



NEW YORK
CITY BAR

**REPORT ON LEGISLATION BY THE
SOCIAL WELFARE LAW COMMITTEE**

**A.5507
S.8655**

**M. of A. Rosenthal
Sen. Cleare**

AN ACT to amend the social services law, in relation to the standards of monthly need for persons in receipt of public assistance.

THIS BILL IS APPROVED

The New York City Bar Association’s Social Welfare Law Committee (“the Committee”) supports the proposed legislation, which would amend the social services law to increase the “needs” allowances provided to a particular subset of New Yorkers experiencing homelessness, those individuals and families living in shelters which serve three meals a day. The allowance currently issued to individuals is called the “personal needs” allowance, and the allowance for families is called the “special needs” allowance. The amended law would increase these allowances for shelter residents, with abysmally low cash levels set over 20 years ago, and provide public assistance to this population at the same levels established for those who reside in facilities that do not serve meals. The need for cash assistance is the same for shelter residents whether they receive meals or not, particularly in this time of great economic hardship.

Under the proposed legislation, for example, the cash grant for a family of three residing in a temporary housing facility that served meals will be increased from \$189 to \$389 per month. Although this will not completely update the grant levels in pace with inflation -- it is still just \$4.18 per day per household member -- it would mean that children living in shelters, their parents, and other individuals experiencing homelessness would for the first time in years receive an allowance that will enable them to purchase many of the important items needed for personal hygiene, including diapers, shampoo, menstrual products, over the counter medicine, and other necessities, such as clothing and laundry-related products.

BACKGROUND

New Yorkers who apply for “welfare” or “cash assistance,” often do so because of a change of circumstances such as the loss of a job, eviction, domestic violence or the onset of disabling medical or mental health condition. The assistance levels that households are eligible for depend

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on various elements of need, including household size, rent and utility costs, and whether there is other income in the household, such as wages from low-wage work.¹

When a family is homeless, the amount of the grant also depends on what type of shelter the family resides in. There are several types of shelter, including those that provide kitchen facilities in which households can cook meals for themselves, and those in which meals are provided. When a family is in a household with cooking facilities, they get the full cash grant for their family size, plus Supplemental Nutrition Assistance Program (SNAP) benefits to purchase food that they then prepare. In contrast, when the shelter provides meals, the family is eligible for far less. First, instead of a full cash grant, the family receives a special needs allowance that is only for “clothing and incidentals.”² While the amount of the regular cash grant was increased state-wide over the period 2009-2011 for the first time since 1990, the amount of the personal or special needs grant for New Yorkers in shelters that provide meals was not increased at that time. At least since 1997, the State has set the “needs” allowance for this population annually at \$45 per month for a single individual and \$63 per month per household member for families with children. In other words, a mother and child living in a meal-providing shelter today must survive on a cash grant of only \$126 per month. Despite having meals provided, families may be eligible for some SNAP. This does not make up for the shortfall in cash however, because SNAP is only for the purchase of food.

Households in shelters that provide meals suffer from the horrific consequences of extreme poverty. They don’t have funds to buy menstrual products, underwear, diapers, and laundry detergent. Families in these placements have a difficult time surviving without experiencing overwhelming hardship, deprivation, and health consequences because the current level of the “needs” allowance is so abysmally low.

REASONS FOR SUPPORTING THE BILL

This bill is narrowly tailored in order to help some of the most vulnerable New Yorkers who have been surviving on far too little for far too long. Some of the key reasons this bill warrants enactment are discussed below.

¹ N.Y. Soc. Serv. L. § 131(a).

² See 18 N.Y.C.R.R. § 900.17(a) (providing that “[l]ocal districts shall provide a monthly *special needs allowance* to families and to pregnant women residing in public or private Tier II shelters providing three meals per day” and sets forth a schedule by household size starting at \$63 for a household of one) § 352.8(c)(1) (providing that “[e]ach social services official shall provide an *allowance for monthly personal needs* for clothing and incidentals for recipients residing . . . under room and board arrangements or approved residential programs for victims of domestic violence in which three meals per day are provided . . .”) & § 352.8(f) (providing that “[a] single person who resides in a shelter for the homeless who has applied for and is found eligible for safety net assistance must be paid a monthly cash allowance of \$45, reduced by any available income. . . The remainder of said standard of need is to be met through the provision of items of need by the shelter”); see also NYS OTDA 18-INF-05 & 97-ADM-1.

1) The bill provides a justified increase in public assistance for a subset of families and individuals living in shelters based on a common sense measure of need already used by the State

The personal/special needs allowance for “clothing and incidentals” should be eliminated and public assistance should be issued based on existing need measures. While all recipients of cash assistance experience hardship because grants still fall well below the poverty level (even with the 2009-2011 increases), families in shelters that provide meals face especially tough circumstances. A family of two receiving \$126 per month have just \$4.20 per day to cover the cost of items not covered by SNAP. In contrast, a mother and child in shelter without meals receives \$291 per month in Cash Assistance, more than twice the level of the “needs” allowance for a family of the same size living in a shelter that serves three meals. Yet both families have the same needs for personal hygiene products, over-the-counter medicines and clothing.

2) Increasing the cash level for this group of shelter residents will lead to longer-term solutions to homelessness and save the State money spent on shelter.

In addition to providing economic assistance and helping to restore a feeling of dignity to a subset of New Yorkers residing in shelter, the bill would both help families and individuals find exits out of the shelter system and help the State save resources spent on shelter.

Currently, the extreme deprivation suffered by New Yorkers experiencing homelessness makes it even harder for them to find permanent housing and exit the shelter system. Social service districts require individuals and adult family members residing in all types of shelters to continuously search for employment and housing. Those living in shelters receiving the minimal needs allowance often face the impossible dilemma of whether to purchase bus or subway fare to get to a job interview or a real estate broker³ or items needed for their family’s health and well-being such as soap, aspirin for a feverish child, school supplies, or socks. Not only does the stress of these day-to-day decisions take an enormous toll on the adults making them and impacts the children in their care,⁴ not having enough to purchase essentials and get to job interviews or housing appointments makes it harder for these New Yorkers to find jobs and housing. Moreover, such deprivation can lead to hard choices for shelter residents – such as panhandling, turnstile jumping – carrying the risk of arrest and criminal penalties which make it difficult, if not impossible to secure stable housing and employment. The cost to both the individuals and society is enormous.

³ Social service districts can provide an apartment search allowance and work-related carfare to shelter residents, but only in instances where there is a monitored apartment search or pre-approved work activities. Thus, if a shelter resident has not yet been assigned an employment related activity by the social services district, she will not be in receipt of a carfare allowance to attend a job fair, for example. Even in circumstances where shelter residents are eligible for these additional allowances, the social service districts do not consistently provide them to many eligible households.

⁴ Research has shown that in conditions of scarcity of money, mental bandwidth and problem-solving skills decline. See Mani, A., Mullainathan, S., Shafir, E., & Zhao, J. (2013). Poverty impedes cognitive function. *Science*, 341, 976–980.

By giving impacted New Yorkers grants that would enable them to fill in the gaps in transportation and apartment search costs while still meeting their families' basic needs, New York would be helping these families find the jobs and housing they need to exit shelter. Aside from the personal benefit to these families, such a result stands to save the State money on the exorbitant cost of shelter, currently \$3,936 per month on average for a family in a Tier II shelter that serves meals.

CONCLUSION

For the reasons cited herein, the Social Welfare Law Committee encourages the Legislature to take action to ensure that all New Yorkers living in homelessness are provided the basic assistance any family needs to be as healthy and cared for as possible in difficult circumstances, and in so doing facilitate ending homelessness for such families and saving the State money spent on shelter/temporary assistance. The proposed legislation warrants the Legislature's attention and support.

Social Welfare Law Committee
Lindsay Funk, Co-Chair
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⁵ This report was first issued in June 2018.