119 Washington Ave. • Albany, NY 12210
Phone 518.462.6831
www.empirejustice.org

Joint Legislative Public Hearings on 2025-2026 Executive Budget Proposal

Human Services

February 5, 2026

Prepared by:
Susan Antos, Managing Attorney, Public Benefits
Nathaniel Baldo, Supervising Staff Attorney, Public Benefits
Alex Dery Snider, Policy and Communications Director
A.J. Durwin, Managing Attorney, Tenant Advocacy
Amanda Gallipeau, Policy and Communications Manager
Haley Kulakowski, Supervising Staff Attorney, Public Benefits
America Rivera, Policy Coordinator
Emilia Sicilia, Managing Attorney, Disability Advocacy Program
Elizabeth Woods, Supervising Senior Attorney, Public Benefits

INTRODUCTION

Empire Justice Center is a statewide, multi-issue, multi-strategy not-for-profit civil legal aid provider focused on changing the complex systems impacting low income and marginalized New Yorkers. With a focus on poverty law, Empire Justice takes a 360-degree approach to the areas of law we practice in, providing individual legal representation, policy research and analysis, training and technical assistance as well as impact litigation.

Our work cuts across all significant areas of poverty law and involves three inter-related services:

We practice the law: Empire Justice Center provides a range of legal assistance from our Telesca Center and Library offices in Rochester, Albany, Yonkers, White Plains, Central Islip, and Hempstead. We provide one on one representation and undertake impact litigation to address systemic issues impacting low income and marginalized communities.

We teach the law: Our history as a backup center for civil legal services providers began in the 1970's and while federal funding for these services was eliminated during the mid 1990's, we have sustained that work in specific service areas where we continue to provide training, technical assistance and other legal support services to civil legal aid providers as well as a variety of other community-based organizations, keeping them apprised of changes in the law and regulations.

We change the law: In order to ensure that the needs of low-income families are heard within the state's policy making processes, we engage in both legislative and administrative advocacy on a range of issues impacting our clients and we do the same as needed at the local and federal levels.

In today's testimony, we respectfully ask you for the following:

1. **Increase funding of the Disability Advocacy Program (DAP) to $7.5 million in the final budget and including it in OTDA's Cost of Living Adjustment (COLA) to help**
2. **Increase funding for the Managed Care Consumer Assistance program to $2.767 million to adequately support the growing demand for our services for New York's most vulnerable populations.**
3. **Increase public assistance grants so New Yorkers can meet their basic needs while working toward a path to economic wellbeing**
    a. **Increase benefits for housing expenses to 100% of the United States Department of Housing and Urban Development's Fair Market Rent for households eligible for public assistance**
        i. **Increase the shelter allowances to 100% of HUD fair market rent, adjusted annually if the FMR is increased. (S.1454 Kavanagh / A.1507 Rosenthal)**

ii. **Until the shelter allowance is increased, all public assistance households experiencing housing instability should be entitled to rent supplements at HUD fair market rent**
iii. **People experiencing housing instability who are not eligible for public assistance should receive a supplement and/or voucher at HUD fair market rent, such as the Housing Access Voucher Program (HAVP).**

b. **Increase funding for basic necessities**
   i. **Increase the basic needs grant by 100%. (S.1127 Persaud / A.106 Rosenthal)**
   ii. **Increase the personal needs allowance for homeless New Yorkers. (S.113 Cleare / A.108 Rosenthal)**
   iii. **Amend Social Services Law 131-c to allow parents caretakers to exclude children with income from the public assistance household**
c. **Invest and work towards universal child care by funding and expanding state-funded child care assistance pilot programs to support more immigrant families accessing childcare.**
d. **Eliminate resource limits**
   i. **Repeal the resource test entirely so that families can have a "crisis fund" for emergencies**
   ii. **Exempt retirement accounts entirely from consideration when determining public assistance eligibility. (S.1791 Fernandez / A.2061 Gonzalez-Rojas)**
e. **Increase food security for vulnerable low-income families**
   i. **Expedite the implementation of chip cards by including S.2401 Persaud in the one house and final budget**
   ii. **Enact S.8130 Gonzalez / A.7543 Gonzalez-Rojas to add replacement of SNAP benefits to the already existing processes for replacement of stolen cash assistance under Social Services Law § 152-d**
   iii. **Create a food benefit program, as set forth in S.9033 Rivera / A.6632 Gonzalez-Rojas**
   iv. **Increase the SNAP minimum benefit by enacting S.665 May / A.1318 Gonzalez-Rojas**
f. **Amend SSL 106-b to eliminate the restriction on the correction of Public Assistance underpayments**
g. **Ensure a fair process for reducing erroneous welfare sanctions applies statewide**
h. **Establish a kinship legal network to support children and the nonparent caregivers who are working to care for them**
i. **Provide SSP benefits to elderly and disabled New Yorkers for closed periods of eligibility**

4. **Increase funding for eviction defense**

I. ENSURE THE DISABILITY ADVOCACY PROGRAM (DAP) CAN COVER ITS COSTS: INCREASE FUNDING TO $7.5 MILLION AND PROVIDE A COST OF LIVING ADJUSTMENT (COLA)

For over four decades, the Disability Advocacy Program (DAP) has been helping some of New York State's most severely disabled low-income adults and children whose federal disability benefits (Supplemental Security Income (SSI) or Social Security disability (SSD) are denied or cut off. The Social Security Administration (SSA) standard for proving disability is strict, and the appeals process is very complex. DAP works to overcome the many hurdles and complications faced by claimants along the way. Financial issues, insecure housing, homelessness, language barriers, and the very symptoms of a disability are some of the factors that often make it exceedingly difficult for claimants to gather evidence necessary to their claim.

Since the inception of DAP in 1983, through June 2025, DAP providers, who work in every county in New York State:

- Assisted over 246,000 disabled low-income New Yorkers.
- Helped put over $940 million in retroactive benefits in their hands to be spent in local economies.
- Generated close to $255 million in federal funds paid back to New York State and the counties.
- Saved over $340 million in avoided public assistance costs.

DAP services help stabilize people's incomes, which in turn helps to stabilize housing, health, and quality of life overall. Historically, for every dollar invested in DAP, at least $2 is generated to the benefit of New York's state and local governments. DAP has been essential in helping low-income disabled individuals in New York navigate Social Security bureaucracy while maintaining a consistently high win rate. DAP claimants have been significantly more successful compared to general success rates in New York and nationally.[1]

Four years ago, the State's increased investment to $5.26 million helped stabilize DAP after many years of flat funding, helping make the program whole and ensuring that the program could meet the increased costs and demand for resources across the State. One year later, the Legislature restored its $1.5 million add-on to the Executive Budget. Since the State's funding of DAP is matched by the local counties, this resulted in a total funding of $13.52 million for DAP statewide.

[1] The overall win rate nationally at the hearing level dropped to 45% in 2023, with the win rate in New York at about 61%. DAP advocates prevailed in 73% of their cases during this period. *See* NYS Office of Temporary and Disability Assistance, *Disability Advocacy Program Report to the Legislature Program Period Jan. 1, 2022 to Dec. 31, 2023*, https://otda.ny.gov/resources/reports/DAP-Report.pdf.

The Legislature's commitment to DAP helped sustain this statewide network. However, the last three years of level funding have not kept pace with costs, which have risen across all providers, including the personnel and supervision required to meet a demand for far more time per case because of worsening federal administrative delays. The current challenges have also demanded expanded outreach, education, and increased advocacy to escalate cases and navigate SSA. Most providers report the current allocation does not cover the actual cost of services.

The Legislature should act again to stabilize funding for the program by increasing its allocation. An increase to $7.5 million and inclusion in the Human Services Cost of Living Adjustment (COLA) will stabilize capacity and align support with actual costs, allowing DAP to effectively confront the current challenges.

DOGE-Related Cuts Have Diminished Access to SSA Services

DAP has long helped clients navigate SSA customer service shortfalls. But service has deteriorated further following staffing cuts made in 2025 by the Department of Government Efficiency (DOGE). SSA staffing was already at a 30-year low when the agency reduced staffing by about 12% (roughly 7,000 positions) in 2025, prompting reassignment of staff and leaving many public-facing functions understaffed. [2]

The Washington Post recently reported at the end of 2025 that SSA's diminished workforce was struggling with record backlogs, including millions of pending cases in processing centers and millions of transactions in field offices, delaying routine services for beneficiaries and applicants. [3]

In the Hudson Valley, the impact has been concrete: the White Plains hearing office closed permanently in May 2025, sending claimants to offices in Manhattan, the Bronx, and New Haven [4] —adding travel burdens and logistical barriers for people with serious health conditions and limited resources. The cuts are felt acutely at local field offices. Calls intended for local offices are often rerouted, creating miscommunication, longer processing times, and difficulty obtaining files and case status updates. Beginning in January 2025, SSA moved to an

[2] Lisa Rein, et. al., *How Social Security Has Gotten Worse Under Trump*, THE WASHINGTON POST, Dec. 30, 2025, https://www.washingtonpost.com/politics/2025/12/29/trump-social-security-cuts-customer-service/.
[3] *Id*.
[4] Erich Wagner, *Social Security to close hearing office in New York,* GOV. EXEC. Feb. 14, 2025, https://www.govexec.com/workforce/2025/02/social-security-close-hearing-office-new-york/403045/; SSA Memorandum, *Plans for the White Plains OHO Caseload After Closure*, NOSSCR, Mar. 27, 2025, https://nosscr.org/article/plans-for-the-white-plains-oho-caseload-after-closure/. SSA later announced the opening of a hearing room in Nyack, New York. Nancy Cutler, *Social Security benefits hearings to resume in Hudson Valley, now in West Nyack*, THE JOURNAL NEWS, Oct. 31, 2025. The availability of a hearing room helps to reduce travel burdens for a handful of claimants, but does not restore all the services of a hearing office.

appointment-focused model for in-person service.[5] SSA policy recognizes exceptions for dire-need cases and vulnerable individuals, but the combined reality of appointment bottlenecks of several weeks, overloaded phone systems, and limited online access for many low-income clients creates barriers that DAP advocates must increasingly overcome through repeated follow-up and escalation.

The Post described how SSA customer service deteriorated by key measures due to the sweeping federal cuts:

Daily operations in some respects became an endless game of whack-a-mole as employees were pulled from one department to another….Although officials have publicly claimed that wait times have improved to single digits in some cases, those numbers do not account for the time it takes for customers to be called back, according to internal metrics obtained by The Post.[6]

For DAP providers, these service disruptions translate directly into more time per case—more contacts to reach SSA, more documentation requests, more client counseling around delays, and more emergency advocacy when benefits are interrupted. Katie Savin, assistant professor at California State University, told the New York times that in researching SSA, advocates "overwhelmingly reported that compounding administrative breakdowns – loss of staff with specialized knowledge, rapidly changing policies, significantly worse processing delays, more frequent errors with emails and faxes routinely lost—have made even basic tasks impossible." Savin said there are "devastating consequences" for claimants experiencing hunger, eviction, and loss of healthcare.[7]

These operational breakdowns are compounded by rapid policy changes that are difficult for unrepresented claimants to understand—and that can trigger harmful errors, overpayments, and loss of benefits.

Policy Changes Cause Harm and Confusion

Over the past year, federal customer service problems were compounded by rapid and frequent policy shifts—some rolled out, revised, or reversed on short timelines that confused both the public and SSA staff. *The Post* has described how these changes led "confused

[5] SSA, Emergency Message (EM) 24059, *Social Security Administration Offices Transition to Appointment Focused Service (AFS) for In-Person Services* (Dec. 4, 2024), https://secure.ssa.gov/apps10/reference.nsf/lnx/12042024013818PM?opendocument=&utm_medium=email&utm_source=govdelivery.

[6] *Supra*, note 2.

[7] Tara Siegel Bernard, *A Diminished Social Security Work Force, and Its Customers, Feel the Strain*, N.Y.TIMES, Sept. 24, 2025, https://www.nytimes.com/2025/09/24/business/social-security-customer-service.html.

customers to jam the phones and the website, which crashed repeatedly," amplifying already-severe access barriers.

Some changes have had immediate harmful effects. SSA's recoupment policy for overpayment, which had been capped at 10%, last year was initially reversed to allow 100% recoupment,[8] and only later partially restored to 50%.[9] The sudden reversals were not clearly announced, adding to the hardship for clients whose monthly checks were dramatically cut. Similarly, changes to SSA's identify verification requirements would have forced beneficiaries to appear in person for routine transactions – an unmanageable burden for many disabled New Yorkers given current staffing levels and appointment backlogs. SSA partially withdrew this policy, but only after significant public confusion.[10]

Other policy proposals have been more sweeping. One of the most far-reaching proposed federal rules on SSA's current regulatory agenda, would have radically altered how the agency considers factors such as age when determining disability, and if a person can work.[11] Experts warned that if passed, it could have resulted in the biggest cut in history, disproportionately harming older people and those who are low-income.[12] SSA has since indicated it will no longer proceed with this overhaul but has not formally withdrawn it, leaving advocates uncertain about future plans.[13]

It is unclear if other proposals on the agenda will move forward. SSA had also proposed to rescind recent improvements for SSI's in-kind support and maintenance (ISM) rules for individuals living with others. Those improvements, based in part on DAP advocate input,

---

[8] SSA, Press Release, *Social Security to Reinstate Overpayment Recovery Rate*, Mar. 7, 2025, https://www.ssa.gov/news/en/press/releases/2025-03-07-a.html?eType=EmailBlastContent&eId=5ab7d986-a7cb-47ce-b95b-0562cc977562.

[9] SSA, Emergency Message 25029 REV, *Change to Title II Overpayment Default Benefit Withholding Rate to 50 Percent Withholding*, https://secure.ssa.gov/apps10/reference.nsf/links/08282025031929PM.

[10] Hannah Natanson, et. al., *Social Security scraps far-reaching cuts to phone services after Post report*, THE WASHINGTON POST, Mar. 12, 2025, https://www.washingtonpost.com/politics/2025/03/12/social-security-phone-doge-elderly-disabled/.

[11] Office of Management and Budget, Agency Rule List – Spring 2025, Social Security Administration, https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST&currentPub=true&agencyCode=&showStage=active&agencyCd=0960&csrf_token=426DE5D4BCBFE04E89AB770B702A53ADDF757EB6CD6CCB63C4B309B5B8DD97D83EFD248E4FE3CC8588F221FD3C56CA459B47&eType=EmailBlastContent&eId=5ab7d986-a7cb-47ce-b95b-0562cc977562; Meryl Kornfeld & Lisa Rein, *Trump plan would limit disability benefits for older Americans*, THE WASHINGTON POST, Oct. 5, 2025, https://www.washingtonpost.com/politics/2025/10/05/disability-social-security-age-benefits/?eType=EmailBlastContent&eId=5ab7d986-a7cb-47ce-b95b-0562cc977562.

[12] Jack Smalligan, Urban Institute, Updating Social Security Disability, Sept. 18, 2025, https://www.urban.org/research/publication/updating-social-security-disability?eType=EmailBlastContent&eId=5ab7d986-a7cb-47ce-b95b-0562cc977562.

[13] Lisa Rein & Meryl Kornfeld, *Social Security scraps plan to limit disability benefits after uproar*, The Washington Post, Nov. 19, 2025, available at https://www.washingtonpost.com/politics/2025/11/19/social-security-disability-benefits-age/.

currently prevents ISM reductions if the SSI recipient lives with a person enrolled in SNAP.[14] Experts estimate that under SSA's current proposal to rescind that rule, hundreds of thousands of low-income older adults and disabled individuals nationwide would see a reduction or elimination of benefits—typically cutting benefits by hundreds of dollars each month or ending eligibility entirely.[15]

In this uncertain landscape, other recent policy changes have added to the complexity of DAP appeals. New rules related to vocational expert testimony make VE cross-examination more complex and demanding,[16] requiring more training and expertise from advocates.[17] DAP advocates must also do more work per case to secure access, and prevent wrongful denials and interruptions of benefits.

Taken together, this unstable policy landscape—marked by rapid rollouts, partial reversals, and major unfinalized proposals—has increased both case complexity and the time required to resolve even basic matters. These conditions increase case complexity and time per case, underscoring the urgent need for sufficient funding, to ensure that disabled New Yorkers are not left to navigate a volatile federal system on their own.

ASK:

Ensure that DAP funding can keep pace with costs and with the sharply increased demands placed on DAP providers by:

1. **increasing DAP funding to $7.5 million in the final budget, and**
2. **including DAP under the Human Services COLA to provide for long-term program viability.**

Combined with county match, this would provide $15 million statewide. Stable funding is essential to ensuring that DAP can continue to act as the first line of defense for

---

[14] *See* SSA, *Expand the Definition of a Public Assistance Household*, 89 Fed. Reg. 28608, Apr. 19, 2024, https://www.govinfo.gov/content/pkg/FR-2024-04-19/pdf/2024-08364.pdf; see also SSA, *Expansion of the Rental Subsidy Policy for SSI*, 89 Fed. Reg. 25507 (Apr. 11, 2024); SSA, *Omitting Food From In-Kind Support and Maintenance Calculations*, 89 Fed. Reg. 21199 (Mar. 27, 2024).

[15] Kathleeen Romig & Devin O'Connor, *Trump Administration Poised to Cut SSI Benefits for Nearly 400,000 Low-Income Disabled and Older People*, Center on Budget and Policy Priorities, Aug. 7, 2025, available at https://www.cbpp.org/research/social-security/trump-administration-poised-to-cut-ssi-benefits-for-nearly-400000-low.

[16] See Social Security Rule 24-3p, Titles II and XVI: Use of Occupational Information and Vocational Specialist and Vocational Expert Evidence in Disability Determinations and Decisions, Jan. 6, 2025, available at https://www.ssa.gov/OP_Home/rulings/di/02/SSR2024-03-di-02.html.

[17] George Piemonte, *Cross-Examining Vocational Experts in the Age of SSR 24-3p: A Call to Action for Representatives*, The Forum, NOSSCR, Jun. 26. 2025, available at https://nosscr.org/article/piemontes-perspective-6-2025/; Charles Hall, *New Ruling Allows Use of Vocational Information Sources Other Than DOT,* Social Security News, Dec. 5, 2024, available at https://socsecnews.blogspot.com/2024/12/new-ruling-allows-use-of-vocational.html.

disabled New Yorkers navigating a federal system in crisis. It also preserves the strong return on the investment that the Legislature has historically relied upon.

II. INCREASE FUNDING FOR THE MANAGED CARE CONSUMER ASSISTANCE PROGRAM (MCCAP)

The Managed Care Consumer Assistance Program (MCCAP), a statewide initiative run through the New York State Office for the Aging (NYSOFA), provides Medicare beneficiaries, including seniors and people with disabilities, critical assistance in accessing Medicare and Medicaid benefits, while reducing health care costs. We appreciate that the Executive Budget provides ongoing funding for MCCAP at its current level, $1.767 million. However, this funding is not sufficient to adequately support the growing demand for our services. This year we saw a number of Medicare Advantage Plans reduce their service areas, forcing many Medicare enrollees to choose new plans. These service area reductions, coupled with the rising cost of health care, led to an unprecedented demand for our services during the Medicare Fall Open Enrollment Period. We not only discussed Medicare plan options, we also explored subsidies to help reduce health care costs including the Medicare Savings Program, the Part D Low Income-Subsidy (also known as "Extra Help), and the Elderly Pharmaceutical Insurance Coverage (EPIC) program. To meet this growing demand, we are requesting the Legislature provide an additional $1 million in funding.

In addition to New York's growing aging population and changes in the health care delivery and insurance landscape, in the past year, many Medicare Advantage Plans (MAPs) have announced service area reductions or departures. In the Finger Lakes Region alone, this included 20 different MAPs from six different providers (Aetna, CDPHP, Excellus BlueCross BlueShield, MVP, United Healthcare, and Wellcare).[18] This need is compounded in a state like New York, where almost two million people are enrolled in Medicare Advantage Plans, the fourth highest in the country.[19] Furthermore, many individuals we work with live in rural areas and have limited internet access or may not be familiar with navigating online search tools such as Medicare.gov's Plan Finder. They can have lengthy prescription lists, making it difficult and time consuming to enter this information into Plan Finders for comparing estimated plan costs. Furthermore, despite important progress, many Medicare beneficiaries are not familiar with subsidies to reduce the cost of health care. In 2023, New York State significantly increased the income thresholds for the Medicare Savings Program (MSP), expanding eligibility to an estimated 300,000 additional New Yorkers. MSP enrollees will automatically qualify for the Part D Low-Income Subsidy (LIS), potentially saving a Medicare beneficiary $8,420[20] in healthcare costs, while expanding their ability to enroll in other Medicare plans (also known as "Special

[18] Adapting to Medicare Advantage Plan changes
[19] Medicare Advantage: Total Enrollment, by Plan Type | KFF State Health Facts
[20] SSA-L448-2025-English.pdf

Enrollment Periods"). Without MCCAP's efforts to provide education and combat stigma around this benefit, many will go unenrolled.

Increased funding will expand the program's capacity to respond to the high demand for Medicare navigation assistance. This is especially critical as we continue to deal with the constant flux in federal health policy as well as the spiraling cost of living. Seniors and people with disabilities are hit hardest when food, housing, and health care (including medications) costs rise at the rates we are seeing today. These populations deserve every bit of assistance we can provide to increase access to health care services and reduce out-of-pocket costs.

The six MCCAP agencies partner with NYSOFA, the New York State Department of Health (DOH), and the Center for Medicare and Medicaid Services (CMS) to provide training, technical support, and assistance to local Health Insurance Information Counseling and Assistance Program (HIICAP) offices, and other nonprofit organizations working directly with Medicare consumers across New York State. Additionally, MCCAP agencies work directly with consumers to provide education, navigational assistance, legal advice, informal advocacy, and direct representation in administrative appeals. We serve clients in their communities and provide services in their native languages; consumers also increasingly reach us via internet and our telephone helplines, as well as through our educational materials and referrals from local human service organizations.

It is an essential time to shore up funding for MCCAP. In the last few years, MCCAP remained available to assist Medicare beneficiaries during a very tumultuous time in our health care sector. Throughout the Medicare Fall Open Enrollment we fielded an extremely high number of inquiries, many of which stemmed from Medicare Advantage Plan departures and service area reductions. We not only informed beneficiaries of different existing plans in their area, we customized our searches based on their specific health care needs. This includes entering their prescription, pharmacy and provider information into Medicare.gov. We sent plan comparisons to beneficiaries so they can make an informed decision. We educated callers on special enrollment periods they may qualify for so they do not feel as rushed to choose a new plan and discussed how their Medicare interacts with other forms of health care coverage.

Additionally, as healthcare costs continue to rise due to policy changes at the federal level, more New Yorkers are dealing with different (or less) health coverage and need assistance accessing and affording care. Programs and services available to lower income New Yorkers – such as the Medicare Savings Program and programs available to assist in Part D prescription drug costs – are more essential now than ever. Further, with the flurry of false and misleading information repeatedly targeting seniors on television, by way of Medicare Advantage Plan advertisements with well-known aging athletes and celebrities as spokespeople, we regularly work with individuals who are confused and frustrated with the process of choosing Medicare plans, most notably Medicare Advantage Plans. MCCAP educates and assists New York's seniors and people living with disabilities on the myriad of options available to them, including how to maximize coverage while adhering to tight deadlines and confusing procedures.

MCCAP continues its work helping individuals understand and access their benefits under the highly complex Medicare Part D program, as well as assisting dual-eligible individuals and other Medicare beneficiaries with health care access issues besides Part D. In addition, MCCAP has responded to a range of new needs that have resulted from the changing health care landscape. For example, MCCAP has fielded a high volume of calls from Medicare beneficiaries looking to explore Medicare supplement plans (also known as "Medigap"). For those who can afford these plans, they provide important financial security when dealing with significant healthcare needs.

MCCAP is also ideally positioned to help Medicare beneficiaries adapt to any changes to Medicare, and other health coverage programs that work with Medicare, that may arise out of the federal debates about the future of healthcare in America. In recent years, MCCAP was contacted by many Medicare recipients anxious to know what changes may lay ahead for them, and what they could do to anticipate those changes. Uncertainty about changes to Medicare and Medicaid has undoubtedly grown since this time last year as New Yorkers, particularly older adults and people with disabilities, struggle with urgent and shifting health needs.

ASK:

We urge the Legislature to include an additional $1 million in funding for MCCAP in the one-house budgets, and a total of $2.767 million in the final budget.

III. INCREASE PUBLIC ASSISTANCE GRANTS SO NEW YORKERS CAN MEET THEIR BASIC NEEDS WHILE WORKING TOWARD A PATH TO ECONOMIC WELLBEING

Public Assistance grants have not been increased in nearly 15 years. The current grants force recipients to live in deep poverty. In *every* county of the state, the maximum public assistance grant is significantly *less* than 50% of the federal poverty level – what the U.S. Census Bureau defines as "**deep poverty**." See Table 1. For instance, the 2026 federal poverty level for a family of three is $ 2,220.83 while the maximum temporary assistance grant for a family of three in Erie County is only $690 – just 31% of the poverty level.

Public Assistance grants consist of several components: a shelter allowance (set by regulation at 18 NYCRR 352.3), a basic needs allowance [Social Services Law (SSL)131-a], a home energy allowance [SSL 131-a (3-c)] and supplemental home energy allowance [SSL 131-a(3-d)], a home heating allowance [18 NYCRR 352.5(b)], and for eligible households, various allowances based on special circumstances. The basic needs allowance has not been adjusted since 2012, and the shelter allowance has not been increased in decades.

A. Increase benefits for housing expenses to 100% of the United States Department of Housing and Urban Development's Fair Market Rent for households eligible for public assistance

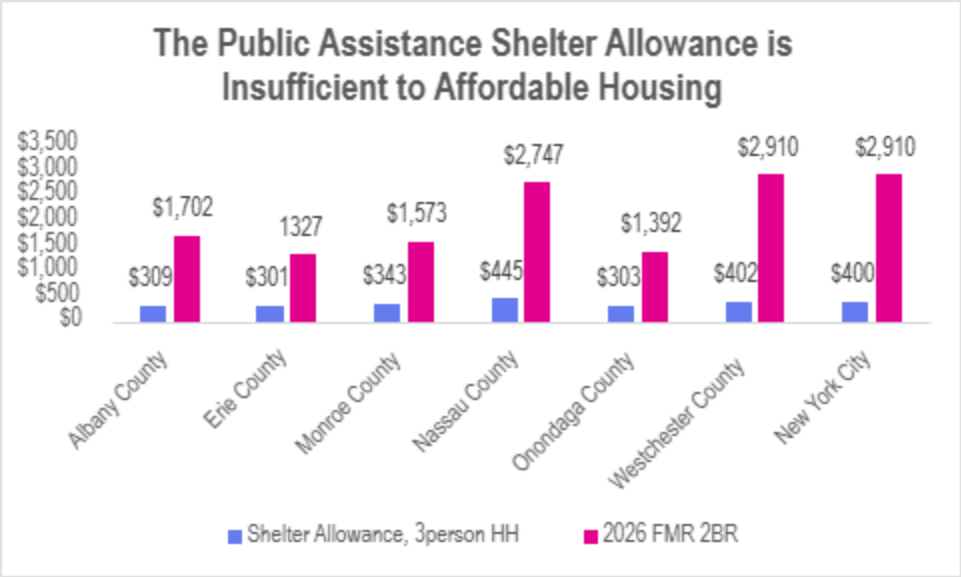
The New York State Office of Temporary and Disability Assistance (OTDA) is charged with formulating a shelter allowance schedule setting forth maximum allowances for rent for each

social services district.[21] For families with children, by statute, that allowance must be adequate to provide for the child in the home.[22] Unfortunately, OTDA has failed to amend its regulations to keep up with the cost of housing, and at this point, there are no rental units in the private market that meet basic health and safety standards that are priced at or below the shelter allowance. For households with children, OTDA has not updated the shelter allowance schedule since 2003 even though rents have more than doubled since then. For households without children, OTDA has not increased the shelter allowance since 1988, but rents have almost *quadrupled* in the last 38 years.[23]

To determine the cost of housing in New York State and nationwide, the Department of Housing and Urban Development (HUD) engages in a detailed analysis of rents in the private housing market. Using that data, HUD determines the "fair market rent" (FMR) for housing that meets basic quality standards for each jurisdiction. An area's FMR is the amount that a tenant would need to pay for privately owned, decent, and safe rental housing of a modest (non-luxury) nature with appropriate amenities (i.e., including cooking and bathing facilities).[24] The FMR is not the average rent paid in a community – it is an estimate of the 40th percentile gross rent paid by recent movers into standard quality private market units in an area.[25]

The shelter allowances are dramatically lower than the actual cost of decent housing – the FMR -- in all counties across New York State. Shelter allowances for a family of three range from a low of $259 per month in Franklin County to a *high* of $447 per month in Suffolk County. Comparing the shelter allowance to the FMR, as seen in the chart below, the shelter allowance leaves tenants hundreds, if not thousands, of dollars short of being able to afford a habitable apartment. For a chart containing all counties, see Table 2.

[21] *See* SSL 131-a; 18 NYCRR § 352.3 (setting rent allowances).
[22] SSL 350(1)(a).
[23] In Albany County, for instance, the 2026 HUD FMR for a two bedroom is $1702 while in 2003, it was $633, and in 1988 it was $438. *HUD FMR History 1983-Present*, US Dept. of Hous. & Urban Dev., https://www.huduser.gov/portal/datasets/fmr.html#history (last accessed Jan. 26, 2024).
[24] 24 CFR 888.113.
[25] *Id.*



OTDA offers local districts the opportunity to request approval to provide supplements for households receiving public assistance who are experiencing or at risk of eviction if the district can describe a justification for the need.[26] Unfortunately, as of January 2025, only 25 districts had approved Shelter Supplement programs for households receiving public assistance.[27] Furthermore, there isn't sufficient funding allocated to supplements to meet the level of need in most counties: outside of New York City, in December 2024 only 12 counties distributed any Shelter Supplements, that is less counties than last year where 16 counties distributed Shelter Supplements.[28] In total for ROS, only 1,632 households in December 2024 were receiving rental assistance from a Shelter Supplement – a small fraction of the number of public assistance recipients experiencing homelessness.[29] For those who did receive a supplement, benefits are set at a fraction of the HUD FMR levels. For a single adult in Nassau County, for example, the State-set public assistance shelter allowance is $288 and the supplement is $275 for a total of $563, but the HUD FMR level for a one bedroom apartment in that county is $2,379. In Monroe County, the public assistance shelter allowance for a family of three is $343 and the supplement is $182 for a total of $525, but the HUD FMR level for that county is $1,573 for a two-bedroom apartment.

[26] 18 NYCRR 352.3(a)(3). See also NY Off. Of Temp. and Disability Assistance, Shelter Supplements Plans and Revisions, GIS 20 TA/DC012 (Feb. 21, 2020), available at https://otda.ny.gov/policy/gis/2020/20DC012.pdf.
[27] Empire Justice Ctr., *Standard of Need by County*, https://empirejustice.org/resources_post/standard-needcharts/ (last updated July 2025).
[28] See Appendix A.
[29] *Id.*

These low supplements make it incredibly challenging for recipients to put Shelter Supplements to use. Some programs have additional restrictive eligibility criteria. The Shelter Supplement program fails to fill the gap left by the meager shelter allowance.

We thank the Governor for allocating $100,000,000 annually, including in this year's budget to fund a New York State Rental Supplement Program.[30] But a more robust investment is needed. The Rental Supplement Program provides supplements, at local option, to low-income New Yorkers who are experiencing homelessness or facing imminent loss of housing.[31] But like the Shelter Supplement program, the Rental Supplement Program as currently formulated does not do enough to remedy the inadequacy of the shelter allowance. Local districts must opt into the program, and some have declined to do so. Participating counties are typically setting the supplement at only 85% of FMR when data clearly shows that 100% FMR is the most reasonable standard to get New Yorkers into safe and decent housing. Many public assistance recipients are ineligible because they are not imminently at risk of homelessness even if they are living in substandard and unsafe housing, reside in overcrowded conditions, or have yet to receive a notice of eviction from their landlord.

Safe and habitable rental housing is unaffordable for public assistance households due to the inadequacy of the shelter allowance and the supplement programs currently available fail to fill the gap in need. As a result, households on public assistance who have not been lucky enough to get federal subsidies for housing are likely to be cost-burdened (putting them at risk of eviction and frequent moves), be doubled up in overcrowded housing (leading to negative health and educational outcomes), live in substandard conditions that are making them sick, or experience homelessness. New Yorkers deserve better.

ASK:

1. **Increase the shelter allowances to 100% of HUD fair market rent, adjusted annually if the FMR is increased. (S.1454 Kavanagh / A.1507 Rosenthal)**
2. **Until the shelter allowance is increased, all public assistance households experiencing housing instability should be entitled to rent supplements at HUD fair market rent**
3. **People experiencing housing instability who are not eligible for public assistance should receive a supplement and/or voucher at HUD fair market rent, such as the Housing Access Voucher Program (HAVP). *(S.72 Kavanagh /A.1704 Rosenthal)***

[30] NY Off. of Temp. and Disability Assistance, New York State Rental Supplement Program, 25 LCM-04 (April 25, 2025), available at https://otda.ny.gov/policy/directives/2025/LCM/25-LCM-04.pdf. Fiscal Year 2027 Aid to Localities, at p. 543-545, available at Aid to Localities Appropriations Bill | NYS Fy 2027 Executive Budget

[31] *Id.*

B. Increase funding for basic necessities

a. Increase the basic needs grants

Like the shelter allowance, the non-shelter portions of the public assistance grant have not been updated for years. Inflation has increased dramatically since the COVID-19 pandemic but the basic needs allowance has not been increased since 2012 despite the rising cost of living. For an individual, the maximum monthly basic needs grant for a person with no other income is only $158 – less than $6 per day.

HEA and SHEA were last adjusted in 1981 and 1986 respectively, and as set forth below, bear no reasonable relationship to energy costs.[32] The sum of the basic grant, HEA, and SHEA for all of New York can be found below.[33]

New York Basic Grant Schedule							
Household size	**1**	**2**	**3**	**4**	**5**	**6**	**Each add'l Person**
Basic needs	$158.00	$252.00	$336.00	$433.00	$534.00	$617.00	+$85.00
HEA **SHEA**	$14.10 $11.00	$22.50 $17.00	$30.00 $23.00	$38.70 $30.00	$47.70 $37.00	$55.20 $42.00	$7.50 $5.00
Sum	$183.10	$291.50	$389.00	$501.70	$618.70	$714.20	

The stagnant basic needs allowance has ensured that poor New York families have increasingly greater difficulty paying for life's essential expenses, forcing them to focus more on their survival than on doing what needs to be done to improve their lives. They can't afford to buy cleaning supplies, personal care items, hygiene products, clothing, and transportation. And because of the enormous difference between the shelter allowance and the cost of housing, many recipients must eat into their basic needs grant to cover housing - ensuring that recipients have little to nothing left of their basic needs allowance to buy necessary goods.

Increasing the basic needs grant means that individuals can afford to take care of their homes, their families and themselves. We support the proposal of the Governor's Child Poverty Reduction Council which would help reduce child poverty by increasing the basic needs grant by 100%. (S.1127 Persaud / A.106 Rosenthal)

Social Services Law § 131-a(3-c, 3-d).

Social Services Law § 131-a(2).

b. Increase the Personal Needs Allowance (S.113 Cleare / A.108 Rosenthal)

Individuals and families who reside in certain shelters receive a grant called the personal needs allowance, which is only **$45 per month** (or $1.50 per day) for a single individual and **$63 per month per household member** for families with children. We support efforts to increase this allowance. S.113 Cleare / A.108 Rosenthal would amend SSL 131-a to increase the personal needs allowances provided to New Yorkers residing in shelters so that they won't have to struggle to make ends meet each month when buying basic necessities for themselves and their families. These grants levels are currently so abysmally low that families and individuals in these shelters cannot buy essential items like menstrual products, underwear, diapers, and laundry detergent.

c. Allow Parents and Caretakers to Exclude Children with Income from the Public Assistance Household

One way to support struggling families is to allow children who have income from absent or deceased parents (such child support, or Social Security Survivor's or Disability benefits from the account of a deceased or disabled parent) to retain that income and have the option of not being a member of the public assistance household if it is beneficial for the family of the child to do so.

Social Services Law § 131-c (1) currently requires that when a minor is named as an applicant for public assistance, their parent(s) and minor siblings must also apply for assistance and be included in the household for purposes of determining eligibility and the grant amount. Although the statute uses the phrase "minor brothers and sisters," the law has been used to require the income of half-siblings to be applied as income against the other half-sibling to reduce the amount of the public assistance benefits of the child with no income. Under the current statute, the unearned income of any child, such as child support or social security survivor's benefits, is considered available to the entire household. As such, it reduces the entire grant of the household unless disregarded under some other provision of law.

A change in this law would particularly benefit non-parent caregivers of children who have parents who are unable to care for them due to the death, drug addiction, incarceration, or disability of the parent. These caregiver relatives are often on fixed incomes with limited resources. Studies show that children placed in care with relatives fare much better emotionally and intellectually than children who live in foster care with strangers.[34] Because current law requires the income of half siblings in a public assistance household be applied to support the income of any other half-siblings in the household, when a non-parent caregiver, who has no legal responsibility for the support of a child in their care takes in a second child with income, the public assistance grant of the first child is reduced.

[34] G. Wallace and E. Lee, *Diversion and Kinship Care: A Collaborative Approach Between Child Welfare Services and and NYS's Kinship Navigator*, 16 J. of Family Social Work, 418-19 (2013), available at http://www.nysnavigator.org/pg/professionals/documents/Wallace__Lee_2013_Diversion.pdf

We recommend that New York amend Social Services Law 131-c as part of an Article VII budget bill to make this important change. Model language can be found in a bill that was passed by both houses in the 2019-2020 legislative session.[35]

ASK:

1. **Increase the basic needs grant by 100%. (S.1127 Persaud / A.106 Rosenthal)**
2. **Increase the personal needs allowance for homeless New Yorkers. (S.113 Cleare / A.108 Rosenthal)**
3. **Amend Social Services Law 131-c to allow parents caretakers to exclude children with income from the public assistance household**

C. INVEST AND WORK TOWARDS UNIVERSAL CHILD CARE

Safe and affordable child care is critical for children, families, the work force, and our communities. Governor Hochul's commitment to increase the State's investment by $1.7 Billion in child care subsidies for those that need it most reinforces these values. This investment is especially important as at least 21 counties[36] have run out of funding and are starting waitlists. We are also thrilled to see the expansion of Pre-k for all four-year-olds by the 2028-2029 school year and the investment in pilot programs in Monroe, Dutchess, and Broome Counties to expand child care access regardless of income. We urge Governor Hochul and the legislature to continue to work towards the goal of universal child care for families in all the counties of the state.

a. Provide Access to Child Care Assistance to All Otherwise Eligible Immigrant Children, Regardless of Immigration Status

To truly achieve universal child care, we must provide child care assistance to all families, regardless of immigration status of the children. New York has already taken a first step by investing in a state-funded pilot program that provides child care to immigrant children who are not eligible for child care assistance because of restrictions in the Child Care Development Fund Block Grant. We urge New York to continue and expand that investment so that more families can enroll in this much needed service. We also urge that the budget provide additional funding for outreach in languages other than English in various locations across the state and eliminate other barriers that prevent eligible immigrant families from enrolling.

---

[35] S.6017A (Persaud)/A.4256A (Hevesi) Although that bill was vetoed by Governor Cuomo, that bill was passed after that year's budget was enacted, and the Governor indicated that the bill's intent was laudable and should be considered during budget negotiations.

[36] https://nysfocus.com/2025/08/08/child-care-vouchers-assistance-ccap-new-york-waitlist

ASK: Fund and expand state-funded child care assistance pilot programs to support more immigrant families accessing childcare.

D. ELIMINATE RESOURCE LIMITS

The modest increase in the public assistance resource limits in the 2022-23 budget which amended Social Services Law 131-n, [from $2000 to $2500 for applicants; $3750 if someone in the applicant household has a disability or is age 60 or over, and $10,000 for recipients] was a step in the right direction but did not go far enough to allow low-income families to guard against emergencies. Asset tests should be fully eliminated.

We support the proposal of the Governor's Child Poverty Reduction Council which would help reduce child poverty by fully eliminating resource limits for cash assistance. Asset tests are counter-productive to the goal of financial independence. They do not allow households to retain a cushion against emergencies, ensuring that any given crisis will strike a devastating blow to the household's financial security. Especially in these challenging economic times, it is heartbreaking to see individuals not only having to deplete their bank accounts but also having to cash in their modest retirement accounts as a condition of eligibility for public assistance and thereby suffering a tax penalty for prematurely making these withdrawals. It is time for New York to amend Social Services Law § 131-n to conform its public assistance resource rules to its SNAP resource rules by eliminating the asset test for public assistance.

Critically, the concern that eliminating the asset test or increasing exemptions would lead to higher costs and an increase in recipients has been shown to be without merit in states that have eliminated asset rules. Many states have eliminated consideration of assets altogether or increased the exemptions for assets. New York[37] and 36 other states have eliminated their SNAP asset tests.[38] [39] Nine states have eliminated their public assistance asset tests completely: Alabama; Colorado; Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Ohio, and Virginia.[40] At least thirteen additional states (Arizona, California, the District of Columbia, Florida, Georgia, Idaho, Kentucky, Mississippi, North Carolina, Texas, Utah, Vermont, West Virginia), expressly

---

[37] New York has eliminated the SNAP asset test for nearly all recipients. An asset test remains households that include elderly or disabled members. See: OTDA General Information System Message 18 DC034, *Food Stamp Categorical Eligibility Desk Aid* at: https://otda.ny.gov/policy/gis/2018/18DC034.pdf

[38] Urban Institute Welfare Rules Databook, https://wrd.urban.org/welfare-rules-databook (current through 2021); and Prosperity Now Scorecard, available at: https://scorecard.prosperitynow.org/data-by-issue#finance/policy/savings-penalties-in-public-benefit-programs

[39] Urban Institute Welfare Rules Databook, https://wrd.urban.org/welfare-rules-databook (current through 2021); and Prosperity Now Scorecard, available at: https://scorecard.prosperitynow.org/data-by-issue#finance/policy/savings-penalties-in-public-benefit-programs

[40] Burnside, A. and Fairbanks, J., Center on Law and Social Policy, *Eliminating Asset Limits: Creating Savings for Families and State Governments* (Oct. 2023), available at https://www.clasp.org/wp-content/uploads/2023/10/2023_Eliminating-Asset-Limits-Creating-Savings-for-Families-and-State-Governments.pdf.

exempt retirement accounts.[41] Since public assistance applicants generally have little or no cash, eliminating or increasing asset limits has had little impact on caseload. Louisiana eliminated its TANF asset limit in 2009 and five years later reported little to no change in the number of families receiving benefits in the years since. Ohio eliminated their asset test in 1997, and as of 2014, the state saw no increase in the number of families receiving aid.[42] Eliminating asset tests leads to an increase in bank accounts, and having a bank account helps families conduct basic financial transactions, save for emergencies, build credit history, and access fair, affordable credit.[43]

Furthermore, eliminating consideration of assets when calculating public assistance eligibility, as New York does when calculating SNAP benefits, would provide an opportunity to relieve social services districts of burdensome administrative and fiscal responsibilities. The gathering, reproducing, investigating, and filing of paperwork concerning assets is time consuming and expensive for both applicants/recipients and the social services districts. Elimination of the asset limit would simplify and streamline the application and recertification process. Virginia found that although it spent approximately $127,000 more on benefits for 40 families, it saved approximately $323,000 in administrative staff time, resulting in a net savings of $195,850.[44] Colorado estimated a caseworker savings of 90 minutes/case.[45] By saving time in processing applications and re-certifications, districts are better able to meet their federally- and state-mandated time frames for making eligibility decisions and, further, can allocate limited staff resources to other functions, like working with families to help them identify and achieve their goals and work towards long-term economic stability.

ASK:

1. **Repeal the resource test entirely, or at the very least apply the $10,000 limit to both applicants as well as recipients, so that families can have a "crisis fund" for emergencies.**
2. **Further, we encourage New York to join the twenty states that exempt retirement accounts entirely from consideration when determining public assistance eligibility. (S.1791 Fernandez / A.2061 Gonzalez-Rojas)**

E. INCREASE FOOD SECURITY FOR VULNERABLE LOW-INCOME FAMILIES

a. Include chip technology in electronic benefits cards

[41] Prosperity Now Scorecard, available at: https://scorecard.prosperitynow.org/data-by-issue#finance/policy/savings-penalties-in-public-benefit-programs An additional seven states (Connecticut, Indiana, Massachusetts, Michigan, Montana, Nebraska, and Oregon), exempt" inaccessible retirement accounts."
[42] Burnside, A. and Fairbanks, J., at pages 5-6
[43] *Id.,* at page 4
[44] *Id.* at page 6
[45] *Id.*

Empire Justice Center applauds Governor Hochul's commitment, announced during her State of The State Address, to protect low-income New Yorkers by upgrading New York's Electronic Benefits Transfer ("EBT") cards to secure chip-based technology. This will curtail organized crime rings who "skim" EBT cards and prevent the theft of critical public benefits, including SNAP and Cash Assistance. This upgrade will prevent tens of millions of dollars in stolen SNAP and Cash Assistance annually, which leaves people hungry and creates a significant loss to local economies and small businesses. This step protects millions of benefits recipients including children, older Americans and individuals living with disabilities who are vulnerable to hunger and extreme poverty if their benefits are stolen. This commitment will modernize the EBT system and significantly curtail benefits theft to ensure that taxpayer dollars go to their intended purpose – supporting New Yorkers in need and our local economies.

Empire Justice Center supports S.2401 Persaud, because this bill will add EMV Technology to EBT Cards and require that processing be done by "dynamic data authentication" with implementation by January of 2027. S.1465 Serrano / A.699 Gonzalez-Rojas would largely accomplish the same objectives; but the implementation deadline of July 2027 is seven months later than S.2401 Persaud, meaning millions of dollars of benefits will be stolen during this time. Empire Justice Center encourages the legislature to select an implementation deadline that is as soon as practical.

While implementation of chip-based technology will drastically reduce SNAP theft, it will not eliminate it entirely. It is imperative that eligible New Yorkers have expeditious access to replacement SNAP benefits to feed themselves and their families through an accessible community-based process. With the end of federal SNAP reimbursement in December of 2024, New York must step up to fill this gap. S.8130 Gonzalez / A.7543 Gonzalez-Rojas adds replacement of SNAP benefits to the already existing processes for replacement of stolen cash assistance under Social Services Law § 152-d. This bill streamlines the process by utilizing existing infrastructure and resources for the replacement of SNAP funds. Importantly, SNAP recipients can easily file for replacement SNAP with their local department of social services and receive replacement benefits within five days. Importantly, this bill ensures that victims of SNAP theft will be made whole by clarifying that the replacement benefits are not debt or overpayment to the household. However, Empire Justice Center implores the legislature to remove the once-a-year cap on replacement SNAP benefits to ensure that individuals who have their benefits stolen more than once are not left hungry and without recourse. The replacement benefits should be state funded to reduce the burden on the counties and eliminate the disincentive to deny replacement applications.

ASK:

1. **Expedite the implementation of chip cards by including S.2401 Persaud in the one house and final budget**
2. **Enact S.8130 Gonzalez / A.7543 Gonzalez-Rojas to add replacement of SNAP benefits to the already existing processes for replacement of stolen cash assistance under Social Services Law § 152-d.**

b. **FIGHT HUNGER WITH INVESTMENTS IN SNAP**

- **SNAP 4 All**

We thank Governor Hochul for investing $65 million in new funding for food banks and pantries to support those whose SNAP benefits were delayed in November due to the government shutdown. However, New York needs to create a long-term solution for those who are being excluded from SNAP under the provisions of H.R.1 based on their immigration status. The NYS Child Poverty Reduction Advisory Council (CPRAC) recommends an investment of $244 million in the Executive Budget to protect 41,000 newly excluded refugees, asylees, people with humanitarian parole and others, and noncitizen households with children. Including CPRAC's recommendation establishing a food benefit program for non-citizen households with children will bring NY State closer to reducing child poverty and hunger, reaching nearly 65,000 children. SNAP for All is also essential to prevent food insecurity for almost 41,000 New Yorkers who are fleeing situations of persecution, violence, human trafficking, and domestic violence. State funding is needed to prevent this change in eligibility from harming New Yorkers' ability to afford food.

ASK: **Create a food benefit program, as set forth in S.9033 Rivera / A.6632 Gonzalez-Rojas.**

- **Increase the SNAP minimum benefit**

New Yorkers are struggling with the rising cost of food and are often skipping meals, falling behind on other expenses so they can pay their grocery bills, or relying on food pantries, which are themselves suffering due to federal cutbacks. SNAP benefits have not kept us with the rising costs of inflation. We support S.665 May / A.1318 Gonzalez-Rojas which would provide a SNAP minimum benefit equal to the difference between the household's federal SNAP benefit and $100, bringing them up to this new monthly minimum. This is estimated to provide additional food assistance over 107,000 New York State residents who currently receive less than $100 per month in SNAP benefits and would help relieve food insecurity.

ASK: Increase the SNAP minimum benefit by enacting S.665 May / A.1318 Gonzalez-Rojas.

F. Amend SSL 106-b to eliminate the restriction on the correction of Public Assistance underpayments

SSL 106-b limits the correction of public assistance underpayments to current recipients. As a result of this law, even where a former public assistance recipient is determined through a fair hearing or court of law to have been wrongfully denied benefits they were entitled to receive, they are not compensated. This is unfair and a wrong that should be immediately corrected.

Public assistance applicants who are wrongfully denied benefits they were entitled to receive, and recipients whose benefits were wrongfully terminated or reduced may be forced to rely on credit cards and borrowing from family and friends, building up debt. They are unable to meet basic needs and recurring expenses and may lose their furniture upon being evicted when they are unable to pay their rent, lose their transportation if they are unable to make payments on a car loan, or face high reconnection fees for utilities. Because fair hearing and judicial decisions may take months or even years to find in favor of appellants, some applicants and recipients who were wrongfully denied benefits may have secured employment of disability benefits in the interim. Although the harms they suffered while benefits were wrongfully denied are often still ongoing, including debts that these households can ill-afford to pay, SSL 106-b cruelly assures that those who were wronged get nothing.

ASK: Amend SSL 106-b to delete the sentence that limits correction of underpayments to current recipients of public assistance.

G. Ensure a fair process for reducing erroneous welfare sanctions applies statewide

In 2015, Social Services Law § 341 was amended [L. 2015, c 562, § 2, eff. 12/18/15] to dramatically improve the treatment of public assistance recipients threatened with the loss of their benefits because of an allegation that they failed to comply with a welfare work requirement. Although originally proposed as a statewide bill, at the last minute it was modified to apply only to New York City, leaving out the fifty-seven counties in the rest of the state. The law provides common sense protection against the imposition of unwarranted and unduly harsh sanctions on the poorest New Yorkers and should apply statewide. For the entire state outside of New York City, those threatened with a loss of benefits for failure to comply with a work rule, in practice bear the burden of demonstrating that they either did in fact comply or had good cause for not complying. Although clients often prevail when they ask for a fair hearing, far too many individuals, but particularly those who may be disabled, have difficulty accessing the hearing process or otherwise asserting their rights.

Three powerful considerations guide our support for expansion of this law to the whole state:

- A disproportionate number of those who are sanctioned have disabilities or face other barriers that make it difficult for them to comply with work rules. People with serious physical or mental health limitations that are not identified by DSS are often ill-equipped to comply with work requirements and are therefore at greater risk of sanction. Individuals with lower levels of literacy, education, and skills, as well as those with domestic violence issues and limited English proficiency are also more likely to be sanctioned.
- Sanctions cause serious hardship. For single individuals, a sanction means the loss of an entire grant. Those in families are already struggling with a benefit that is

extremely inadequate. Any reduction due to a sanction is likely to cause severe hardship. Parents and children in sanctioned families are more likely to experience hunger and food insecurity, increases in hospitalization, eviction, homelessness, loss of utility and telephone service, and the need for emergency services including emergency housing, food and clothing aid.

- Decisions to impose sanctions are often the result of administrative errors, inadequate notice or client disabilities. Factors include:
  - Notices that do not clearly explain the clients' rights,
  - Notices that are not timely sent or are not properly addressed,
  - Non-compliance that is the result of a disability that DSS failed to detect, or detected but did not accommodate.

As a result of the 2015 amendments, in New York City, before imposing a sanction, the Human Resources Administration must determine whether the alleged failure to comply was related to a disability, a child care problem or transportation difficulties. In addition, mandatory durational sanctions, with inflexible punishment periods of reduced benefits, are eliminated. Instead, sanctions can be avoided, or lifted if already in effect, if the client demonstrates a willingness to comply with the work requirements or establishes that they are unable to do so. Finally, a client who is otherwise satisfactorily participating in assigned work activities must not be sanctioned for a single infraction.

There is no justification for failing to apply these fair and reasonable measures statewide. They provide critical protection to clients who may be unable to comply with a work requirement for reasons beyond their control, or who have a single lapse in a system that is often rigid and punitive. We support the proposal of the Governor's Child Poverty Reduction Council which would help reduce child poverty by affording all public assistance recipients in New York the opportunity to participate in appropriate activities and limit the risk of unwarranted punishment.

In December of 2021, Governor Hochul vetoed (S.668 May / A.3227 Hunter), a bill that would apply the protections of SSL 341 statewide. The Governor stated that she was supportive of this bill's intent but needed time to evaluate the effect of this change on federal work participation rates. The federal work participation rate applies solely to families with children, not households .[46] Ultimately, we expect that expanding the conciliation process to the rest of the State is likely to improve the work participation rate by helping families work with their local district to address their barriers to employment. We can enact this bill.

ASK: Enact S.4417-A May / A.6448-A Hunter which would repeal SSL 341 and 342 and amend SSL 341-a. 342-a and 332-b to eliminate durational sanctions and provide a sensible sanction process statewide.

[46] See Off. of Family Assistance, US Dept. of Health & Human Servs., Caseload Reduction Credits Fiscal Year 2023 (2024) available at https://www.acf.hhs.gov/sites/default/files/documents/ofa/wpr2023table01a.pdf.

H. ESTABLISH A KINSHIP LEGAL NETWORK

With the pandemic, opioid crisis, housing instability, mental health, poverty, and other factors, the number of children who are unable to be with their parents has increased in recent years.

Non-parent caregivers stepping in to care for vulnerable children are faced with having to navigate a complicated and overwhelmed court system on their own. They are not entitled to assigned counsel, and without legal representation, are effectively excluded from participating in court. More importantly, they have multiple legal needs: navigating the public benefits system, the foster care system and for children with special needs – the educational systems and the Social Security systems.

To address this, we ask that you fund $2 million through the Office of Children and Family Services to establish a Kinship Legal Network, to provide legal representation, information, and advice to non-parent caregivers interfacing with New York's complex justice and social services systems. The Kinship Legal Network would support some of New York's most vulnerable children and the family members trying to care for them, and it is in line with the Office of Family and Children's Services work in implementing the directives of the Family First Prevention Services Act.

The Kinship Legal Network will use a proven model that has been replicated in a variety of legal services areas; it will develop a network of legal services providers who will serve clients, as well as look across the state to collect data and recognize trends as a means to identify success stories, systemic challenges and solutions, and to document the benefit of the program to NY families and the State. The program will leverage the existing Kinship Navigator, a successful statewide program operated by Catholic Family Center which provides an information and referral network for kinship caregivers across all of New York State.

Along with preventing placement disruptions and mitigating barriers to placement, attorneys who represent kinship caregivers also:

- Assist in achieving permanency goals though family reunification, custody, guardianship, and adoption;
- Ensure the caregiver and children receive all benefits to which they are entitled – public assistance, SNAP, Supplemental Security Income, Social Security benefits for children with deceased or permanently disabled parents, and educational assistance;
- Represent caregivers in related child support, family offense, and administrative matters;
- Connect caregivers to community service partners to ensure all needs, not just legal needs are being met.

The Kinship Legal Network would support some of New York's most vulnerable children and the family members trying to care for them, and it is in line with the Office of Family and Children's Services work in implementing the directives of the Family First Prevention Services Act.

ASK: Include funding and language to establish a Kinship Legal Network pilot program (A.531 Hevesi)

I. PROVIDE SSP BENEFITS TO ELDERLY AND DISABLED NEW YORKERS FOR CLOSED PERIODS OF ELIGIBLITY

Many senior and disabled New Yorkers rely on Supplemental Security Income (SSI), a needs-based program available only to those with very limited or no income. In New York, SSI has a federal component, administered by the Social Security Administration, and a state supplement, called SSP, which was administered by Social Security Administration until 2014, when the Office of Temporary and Disability Assistance (OTDA) took over its administration. Currently, New York's SSP portion is either $23 or $87 each month for individuals, and $46 or $104 for couples, depending on living arrangement.

In January 2021, OTDA implemented a series of so-called "clarifying" changes through administrative rule making, repealing the section of the regulation that assured payment of SSP for closed periods. The January 2021 regulation limited retroactive payments to only *current* SSI recipients, undermined decades of policy and practice, and administratively overruled three court decisions that directed OTDA to pay SSP benefits to people who were eligible for SSI for a closed period.[47]

Moreover, previous to New York's take-over of SSP in 2014 from the Social Security Administration (SSA), SSA issued retroactive SSI payments to recipients. But once New York State took over the administration of the SSP program, OTDA stopped paying these retroactive benefits, despite being directed by both Administrative Law Judges in its own fair hearing bureau and the Courts to continue paying them.

Due to delays and complexities embedded in the disability benefits applications process, a number of very low-income seniors and disabled New Yorkers are eligible for SSP only for a five-month period while waiting for Social Security Disability Insurance (SSDI) benefits and are no longer *active* SSP recipients by the time SSI benefits are awarded. The 2021 OTDA changes deprive very low-income New Yorkers of a small but important supplement to their income.

[47] *Torres v. Roberts* ,63 Misc. 3d 1229 (Albany Co. Sup. Ct. 2019)*; Sherwood v. Roberts,* Albany County Sup. Ct., Index No. 904631-18 (4/25/19); *Goyer v, Roberts,* Albany Co. Sup.Ct. Index No. 4694 (4/23/2019)

This includes those who are only eligible for SSP benefits during their five-month waiting period for SSDI, and others whose SSI benefits were suspended for technical reasons, but otherwise would be eligible for SSP. These dollar amounts are modest but make a world of difference to recipients.

ASK:

Include language funding to implement the proposal in S.7741/A.1817 in the one-house and final budgets

IV. INCREASE FUNDING FOR OTDA'S EVICTION PREVENTION REPRESENTATION

Among other substantive areas of law, Empire Justice Center advocates for tenants in housing court and we provide services such as eviction defense and enforcement of housing rights. We are part of the Tenant Defense Project in Monroe County, with funding from the Senate's Upstate Legal Services funding, and we represent immigrant tenants on Long Island with funding from the Emergency Rental Assistance Program (ERAP), through a subcontract with Legal Services of Long Island.

The Office of Temporary and Disability Assistance's Emergency Rental Assistance Program (ERAP) provides essential funding to support legal services and representation for eviction cases primarily outside of New York City to ensure housing for our clients. Our Long Island Office has focused on the need of poor immigrants for representation and legal assistance since its inception in 2007. Thanks to a subcontract with Legal Services of Long Island— funded through the ERAP program — we expanded our housing work and started a new Tenant Advocacy Practice Group, bringing our Rochester and Long Island practitioners together. With the new contract we began providing direct representation and legal advice to tenants facing eviction in the many Landlord/Tenant courts throughout Long Island. Our clients are primarily immigrants who cannot be represented by Long Island Legal Services. Most do not speak English and have very little understanding of the court system and processes in the US. Given the current political climate at the Federal level, these immigrant tenants need our help now more than ever.

Prior to Empire Justice's involvement, these tenants had no access to legal services when facing eviction. The ERAP funding has provided enormous relief for a large number of our clients. Many tenants were eligible for rent arrears payments that prevented eviction. Even in cases where the ERAP Program could not prevent termination of the rental agreement, the Program gave our clients added time to find alternative housing and money to move. Our Tenant Advocacy staff also offer guidance and representation to tenants who are being illegally evicted from their homes, and we have helped to avert some catastrophic situations. One such case

was reported in *Newsday*[48]. As a result of our advocacy, heat to the tenant's apartment was restored, rental arrears were waived, and the landlord was prosecuted for unlawfully trying to evict our client.

In 2025 we provided legal advice, referrals, and representation to over 172 households, a 10% increase over the prior year. With the increase in funding provided by the legislature, Legal Services of Long Island was able to increase Empire Justice Center's funding. With these funds we hired a second Housing Attorney and Bilingual Paralegal and opened a second Long Island office in Hempstead that will offer more accessible services to our Nassau County clients. We anticipate hiring a third attorney this year as well. The additional staff will enable us to take on more cases and provide more extensive legal advice and referrals for other types of assistance. In addition, we now have some resources to do outreach to immigrant communities to offer information on the rights and protections of tenants and the legal services that we can provide. Restoration of the legislative add-in this year's budget is essential to our ability to continue these services. The most urgent need of our clients is for safe, affordable, and stable housing. They must often live in overcrowded and unsanitary conditions because the rent prices have skyrocketed in recent years. Lower cost rental units are mostly found in the poorer areas with the greatest concentration of people of color, exacerbating the huge problem of segregation on Long Island in communities and schools. Although direct service representation in housing courts cannot solve these systemic problems, with support, we could provide greater assistance to immigrant tenants on Long Island to allow them to remain secure in their homes.

ASK:

Support the Executive's $35 million baseline allocation for Eviction Defense Funding and increase investment by an additional $40 million for a total of $75 million to ensure services to those at risk of eviction across the state ($45 million rest of state providers and $30 million for NYC providers)

48 McDermot, Maura, "A Wyandanch family lived without heat for months. Their landlord now faces a criminal charge," *Newsday*, 1/29/25 https://www.newsday.com/long-island/investigations/wyandanch-heat-/landlord-yvpa5ouh

Table 1

New York State's Public Assistance Grant Leaves Families Below 40% of the Federal Poverty Level in Every County	New York State's Public Assistance Grant Leaves Families Below 40% of the Federal Poverty Level in Every County		
County	**PA Grant for a 3 Person Household**	**2026 Poverty Level for a 3 Person Household**	**PA Grant as Percentage of Poverty**
Albany County	$698	$2,220.83	31%
Allegany County	$662	$2,220.83	30%
Bronx County (NYC)	$789	$2,220.83	36%
Broome County	$679	$2,220.83	31%
Cattaraugus County	$658	$2,220.83	30%
Cayuga County	$679	$2,220.83	31%
Chautauqua County	$674	$2,220.83	30%
Chemung County	$672	$2,220.83	30%
Chenango County	$653	$2,220.83	29%
Clinton County	$664	$2,220.83	30%
Columbia County	$679	$2,220.83	31%
Cortland County	$670	$2,220.83	30%
Delaware County	$663	$2,220.83	30%
Dutchess County	$801	$2,220.83	36%
Erie County	$690	$2,220.83	31%
Essex County	$657	$2,220.83	30%
Franklin County	$648	$2,220.83	29%
Fulton County	$661	$2,220.83	30%
Genesee County	$670	$2,220.83	30%
Greene County	$670	$2,220.83	30%
Hamilton County	$656	$2,220.83	30%
Herkimer County	$664	$2,220.83	30%
Jefferson County	$665	$2,220.83	30%
Kings County (NYC)	$789	$2,220.83	36%
Lewis County	$668	$2,220.83	30%
Livingston County	$696	$2,220.83	31%
Madison County	$693	$2,220.83	31%
Monroe County	$732	$2,220.83	33%
Montgomery County	$672	$2,220.83	30%

Nassau County	$834	$2,220.83	38%
New York County (NYC)	$789	$2,220.83	36%
Niagara County	$683	$2,220.83	31%
Oneida County	$676	$2,220.83	30%
Onondaga County	$692	$2,220.83	31%
Ontario County	$697	$2,220.83	31%
Orange County	$810	$2,220.83	36%
Orleans County	$691	$2,220.83	31%
Oswego County	$689	$2,220.83	31%
Otsego County	$669	$2,220.83	30%
Putnam County	$830	$2,220.83	37%
Queens County (NYC)	$789	$2,220.83	36%
Rensselaer County	$685	$2,220.83	31%
Richmond County (NYC)	$789	$2,220.83	36%
Rockland County	$823	$2,220.83	37%
Saratoga County	$705	$2,220.83	32%
Schenectady County	$700	$2,220.83	32%
Schoharie County	$675	$2,220.83	30%
Schuyler County	$664	$2,220.83	30%
Seneca County	$677	$2,220.83	30%
St. Lawrence County	$670	$2,220.83	30%
Steuben County	$660	$2,220.83	30%
Suffolk County	$836	$2,220.83	38%
Sullivan County	$686	$2,220.83	31%
Tioga County	$674	$2,220.83	30%
Tompkins County	$706	$2,220.83	32%
Ulster County	$739	$2,220.83	33%
Warren County	$688	$2,220.83	31%
Washington County	$684	$2,220.83	31%
Wayne County	$691	$2,220.83	31%
Westchester County	$652	$2,220.83	29%
Wyoming County	$668	$2,220.83	30%
Yates County	$675	$2,220.83	30%

Table 2

	Shelter Allowance for a 3 Person Household, with Children, Compared to HUD 2026 Fair Market Rent for a 2-Bedroom Rental Unit	Shelter Allowance for a 3 Person Household, with Children, Compared to HUD 2026 Fair Market Rent for a 2-Bedroom Rental Unit					
County	**Allowance**	**2-BR FMR**	**Shortfall**		**Allowance**	**1-BR FMR**	**Shortfall**
Albany	$309	$1,702	$1,393		$184	$1,417	$1,233
Allegany	$273	$974	$701		$190	$750	$560
Bronx	$400	$2,910	$2,510		$215	$2,655	$2,440
Broome	$290	$1,103	$813		$218	$868	$650
Cattaraugus	$269	$1,007	$738		$179	$783	$604
Cayuga	$290	$1,124	$834		$179	$889	$710
Chautauqua	$285	$975	$690		$167	$754	$587
Chemung	$283	$1,283	$1,000		$197	$978	$781
Chenango	$264	$973	$709		$189	$955	$766
Clinton	$275	$1,246	$971		$156	$980	$824
Columbia	$290	$1,434	$1,144		$191	$1,263	$1,072
Cortland	$281	$1,118	$837		$199	$901	$702
Delaware	$274	$1,033	$759		$200	$884	$684
Dutchess	$412	$1,979	$1,567		$216	$1,549	$1,333
Erie	$301	$1,327	$1,026		$169	$1,121	$952
Essex	$268	$1,185	$917		$199	$903	$704
Franklin	$259	$1,044	$785		$161	$824	$663
Fulton	$272	$1,087	$815		$159	$828	$669
Genesee	$294	$1,168	$874		$202	$953	$751
Greene	$281	$1,373	$1,092		$197	$1,118	$921
Hamilton	$267	$1,429	$1,162		$159	$1,089	$930
Herkimer	$275	$1,172	$897		$173	$926	$753

Jefferson	$276	$1,405	$1,129		$200	$1,071	$871
Kings	$400	$2,910	$2,510		$215	$2,655	$2,440
Lewis	$279	$1,008	$729		$152	$839	$687
Livingston	$307	$1,573	$1,266		$187	$1,256	$1,069
Madison	$304	$1,392	$1,088		$199	$1,123	$924
Monroe	$343	$1,573	$1,230		$257	$1,256	$999
Montgomery	$283	$1,102	$819		$158	$899	$741
Nassau	$445	$2,747	$2,302		$288	$2,379	$2,091
New York	$400	$2,910	$2,510		$215	$2,655	$2,440
Niagara	$294	$1,327	$1,033		$174	$1,121	$947
Oneida	$287	$1,172	$885		$179	$926	$747
Onondaga	$303	$1,392	$1,089		$203	$1,123	$920
Ontario	$308	$1,573	$1,265		$207	$1,256	$1,049
Orange	$421	$1,979	$1,558		$229	$1,549	$1,320
Orleans	$302	$1,573	$1,271		$202	$1,256	$1,054
Oswego	$300	$1,392	$1,092		$183	$1,123	$940
Otsego	$280	$1,228	$948		$200	$965	$765
Putnam	$441	$2,910	$2,469		$237	$2,655	$2,418
Queens	$400	$2,910	$2,510		$215	$2,655	$2,440
Rensselaer	$296	$1,702	$1,406		$153	$1,417	$1,264
Richmond	$400	$2,910	$2,510		$215	$2,655	$2,440
Rockland	$434	$2,910	$2,476		$302	$2,655	$2,353
Saratoga	$316	$1,702	$1,386		$185	$1,417	$1,232
Schenectady	$311	$1,702	$1,391		$195	$1,417	$1,222
Schoharie	$286	$1,702	$1,416		$199	$1,417	$1,218
Schuyler	$275	$1,148	$873		$194	$875	$681
Seneca	$288	$1,169	$881		$204	$921	$717
St. Lawrence	$281	$1,071	$790		$182	$816	$634
Steuben	$271	$1,081	$810		$159	$871	$712
Suffolk	$447	$2,747	$2,300		$309	$2,379	$2,070
Sullivan	$297	$1,302	$1,005		$211	$1,070	$859
Tioga	$285	$1,103	$818		$201	$868	$667
Tompkins	$317	$1,753	$1,436		$217	$1,466	$1,249
Ulster	$350	$1,818	$1,468		$263	$1,386	$1,123
Warren	$299	$1,348	$1,049		$215	$1,066	$851

Washington	$295	$1,348	$1,053		$199	$1,066	$867
Wayne	$302	$1,573	$1,271		$207	$1,256	$1,049
Westchester	$426	$2,910	$2,484		$271	$2,655	$2,384
Wyoming	$279	$973	$694		$199	$844	$645
Yates	$286	$1,097	$811		$181	$836	$655

The United States Department of Housing and Urban Development (HUD) sets Fair Market Rents (FMR) yearly. The FMR is the 40th percentile of gross rents for typical, non-substandard rental units occupied by recent movers in a local housing market.