVICES, department of labor, AND THE DEPARTMENT OF
6 HEALTH shall collect data related to the operation of public assistance
7 programs including, but not limited to, information that must be submitted
8 to the department of health and human services pursuant to the
9 personal responsibility and work opportunities reconciliation act of
10 1996 (P.L. 104-193) and any other provision of federal or state law or
11 regulations governing programs administered under title iv-a of the
12 social security act or the social services law. [Social] LOCAL SOCIAL
13 services districts shall assist each agency in accumulating such data in
14 accordance with instructions from the appropriate agency. FOR PURPOSES
15 OF DATA COLLECTION INVOLVING THE NUMBER OF EMPLOYED PERSONS, "EMPLOYED"
16 SHALL MEAN EARNING ONE HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY
17 LEVEL.
18
19 2. Each agency shall make reasonable efforts to collect and maintain
20 the data required pursuant to this subdivision. Data collection shall
21 begin as soon as practicable, but in no case later than upon the

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD05009-02-9

1 completion of the redesign of the welfare management system and the
2 completion of a welfare-to-work caseload management system. The respon-
3 sible agency shall collect the data related to applicants and recipients
4 of public assistance programs established pursuant to the personal
5 responsibility and work opportunities reconciliation act of 1996 (P.L.
6 104-193) and the social services law including, but not limited to, the
7 following:

8 a. Data related to applicants seeking public assistance including but
9 not limited to:

10 1. number of applicants accepted to participate in each program,
11 INCLUDING, BUT NOT LIMITED TO, THE NUMBER OF LEGAL ALIENS ACCEPTED TO
12 PARTICIPATE;

13 2. number of applicants who are denied public assistance and the
14 reason for denial, INCLUDING, BUT NOT LIMITED TO, THE NUMBER OF APPLI-
15 CANTS DENIED BECAUSE OF THEIR STATUS AS A LEGAL OR ILLEGAL ALIEN;

16 3. NUMBER OF APPLICANTS WHO APPEAL THEIR DENIAL OF PUBLIC ASSISTANCE
17 AND ARE GIVEN A FAIR HEARING;

18 4. NUMBER OF APPLICANTS WHO SUCCESSFULLY APPEAL THEIR DENIAL OF PUBLIC
19 ASSISTANCE AT THE FAIR HEARING LEVEL OR OTHERWISE;

20 5. number of applicants who were previous recipients of public assist-
21 ance on or after December 2, 1997 including length of time previously on
22 assistance; reason for initial termination; length of time between
23 termination and reapplication; and reason for reapplication; [and
24 4.] 6. number of applicants who have resided in the state for fewer
25 than twelve months at the time of application;

26 7. NUMBER OF APPLICANTS WHO WERE PREVIOUSLY EMPLOYED AND THE REASON
27 FOR LEAVING EMPLOYMENT;

28 8. NUMBER OF APPLICANTS WHO PREVIOUSLY RECEIVED SOCIAL SECURITY BENE-
29 FITS AND THE REASON THEY NO LONGER RECEIVE SSI; AND

30 9. AGE, SEX, MARITAL STATUS, AND NUMBER OF DEPENDENTS OF APPLICANTS
31 SEEKING PUBLIC ASSISTANCE.

32 b. Data related to recipients of public assistance including but not
33 limited to:

34 1. number of terminated recipients of public assistance and reason for
35 termination, INCLUDING THE NUMBER OF RECIPIENTS TERMINATED BECAUSE OF
36 THEIR STATUS AS A LEGAL ALIEN; [and]

37 2. NUMBER OF PEOPLE WHO USED TO RECEIVE PUBLIC ASSISTANCE AND NOW
38 QUALIFY FOR UNEMPLOYMENT INSURANCE; AND

39 3. number of recipients that move between public assistance programs.

40 c. Data related to work activities subsidized or otherwise sponsored
41 by the department of social services, its successor agencies, the
42 department of labor, or LOCAL social services districts including but
43 not limited to:

44 1. number of recipients participating in work activities;

45 2. number of recipients receiving an exemption from participating in
46 work activities;

47 3. the duration of and reasons for such exemptions;

48 4. number of participants receiving subsidized child care, INCLUDING,
49 BUT NOT LIMITED TO, THE TYPE OF CHILD CARE AND THE AGE OF THE CHILD, and
50 the number of exemptions granted due to lack of available child care;

51 5. RELATIONSHIP BETWEEN THE AVAILABILITY OF CHILD CARE AND PARTIC-
52 IPANTS SUCCESS IN THEIR WORK ACTIVITY;

53 6. the type of work activities;

54 [6.] 7. hours of work per week per recipient;

55 [7.] 8. duration of enrollment in such work activity;

56 [8.] 9. reason for termination from work activity;

1 [9.] 10. number of requests for administrative hearings related to
2 work activity participation including the nature of such requests by
3 general categories and the outcome of such hearings;
4 [10.] 11. number of participants receiving subsidized transportation
5 services;
6 [11.] 12. participant retention in work activities by type of work
7 activity;
8 [12.] 13. length of time before assignment to a work activity;
9 [13.] 14. number of recipients changing work activity assignments and
10 reasons for such changes; [and
11 14.] 15. expenditures by LOCAL social services districts in support of
12 work activities;
13 16. INCOME MADE BY RECIPIENTS IN THEIR JOB PLACEMENTS, INCLUDING AVER-
14 AGE HOURLY WAGE BY INDIVIDUAL AND BY HOUSEHOLD; AND
15 17. NUMBER OF NEW JOBS IN THE STATE AND THE NUMBER KNOWN TO BE FILLED
16 BY PUBLIC ASSISTANCE RECIPIENTS.
17 d. Data related to unsubsidized work activities including but not
18 limited to:
19 1. number of recipients hired;
20 2. initial rate of pay by either annual salary or wage basis;
21 3. retention rates;
22 4. LENGTH OF TIME FOR EACH PLACEMENT;
23 5. means of obtaining unsubsidized employment including, but not
24 limited to, referral by the LOCAL social services district and direct
25 contact with employer; and
26 [5.] 6. number of participants receiving subsidized child care and/or
27 transportation services, INCLUDING BUT NOT LIMITED TO THE TYPE OF CHILD
28 CARE AND THE AGE OF THE CHILD AND THE TYPE OF TRANSPORTATION.
29 e. Data related to recipient training and education activities
30 including but not limited to:
31 1. number of recipients in training or educational activities by type
32 of activity;
33 2. number of recipients mandated to attend training or education
34 activities that fulfill work participation requirements;
35 3. length and duration of training or education activity including the
36 number of hours per week and duration;
37 4. number of recipients receiving subsidized child care and/or trans-
38 portation services, INCLUDING, BUT NOT LIMITED TO, THE TYPE OF CHILD
39 CARE AND THE AGE OF THE CHILD AND THE TYPE OF TRANSPORTATION;
40 5. number of recipients transferred to work activities;
41 6. to the extent available, the number of recipients who obtain work
42 directly from training or education activities including starting salary
43 and employee retention rates; and
44 7. expenditures by LOCAL social services districts in support of
45 training and education activities.
46 f. Data related to recipient sanctions including but not limited to:
47 1. number of sanctions, by type of sanction;
48 2. number of sanctions with defined minimum period, by type of sanc-
49 tion;
50 3. average length of sanction until recipient compliance, by type of
51 sanction;
52 4. amount of sanction, by type of sanction;
53 5. period of time starting on or after December 2, 1996 that the
54 participant was in the program prior to the sanction;
55 6. number and outcome of administrative hearings related to sanctions,
56 by type of sanction; [and]

1 7. number of sanctions against entire assistance unit;
2 8. NUMBER OF SANCTIONS GIVEN TO RESIDENTS WHO CLAIM THAT THEY DID NOT
3 HAVE THE TRANSPORTATION NECESSARY TO MAKE IT TO THEIR PLACEMENT;
4 9. NUMBER AND TYPE OF SANCTIONS IMPOSED ON RECIPIENTS WHO LATER
5 REQUESTED A FAIR HEARING; AND
6 10. NUMBER AND TYPE OF SANCTIONS IMPOSED ON RECIPIENTS WHO SUCCESSFUL-
7 LY APPEALED THEIR LOSS OF BENEFITS.
8 g. Data related to case closings including but not limited to:
9 1. number of case closings;
10 2. reason for case closing including, but not limited to, self-termi-
11 nation without reason;
12 3. length of time receiving assistance on or after December 2, 1996
13 before case closing;
14 4. on an aggregate basis, the length of time recipients do not receive
15 public assistance in New York state following case closing occurring on
16 or after December 2, 1996; [and]
17 5. number of former public assistance recipients receiving subsidized
18 child care and/or transitional medical assistance; AND
19 6. LENGTH OF TIME FORMER PUBLIC ASSISTANCE RECIPIENTS WORK IN THE
20 EMPLOYMENT POSITION THAT THEY HELD AT THE TIME THEIR CASE WAS CLOSED.
21 h. Data related to substance abuse treatment programs including but
22 not limited to:
23 1. number of recipients receiving substance abuse treatment services
24 for which the cost of such services is paid for by the LOCAL social
25 services district using public assistance monies;
26 2. length of reimbursed recipient participation in treatment program;
27 [and]
28 3. types of substance abuse treatment programs receiving reimbursement
29 from LOCAL social services districts;
30 4. NUMBER OF RECIPIENTS WHO ARE SCREENED BY THEIR CASEWORKER FOR
31 SUBSTANCE ABUSE AND THE NUMBER OF RECIPIENTS WHO TEST POSITIVE AT THIS
32 INITIAL SCREEN;
33 5. NUMBER OF RECIPIENTS WHO ARE SCREENED BY A DRUG COUNSELOR AND THE
34 NUMBER OF RECIPIENTS WHO TEST POSITIVE;
35 6. NUMBER OF RECIPIENTS WHO TEST POSITIVE FOR SUBSTANCE ABUSE WHO
36 RECEIVE TREATMENT; AND
37 7. NUMBER OF RECIPIENTS WHO RECEIVED TREATMENT AND THEN WERE ABLE TO
38 PERFORM SUCCESSFULLY IN THE WORKFARE PROGRAM.
39 i. Data related to pregnancy prevention programs funded through
40 federal monies received by the state pursuant to title iv-a of the
41 social security act including but not limited to:
42 1. number of program participants BY COUNTY;
43 2. duration of program participation; and
44 3. types of services provided.
45 j. Data related to disabled and work-limited recipients of public
46 assistance pursuant to provisions of the welfare reform act of 1997
47 including, but not limited to:
48 1. number of persons applying for public assistance that are screened;
49 2. number of current recipients of public assistance screened;
50 3. number of persons applying for public assistance that are found to
51 be disabled;
52 4. number of current recipients of public assistance found to be disa-
53 bled;
54 5. number of persons applying for public assistance found to be work-
55 limited;

1 6. number of current recipients of public assistance found to be work-
2 limited;
3 7. duration of finding by category;
4 8. number of changes in work activity exemption status;
5 9. number and outcome of administrative hearings related to the disa-
6 bility screening and the determination of work activity exemptions; and
7 10. data relating to work and training and education activities pursu-
8 ant to [subsections] PARAGRAPHS c, d and e of this [section]
9 SUBDIVISION.
10 k. [Data related to the food assistance program including but not
11 limited to:
12 1. number of applicants under eighteen years of age by chronological
13 age;
14 2. number of applications denied by reason for denial;
15 3. number of recipients under eighteen years of age by chronological
16 age and the average amount of food assistance benefits per recipient
17 issued by the social services district;
18 4. number of recipients under eighteen years of age by case and by
19 household and the average amount of food assistance benefits issued per
20 case and per household by the social services district;
21 5. number of recipients under eighteen years of age in a case and/or
22 in a household where other individuals in the case and/or household are
23 in receipt of federal food stamp benefits and the average amounts of
24 federal and state food stamp benefits issued per case and/or per house-
25 hold by social services district;
26 6. number of recipients under eighteen years of age in a case or
27 household receiving other public assistance benefits and the average
28 amounts of food assistance benefits issued per recipient and per public
29 assistance case by the social services district;
30 7. number of case closings for cases where the recipient is under
31 eighteen years of age by reason for case closing including but limited
32 to case closing as a result of naturalization;
33 8. number of applicants applying for food assistance benefits where
34 the primary reason for potential eligibility is a disability as defined
35 by provisions of this act establishing a food assistance program;
36 9. number of applications denied by reason for denial;
37 10. number of disabled recipients by chronological age and the average
38 amount of food assistance benefits per recipient issued by the social
39 services district;
40 11. number of disabled recipients by case and by household and the
41 average amount of food assistance benefits issued per case and per
42 household by the social services district;
43 12. number of disabled recipients in a case and/or in a household
44 where other individuals in the case and/or household are in receipt of
45 federal food stamp benefits and the average amounts of federal and state
46 food stamp benefits issued per case and/or per household by social
47 services district;
48 13. number of disabled recipients in a case or household receiving
49 other public assistance benefits and the average amount of food assist-
50 ance benefits issued per recipient and per public assistance case by the
51 social services district including, but not limited to, receipt of
52 federal and/or state supplemental payment made pursuant to title xvi of
53 the social security act;
54 14. number of case closings for cases where the recipient is disabled
55 by reason for termination including but limited to case closing as a
56 result of naturalization;

1 15. number of applicants applying for food assistance benefits where
2 the primary reason for potential eligibility is that the applicant is
3 elderly as defined by provisions of this act establishing a food assist-
4 ance program;
5 16. number of applications denied by reason for denial;
6 17. number of elderly recipients by chronological age and the amount
7 of food assistance benefits per recipient issued by the social services
8 district;
9 18. number of elderly recipients by case and by household and the
10 average amount of food assistance benefits issued per case and per
11 household by the social services district;
12 19. number of elderly recipients in a case and/or in a household where
13 other individuals in the case and/or household are in receipt of federal
14 food stamp benefits and the average amount of federal and state food
15 stamp benefits issued per case and/or per household by the social
16 services district;
17 20. number of elderly recipients in a case or household receiving
18 other public assistance benefits and the average amount of food assist-
19 ance benefits issued per recipient and per public assistance case by the
20 social services district including, but not limited to, receipt of
21 federal and/or state supplemental payment made pursuant to title xvi of
22 the social security act; and
23 21. number of case closings for cases where the recipient is elderly
24 by reason for termination including but limited to case closing as a
25 result of naturalization; and
26 22. number and outcome of administrative hearings related to the food
27 assistance program by general category.
28 1.] Data related to the domestic violence screening process including
29 but not limited to:
30 1. number of applicants and recipients screened;
31 2. number of positive findings;
32 3. number of waivers by category granted as a result of a positive
33 finding; and
34 4. duration of such waiver.
35 L. DATA RELATED TO CHILD SUPPORT INCLUDING BUT NOT LIMITED TO:
36 1. NUMBER OF RECIPIENTS WHO HAVE A COURT ORDER TO RECEIVE CHILD
37 SUPPORT;
38 2. NUMBER OF RECIPIENTS WHO RECEIVE CHILD SUPPORT;
39 3. NUMBER OF RECIPIENTS WHO SUCCESSFULLY OBTAINED CHILD SUPPORT
40 THROUGH CHILD SUPPORT COLLECTION UNITS;
41 4. AMOUNT OF CHILD SUPPORT OWED TO RECIPIENTS; AND
42 5. AMOUNT OF CHILD SUPPORT RECEIVED BY RECIPIENTS.
43 M. DATA RELATED TO PROBLEMS OF HOMELESSNESS INCLUDING BUT NOT LIMITED
44 TO:
45 1. NUMBER OF PERSONS SEEKING SHELTER FROM THE LOCAL SOCIAL SERVICES
46 DISTRICT;
47 2. NUMBER OF PERSONS WHO RECEIVED SHELTER FROM THE LOCAL SOCIAL
48 SERVICES DISTRICT; AND
49 3. NUMBER OF PERSONS WHO DID NOT RECEIVE SHELTER FROM THE LOCAL SOCIAL
50 SERVICES DISTRICT AND WHY.
51 N. DATA RELATED TO USE OF FOOD BANKS INCLUDING BUT NOT LIMITED TO:
52 1. NUMBER OF PERSONS SEEKING ASSISTANCE FROM EMERGENCY FOOD RELIEF
53 ORGANIZATIONS BY MONTH AND DISTRICT;
54 2. QUANTITY OF FOOD SUPPLIED BY EMERGENCY FOOD RELIEF ORGANIZATIONS IN
55 EACH DISTRICT; AND

1 3. CHANGE IN EMERGENCY FOOD ORGANIZATIONS ASSISTANCE REQUESTS BETWEEN
2 1994, 1995, 1996, AND THE YEARS SUBSEQUENT TO THE ENACTMENT OF THE
3 WELFARE REFORM ACT OF 1997.

4 0. DATA RELATED TO FAMILY INCOME INCLUDING BUT NOT LIMITED TO:

5 1. AMOUNT OF FAMILY INCOME EXCLUDING AND INCLUDING PUBLIC ASSISTANCE;

6 2. NUMBER OF RECIPIENTS EVICTED WHILE ON PUBLIC ASSISTANCE FOR FAILURE
7 TO MAKE PAYMENTS;

8 3. NUMBER OF RECIPIENTS WHOSE ELECTRICITY IS SHUT OFF FOR FAILURE TO
9 MAKE PAYMENTS; AND

10 4. NUMBER OF REQUESTS FOR EMERGENCY BENEFITS, INCLUDING EMERGENCY FOOD
11 STAMP BENEFITS, AND THE SERVICES WHICH WERE PROVIDED IN RESPONSE THERE-
12 TO, IF ANY.

13 P. DATA RELATED TO THE PHYSICAL HEALTH AND NUTRITION OF CHILDREN
14 RECEIVING PUBLIC ASSISTANCE INCLUDING BUT NOT LIMITED TO THE NUMBER OF
15 RECIPIENT CHILDREN WHO QUALIFY AND RECEIVE FREE OR SUBSIDIZED MEALS AT
16 SCHOOL.

17 S 2. The provisions of this act shall be implemented to the extent of
18 and within the amounts appropriated for a comprehensive evaluation of
19 the implementation of The Welfare Reform Act of 1997. Such evaluation
20 shall include but not be limited to an assessment of the effectiveness
21 of public assistance programs in assisting recipients to secure and
22 retain unsubsidized employment and shall evaluate the data being
23 collected pursuant to chapter 436 of the laws of 1997. The commissioner
24 of the office of temporary and disability assistance shall submit the
25 evaluation to the governor and the legislature on or before December 31,
26 2009, and to the extent funds are available, annually thereafter. Such
27 commissioner shall enter into agreements with one or more not-for-profit
28 corporations or other organizations, other than a state agency, for the
29 purpose of assisting in the conduct and preparation of the evaluation.

30 S 3. This act shall take effect immediately.