



**BROOKLYN
DEFENDER
SERVICES**

**TESTIMONY OF:
Anca Grigore – Supervising Attorney, Civil Justice Practice**

**Presented before:
The New York City Council
Committee on General Welfare**

Oversight Hearing on Client Experience at HRA Centers

and

**Ints. 1332-2019, 1333-2019, 1335-2019, 1336-2019, 1337-2019, 1347-2019, 1350-2019,
1359-2019, 1377-2019, 1382-2019, and 389-2019, Res 071-2019, and T2108-3440**

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My name is Anca Grigore and I am a supervising attorney of the Civil Justice Practice at Brooklyn Defender Services (BDS). BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 35,000 clients in Brooklyn every year. BDS' Civil Justice Practice (CJP) aims to reduce the civil collateral consequences for our clients who have had interaction with the criminal, family or immigration justice systems. Through legal advocacy in court and at various agencies, CJP helps people remain in their homes, maintain their public benefits, stay in school, keep their jobs, and protects their consumer rights. One of our primary services is to provide our clients with support when their public benefits are terminated or applications for essential benefits are denied. Our attorneys and advocates provide advice and eligibility screenings, accompany clients to the Human Resources Administration (HRA) offices, and provide representation to clients challenging HRA's decisions in administrative hearings and state court appeals.

I thank the City Council Committee on General Welfare and Chair Stephen T. Levin for the opportunity to testify today about our clients' experiences at HRA Centers and to comment on the bills introduced today that seek to address the problems and remove some of the barriers that so many of our clients and other New Yorkers experience when seeking benefits and assistance from HRA.

INTRODUCTION

Like everyone here, we were appalled by the abusive and violent mistreatment Ms. Headley and her 1-year-old son suffered at the hands of officers and security guards on December 7th at the HRA office on Bergen Street in Boerum Hill. The outrage over this incident and HRA's handling of the situation is justified, and we applaud the efforts aimed at preventing or de-escalating direct confrontations like this one in the future. Ms. Headley is not alone in her experiences of being mistreated by HRA and other city agencies tasked with helping those in need. That said, it is important to recognize that this mistreatment does not always take the form of a physical altercation and that people's experiences are not often caught on video. It is imperative that we recognize and seek to address the countless, often more banal, harm suffered by public assistance recipients and applicants on a daily basis.

As a provider of legal services for the indigent, a majority of our clients are eligible for some form of public assistance. As a result, we routinely hear about problems maintaining assistance and about negative experiences at HRA job centers including: arbitrarily terminated benefits; hours-long wait times at job centers; hostile, argumentative and unsympathetic staff; case workers not following HRA policies, rules and regulations; members of clients' families being unnecessarily removed from cases; language access not provided (despite being required to by local law); and unnecessarily frequent visits to retain benefits.

These experiences are so ubiquitous that many clients decline to relay these occurrences at all, knowing that this treatment is just par for the course. In fact, it was familiarity with this type of difficulty and delay that led Ms. Headley to sit on the floor and wait. She expected to be kept waiting, with nowhere to sit, for hours. If not for the appalling and extreme reaction of HRA staff, she likely would have suffered in silence; the hours spent sitting on the floor with her child would have been remembered as just another trip to the center.

People seeking benefits are often in crisis and facing financial and emotional hardship, and the regular mistreatment by HRA only compounds the strain and trauma they experience at a time when they may be at their most vulnerable. Most of our clients are resilient and, like Ms. Headley, they suffer this mistreatment and press on despite verbal denials and discouragement from customer service workers (the first staff person they interact with), despite the need for numerous applications for a benefit they know they are eligible for, despite multiple trips to the center making the same request to add a newborn baby to their budget or remove a household member who has moved out. These stories are common and we hear about them often, but for every person willing and able to endure these difficulties, there are countless others who are simply unable to overcome the barriers to approval and may ultimately give up. Those in need who have tried, and failed, to access benefits they are eligible for are being failed by this agency and by this city.

CLIENT STORIES

Ms. P – Language Access Issues and Verbal Denial of Applications

We represented a tenant in housing court who was facing eviction from a rent-stabilized apartment. Our office advised her on how to request emergency assistance from HRA to

assist in paying her rent arrears. Ms. P, a Spanish-only speaker, went to apply at 275 Bergen Street (the same center Ms. Headley attended), but was denied the ability to submit the required application at the center. The worker provided the applications in English only and refused to accept anything because she did not have a lease. Our client tried to explain her situation and provide letters and documentation from our office, explaining the housing court stipulation that guaranteed her a lease as soon as the arrears were paid, but the caseworkers refused to accept them because they were not the exact type of verification they were used to receiving. They also refused to provide proof of her attempt to apply that we could use to ask the housing court for more time prior to eviction. After multiple attempts, a bilingual non-attorney advocate from our office accompanied her in person to ensure HRA physically took the documents we wanted to submit. The customer service worker still would not take the documents or allow them to apply. Our advocate asked for a supervisor. The customer service worker refused. The customer service worker would not provide their name or contact information or that of their supervisors. Our trained legal advocate could not get past customer service.

After consulting with an attorney, we sent our advocate back to the center with the client and the application for emergency assistance already filled out and our supporting documentation attached. When our advocate presented already-signed papers to submit, the worker yelled at them, and said she was reporting them for fraud because our advocate, instead of the client, had filled them out. Our advocate explained that we assisted in filling the papers out, in part, because they were only provided in English to our Spanish-speaking client. The worker said that she did not care, that it was still fraud to fill out papers for someone else, and then screamed that she would transfer the case to the fraud unit. The worker stood up and leaned over the counter continuing to scream at them, until our client was so uncomfortable that she ran out of the center. The worker followed them out to the front door and waited until they left. After this incident, one of our attorneys had to call the director and make arrangements to submit the documents directly.

Ms. F. – “11 visits to HRA, 4 months, and a fair hearing, but mission accomplished”

Ms. F suffers from mental health issues and was in need of public assistance. She applied for benefits, and while her application was being processed, she had to move. She went to the center to change her address. HRA failed to act on her request to change her address, and instead continued sending mail to her old address. As a result, she missed mandatory eligibility appointments, and her application was denied. She did not receive notice of her denial, because that was also sent to the wrong address. She returned to the center and reapplied again. HRA again used the same old address that was already in the system. This time, HRA changed her “home address” to be her new, correct, address but they left the old address as the “mailing address”. She was denied a second time for failing to attend the appointments she was not notified of. She returned a third and fourth time with a social worker from our office. Ultimately, it required an attorney to get involved and a fair hearing to be held before her case was ultimately approved. Her social worker, who had been trying to get this case approved in order to assist her in accessing necessary services summed up their experience when HRA finally complied with the fair hearing

decision, opened the case, and issued benefits. “11 Visits to HRA, 4 months, and a fair hearing, but mission accomplished.”

Mr. F – HRA Processed the Wrong Application, Causing Delay and Eviction.

Mr. F went to the Coney Island Job Center to apply for ongoing assistance and emergency rental assistance. He was told that he could not apply for both at the same time, and proceeded with the application for arrears because it was more urgent and he faced eviction in housing court. After being processed for 30 days, his application was denied because he lacked the ongoing ability to pay the rent that he could only acquire by applying for ongoing assistance. A second attempt was derailed because of a failure to provide all of the documents HRA expected to receive. A third attempt was made but ultimately, the delay was so great and the arrears accumulated to a point where his family was evicted and had to enter a family shelter while the third application was still being processed. Unfortunately, he was not only evicted, but also ended up with a money judgment against him for nearly \$20,000. Had his application been approved in a timely manner he would have been eligible for FEPS rental assistance to pay the arrears and the ongoing rent, avoided eviction, and not been saddled with a judgment that will burden him for years to come.

This family was only able to make two attempts to apply for assistance. Most of our clients try multiple more times, if necessary, before they are able to get the help they need. The barriers faced are so routine that Mr. F’s attempts were seen as a failure on his part to put in the effort necessary to apply for benefits. No one should have to (and many do not have the ability to) visit the center six or seven times for their applications to be accepted.

Ms. A. – HRA Called the Police, and Order of Protection Prevented Re-Certification

Ms. A, a client who suffers from mental illness, was involved in a verbal dispute with a caseworker while she was attempting to re-certify her public assistance case. The caseworker called the police on her for this verbal altercation. Ms. A was arrested at the center, and the caseworker obtained a full order of protection against her. Because of this order of protection, Ms. A was not able to go back to the center to complete the re-certification or she would be subject to re-arrest for contempt. She tried calling other centers herself to see what else she could do, but no one would answer the phone. She tried to go to other centers to re-certify there, but was told they were not her assigned center and turned away at the door.

After relaying her story to her BDS defense attorney, Ms. A was referred to our office’s Civil Justice Practice. After several attempts of contacting other center directors and asking for an exception, we were able to arrange for her to re-certify at another center. By this time, the benefits that Ms. A relies on had already lapsed. Had she not been able to contact a civil attorney, Ms. A would have had no recourse.

Ms. J. – HRA Homebound Unit Fails to Re-Certify Homebound Client

Ms. J is a single mother to three special needs children, one of whom has severe autism and other disabilities that cause him to need around the clock special care, most of which is funded by Medicaid. Like her children, Ms. J also suffers from disabilities and is homebound as a result. When it came time for recertification, caseworkers from the homebound unit came to her house to facilitate her submission. The caseworkers left her with no documents, no receipts, and none of their contact information. Her case later closed for failure to re-certify. Ms. J was panicked—she is very diligent and had never let her case close before—as the case closure meant her Medicaid was turned off as well, and all of her son's much-needed services were not being paid. She remembered the names of the caseworkers that came to see her, but all of her and her attorney's attempts to reach them failed. When her BDS attorney was finally able to reach Ms. J's HRA center, they had no notes or evidence of a homebound visit.

Ms. J had no time to wait for another homebound appointment, so she went to the center to re-certify in person. She brought all of her documentation, so that she would not have to return, but the caseworker demanded additional documentation (which was unnecessary under HRA rules and regulations.) Ms. J's BDS attorney began calling her caseworker and supervisor repeatedly to tell them our office could help and would fax any other documentation they needed. The HRA workers told her attorney they did not understand “why she cared so much or why she was helping her.” Her attorney explained Ms. J's unique and urgent situation and was scoffed at. Our office faxed all necessary documentation, an advocacy letter, and attached HRA rules and regulations to show the documents they were demanding were not necessary but received no response. The caseworkers and supervisors continued to ignore all calls from BDS for two more weeks. After calling from the office every single day multiple times a day Ms. J's attorney called from her personal cell number and HRA answered immediately. Upset to learn it was BDS they made it clear that they were going to do this on their own timeline and were not concerned with her emergency. BDS continued to call up the chain of command until Ms. J's case was eventually turned back on, after a great deal of unnecessary delay and disdain from every caseworker we spoke to.

RECOMMENDATIONS

Agency leadership at HRA publicly recognizes many of its failures and has made promises and strides toward change, but their desire to better serve the community has yet to translate into action by many of its front-line staff or change the client experience at the centers.

We thank the Council for introducing bills to help address the many roadblocks people seeking benefits encounter every day and prevent what happened to Ms. Headley from ever happening again. This, of course, is only the beginning of the work that is needed, and we hope the HRA will make the changes necessary to improve the treatment of New Yorkers looking to safely and easily access the benefits and support they need:

Int. 1332 – Office of the Special Handler

We support the council's efforts to increase oversight and accountability within HRA and to provide increased support for clients struggling to access or maintain public benefits in a complicated system. HRA's currently operates the Office of Constituent Services, which boasts its roles as including: providing information to better assist clients; taking complaints about problems with benefits; and hearing grievances about specific workers or treatment at HRA centers.

Despite the good intentions behind the creation of the Office of Constituent Services, it has not had the type of impact for individual clients' problems that advocates or clients hoped it would. Any effort to create a new, or additional, oversight office in the form of the Office of the Special Handler within the department should make sure to examine what works and what does not within the Office of Constituent Services. While the Office of Constituent Services provides information and resources in some situations, it does not rise to the level of resolving substantive problems or restoring benefits to clients who face erroneous reductions or discontinuances and has clearly been unable to curb the client mistreatment at the focus of this hearing.

Int. 1333, 1350, 1359, 1382, 1377, 1389, 3440 – Reporting and Data Collection

This set of data collection and reporting bills move forward efforts to bring greater transparency to the HRA, as long as reporting requirements are enforced and data is adequately collected. HRA and the Council should ensure that any and all reporting is used to generate recommendations that improve HRA operations and client experiences.

In regards to Int. 1333 specifically, we must reiterate that the NYPD should not have been called in Ms. Headley's case and should not be called for similar matters, and we join the Council in our hope that some of the measures discussed today will help reduce the likelihood of these incidents occurring. That said, the public has a right to know about HRA and NYPD misconduct when these incidents do happen. The New York Times reported that law enforcement has been called to food-stamp offices 2,212 times and arrested 97 people since January 2017, but does not signify how many of these incidents involved use of force.¹ Int. 1333 will require regular reporting on any use of force and will allow for greater transparency. Disciplinary measures and procedures taken in these incidents must be public to ensure the community's confidence that HRA and any law enforcement agency are taking these incidents seriously.

Int. 1335 – Full-time Licensed Social Workers

Int. 1335 would require every Department of Social Services/HRA Job Center and SNAP Center to have a full-time licensed social worker on staff. Having a dedicated social worker whose sole role is to assist clients needing extra support has strong potential to improve client experiences, but adequate staffing and implementation are crucial to success. These social workers should be able to assist individuals with mental health issues and disabilities and facilitate enrollment in appropriate programs for clients in crisis. They could also provide crucial assistance to their colleagues, sending a message to HRA staff that it is important to support and empower

¹ Ashley Southall and Nikita Stewart, *They Grabbed Her Baby and Arrested Her. Now Jazmine Headley Is Speaking Out*. December 16, 2018, New York Times, available at: <https://www.nytimes.com/2018/12/16/nyregion/jazmine-headley-arrest.html>

vulnerable clients and that there are resources available to help them in this task. Done properly, this has potential to alleviate some of the tension caused by the more difficult or traumatic staff interactions and can improve client experience overall.

If poorly implemented, however, this initiative could raise additional barriers. If staffing is inadequate a backlog to access the social worker for clients who would benefit from their services could lead to increased frustration and missed deadlines. The addition of a dedicated staff person whose role becomes dealing with “difficult” clients runs the risk of giving caseworkers a way to avoid assisting a client who might be eligible for benefits unless they see the social worker first.

To avoid some of these potential pitfalls and to effectively address the needs of the clients, social workers at HRA offices should also have the authority to provide remedies to people overwhelmed by the experience but still in need of programmatic assistance, e.g. taking clients to the front of the line, giving clients appointments to return, voiding recent adverse actions, extending deadlines for document submission or completing a face-to-face appointment, etc.

A social worker speaking with a person in crises is certainly better than a security guard, but this should be more than just another HRA staff member who can tell clients “no” in a gentler manner.

Int. 1336 – De-escalation and Trauma-informed Training

Int. 1336 would require DSS to conduct training on de-escalating conflict and trauma-informed care for all employees working at SNAP Centers and Job Centers. It is worth noting that often it is HRA staff, not clients, who escalate difficult situations. HRA has already announced that all peace officers will be re-trained in de-escalation techniques, it is equally important that all staff be similarly instructed. These trainings can be viewed not just as a means of protecting clients from unnecessary hardship but also as an effort to provide staff with resources to draw on for their own professional development and well being. Tasked with serving clients who are themselves dealing with traumatic experiences would be draining for anyone; additional training on issues like vicarious trauma and implicit bias can help staff gain perspective to recognize the difference between an escalating conflict and a person who just needs to vent the frustration caused by economic uncertainty and long wait times.

Int. 1337 – Space for Children 13 years of age and under

Int. 1337 would require a space for children 13 years of age and under at DSA/HRA Job and SNAP centers. These spaces do exist at these centers, but, as in Ms. Headley’s case, exclude children who are not fully toilet-trained. The age of children or other factors should not exclude any child under 13 from being allowed in the child center. Remedies should also be in place if the child center is full. Conversely, if HRA centers cannot properly accommodate parents with young children, then other solutions for providing access to caseworkers and applications for parents must be developed.

Int. 1347 – Online Scheduling System

Int. 1347 would require DSS/HRA to create a system in which clients could schedule appointments online or over the phone. This technology could decrease backlog and waiting times and provide clients with some measure of control and ownership over the process to clients in need, contributing to an overall better client experience. The uncertainty of how any given trip

to the center will go, or how long it might take, means even an appointment that goes smoothly and quickly ends up being a source of stress and anxiety and likely requires blocking out a full day. It cannot be overstated how empowering it would be to allow people to schedule their appointments at a time that does not require dropping other obligations, missing work, or being late to pick up their children from school.

Implementation should be mindful of clients' ability to access technology and assure sufficient staff availability for clients visiting the center without an appointment. Diversion of staff to scheduled-appointments only could result in longer wait times for walk-ins and an inability to accommodate emergency situations. Similarly, delays in beginning scheduled appointment could be a source of frustration and conflict. In addition, there will likely be a question as to how long a person has to wait before there is sufficient "good cause" for missing the appointment, which would allow for rescheduling

ADDITIONAL RECOMMENDATIONS

Enforce Access to Receipts for Meetings and Submitted Documents

One of the greatest sources of frustration for our clients, and therefore one of the interactions most likely to escalate to an unnecessary altercation, is that people must make multiple trips to the center for the same purpose. Often, our clients make many trips to HRA offices to make the same request only to be verbally denied with nothing to show for it; no proof their request had even been made. This occurs when clients seek to add or remove someone from a budget, when they need to change an address, or when they seek to submit requested documents necessary to complete a previously submitted application or recertification. Routinely, clients are told they are submitting the wrong type of document and their attempts at submission will be refused.

Local Law 20 of 2018 requires the Department of Social Services to create and issue a job center "appointment receipt" for all individuals who visit job centers for scheduled appointments. It records any documents received by the agency from the visitor, the reason for the visit, and a time stamp indicating the time and date a visitor was present at the job center. If someone has an appointment with a specific worker or unit or completes the appointment according to HRA's standards, they get a receipt. However, in many other cases, people who visit the center have no record of their visit. This should be changed.

While a successful visit might result in documentation being generated or a specific document receipt being given, a client who leaves unsatisfied has no proof of their visit. We ask that HRA generate a written receipt of every trip to the center, even if they were unable to help as the client hoped. When someone enters the center, they could easily be given a printout with their own words on it, e.g.: "I'm here because I need to add my newborn to my budget." If this request is not acted on by a caseworker, the client would still have this proof of their attempt regardless of whether the request was handled correctly or incorrectly. As it stands, clients are often not believed when they claim to be making the same request a second, third, or fourth time. The lack of documentation is problematic both at the center level as well as at administrative hearings.

For example, a client who may have tried numerous times to change their address at the center will still be receiving mandatory notices at the wrong address. Not only has this missed mail resulted in a missed appointment and a discontinuance or reduction of benefits, but they are told

by caseworkers and judges alike that they never made this request and therefore do not have “good cause” for failing to comply with the appointment.

Re-Train HRA Staff on Eligibility, Regulations, and Procedures and Require that Supervisors Review Statements Made to Clients

HRA staff should be re-trained on substantive eligibility criteria, state law and regulations and HRA policies and procedures. Our clients are often incorrectly denied benefits or have their benefits terminated unnecessarily because of staff error. Client experiences have shown that hostile situations often originate from, or are exacerbated by, a worker’s attempt to incorrectly enforce an eligibility requirement or alleged policy. For example, our clients are routinely told what will or will not suffice as verification documentation for emergency assistance, or are told that only a certain document will suffice when in fact there are numerous other options acceptable under the law.

Furthermore, there should be a requirement that any time someone is turned away, or told their documentation is insufficient, there must be supervisory approval before this refusal or final adverse action takes place. One of the reasons that clients are turned away so often is that it is much easier for a caseworker to refuse to process a request and move on to the next client; it makes their jobs easier and requires less time and effort than assessing a client’s eligibility or reviewing their documents to see if they are sufficient. If they have to go to a supervisor for sign-off, that is more difficult and may encourage them to take a second look at the client’s request and think of how to make the situation work. This requirement would guarantee that workers that may be mistakenly turning clients away repeatedly for the same reasons are identified and corrected and would provide opportunities to assure they are gaining information and education to better assist future clients.

We thank the City Council for your attention and care regarding these issues. We hope you consider BDS a resource as we continue to work toward improving the public benefits system.

If you have any question about this testimony, please contact Daniel Ball at dball@bds.org or (347) 592-2579.