

6392

2011-2012 Regular Sessions

I N A S S E M B L Y

March 16, 2011

Introduced by M. of A. KAVANAGH, LIFTON -- read once and referred 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 ASSEM-
BLY, 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 CHIL-
6 DREN AND FAMILY SERVICES, department of labor, AND THE DEPARTMENT OF
7 HEALTH shall collect data related to the operation of public assistance
8 programs including, but not limited to, information that must be submit-
9 ted to the department of health and human services pursuant to the
10 personal responsibility and work opportunities reconciliation act of
11 1996 (P.L. 104-193) and any other provision of federal or state law or
12 regulations governing programs administered under title iv-a of the
13 social security act or the social services law. [Social] LOCAL SOCIAL
14 services districts shall assist each agency in accumulating such data in
15 accordance with instructions from the appropriate agency. FOR PURPOSES
16 OF DATA COLLECTION INVOLVING THE NUMBER OF EMPLOYED PERSONS, "EMPLOYED"
17 SHALL MEAN EARNING ONE HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY
18 LEVEL.
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
22 completion of the redesign of the welfare management system and the
23 completion of a welfare-to-work caseload management system. The respon-
24 sible agency shall collect the data related to applicants and recipients

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

LBD10076-02-1

1 of public assistance programs established pursuant to the personal
2 responsibility and work opportunities reconciliation act of 1996 (P.L.
3 104-193) and the social services law including, but not limited to, the
4 following:

5 a. Data related to applicants seeking public assistance including but
6 not limited to:

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

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

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

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

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

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

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

27 9. AGE, SEX, MARITAL STATUS, AND NUMBER OF DEPENDENTS OF APPLICANTS
28 SEEKING PUBLIC ASSISTANCE.

29 b. Data related to recipients of public assistance including but not
30 limited to:

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

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

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

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

41 1. number of recipients participating in work activities;

42 2. number of recipients receiving an exemption from participating in
43 work activities;

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

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

48 5. RELATIONSHIP BETWEEN THE AVAILABILITY OF CHILD CARE AND PARTIC-
49 IPANTS' SUCCESS IN THEIR WORK ACTIVITY;

50 6. the type of work activities;

51 [6.] 7. hours of work per week per recipient;

52 [7.] 8. duration of enrollment in such work activity;

53 [8.] 9. reason for termination from work activity;

54 [9.] 10. number of requests for administrative hearings related to
55 work activity participation including the nature of such requests by
56 general categories and the outcome of such hearings;

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

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

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

1 16. number of applications denied by reason for denial;
2 17. number of elderly recipients by chronological age and the amount
3 of food assistance benefits per recipient issued by the social services
4 district;
5 18. number of elderly recipients by case and by household and the
6 average amount of food assistance benefits issued per case and per
7 household by the social services district;
8 19. number of elderly recipients in a case and/or in a household where
9 other individuals in the case and/or household are in receipt of federal
10 food stamp benefits and the average amount of federal and state food
11 stamp benefits issued per case and/or per household by the social
12 services district;
13 20. number of elderly recipients in a case or household receiving
14 other public assistance benefits and the average amount of food assist-
15 ance benefits issued per recipient and per public assistance case by the
16 social services district including, but not limited to, receipt of
17 federal and/or state supplemental payment made pursuant to title xvi of
18 the social security act; and
19 21. number of case closings for cases where the recipient is elderly
20 by reason for termination including but limited to case closing as a
21 result of naturalization; and
22 22. number and outcome of administrative hearings related to the food
23 assistance program by general category.
24 1.] Data related to the domestic violence screening process including
25 but not limited to:
26 1. number of applicants and recipients screened;
27 2. number of positive findings;
28 3. number of waivers by category granted as a result of a positive
29 finding; and
30 4. duration of such waiver.
31 L. DATA RELATED TO CHILD SUPPORT INCLUDING BUT NOT LIMITED TO:
32 1. NUMBER OF RECIPIENTS WHO HAVE A COURT ORDER TO RECEIVE CHILD
33 SUPPORT;
34 2. NUMBER OF RECIPIENTS WHO RECEIVE CHILD SUPPORT;
35 3. NUMBER OF RECIPIENTS WHO SUCCESSFULLY OBTAINED CHILD SUPPORT
36 THROUGH CHILD SUPPORT COLLECTION UNITS;
37 4. AMOUNT OF CHILD SUPPORT OWED TO RECIPIENTS; AND
38 5. AMOUNT OF CHILD SUPPORT RECEIVED BY RECIPIENTS.
39 M. DATA RELATED TO PROBLEMS OF HOMELESSNESS INCLUDING BUT NOT LIMITED
40 TO:
41 1. NUMBER OF PERSONS SEEKING SHELTER FROM THE LOCAL SOCIAL SERVICES
42 DISTRICT;
43 2. NUMBER OF PERSONS WHO RECEIVED SHELTER FROM THE LOCAL SOCIAL
44 SERVICES DISTRICT; AND
45 3. NUMBER OF PERSONS WHO DID NOT RECEIVE SHELTER FROM THE LOCAL SOCIAL
46 SERVICES DISTRICT AND WHY.
47 N. DATA RELATED TO USE OF FOOD BANKS INCLUDING BUT NOT LIMITED TO:
48 1. NUMBER OF PERSONS SEEKING ASSISTANCE FROM EMERGENCY FOOD RELIEF
49 ORGANIZATIONS BY MONTH AND DISTRICT;
50 2. QUANTITY OF FOOD SUPPLIED BY EMERGENCY FOOD RELIEF ORGANIZATIONS IN
51 EACH DISTRICT; AND
52 3. CHANGE IN EMERGENCY FOOD ORGANIZATIONS ASSISTANCE REQUESTS BETWEEN
53 1994, 1995, 1996, AND THE YEARS SUBSEQUENT TO THE ENACTMENT OF THE
54 WELFARE REFORM ACT OF 1997.
55 O. DATA RELATED TO FAMILY INCOME INCLUDING BUT NOT LIMITED TO:
56 1. AMOUNT OF FAMILY INCOME EXCLUDING AND INCLUDING PUBLIC ASSISTANCE;

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

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

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

8 P. DATA RELATED TO THE PHYSICAL HEALTH AND NUTRITION OF CHILDREN
9 RECEIVING PUBLIC ASSISTANCE INCLUDING BUT NOT LIMITED TO THE NUMBER OF
10 RECIPIENT CHILDREN WHO QUALIFY AND RECEIVE FREE OR SUBSIDIZED MEALS AT
11 SCHOOL.

12 S 2. The provisions of this act shall be implemented to the extent of
13 and within the amounts appropriated for a comprehensive evaluation of
14 the implementation of The Welfare Reform Act of 1997. Such evaluation
15 shall include but not be limited to an assessment of the effectiveness
16 of public assistance programs in assisting recipients to secure and
17 retain unsubsidized employment and shall evaluate the data being
18 collected pursuant to chapter 436 of the laws of 1997. The commissioner
19 of the office of temporary and disability assistance shall submit the
20 evaluation to the governor and the legislature on or before December 31,
21 2011, and to the extent funds are available, annually thereafter. Such
22 commissioner shall enter into agreements with one or more not-for-profit
23 corporations or other organizations, other than a state agency, for the
24 purpose of assisting in the conduct and preparation of the evaluation.

25 S 3. This act shall take effect immediately.