PUBLIC BENEFITS

ISSUE BRIEF

"In 2020, for every 100 families in poverty nationwide, only 21 received [Temporary Assistance for Needy Families] TANF cash assistance — down from 68 families in 1996...[T]oo few families struggling to make ends meet can access the program, and TANF's history of racism means that it fails to reach many families in states where Black children are likelier to live."

— Center on Budget & Policy Priorities

For many NYC residents, public benefits are an essential part of survival in this city. Without Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF) public/cash assistance program, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Medicaid, or housing allowances, many individuals and families would go hungry, have no access to medical care, and go without many basic needs. Survivors, due to the nature and impact of economic abuse, have an increased need for public benefits, and require more protections, flexibility, and longer-term benefits. However, everything from eligibility requirements, to bureaucratic restrictions, low funding levels and asset limits, case management processes, and entanglement in other systems compound survivors' hardship rather than serve as a bridge to financial stability. For every 100 poor families with children in New York State, 39 received TANF benefits in 2020. Nationally, if TANF had the same reach as the Aid to Families with Dependent Children (AFDC) program did in 1996 and earlier, 2.38 million more families would benefit.[1] National and state policies that reduced total funds for public benefits and increased barriers to access and maintain benefits have deep ties to anti-Black racism (read a summary of the history here). As one survivor in our visioning calls put it, "Instead of helping victims, they [the government] drag them into [another] negative and violent environment."

During the pandemic, 1.8 million Americans received public benefits (TANF)[2], including 472,695 recipients in NYC (and 1.6 million New Yorkers received SNAP)[3]. For decades, studies have shown that at least half of people seeking public assistance report domestic violence or other danger.[4] And over 75 percent of Americans receiving public benefits are children.[5] The New York State Office of Temporary and Disability Assistance (OTDA) acknowledges that "80% of women receiving TA may be survivors of or attempting to escape violent relationships."[6] Further, between 2-in-3 and nearly 3-in-4 of partner-related homicide victims had sought or received public benefits from HRA, the agency that distributes and manages benefits.[7]

The goal of public benefits should be to provide direct financial assistance to offer some breathing room as survivors recover from abuse and figure out plans for long-term safety. In practice, however, public benefits are not available to those most in need, nor are they flexible or reliable (even in the short-term). The following is a lengthy but still non-exhaustive list of barriers to and additional harms survivors face from the public benefits service system, which disproportionately excludes and impacts BIPOC, LGBTQ+ and immigrant New Yorkers and keeps these survivors in poverty with few options for safety:

Eligibility restrictions create disparities in access. Eligibility restrictions result in many immigrant and LGBTQ+ survivors not qualifying when they have real need, especially for emergency benefits that require survivors to be in shelter. Despite expressed danger, the rate of granting waivers under the Family Violence Option (FVO) is abysmal. For example, the New York Office of Temporary & Disability Assistance reported that a total of 297,946 New Yorkers (statewide) in February 2015 were in receipt of temporary or child assistance.[8] However, while 18,556 indicated danger, only 9,037 FVO waivers were recorded -- a 3% FVO rate.[9]

Lack of transparency in denials and fair hearings. Many survivors are blatantly denied benefits and receive denial letters that are vague and do not state clear reasons why they have been found ineligible. This results in survivors and their families going without basic needs, like food, while they wait for a fair hearing. Survivors may experience months without benefits, waiting for initial approval or resolution to case disruptions, like fair hearings.

Bureaucratic hurdles breed "systems churning." Even those who are found eligible for public benefits have had to jump through endless hoops to retain benefits and most survivors feel as if they could lose their public benefits at any moment. Getting a hold of a survivor's case manager at HRA is often an impossible task, and the inability to reach their case worker often results in getting cut off from benefits (e.g. survivors are perceived as "no shows" or not maintaining case schedules). Ironically, maintaining public benefits also requires many meetings with case managers that are inflexible and intrusive to a survivor's time. This means survivors must make "choices" between things like working, childcare, doing other important things for their safety, and showing up to a case meeting. Those with multiple jobs, kids, family caretaking responsibilities, in outer boroughs, and other myriad competing priorities are uniquely and disproportionately impacted. Case workers' assumptions about "legitimate" living, family, and work arrangements or how a person should and can plan their time, plays a critical role. As a result, case management services are understood to function more as a way to cut survivors off from needed benefits rather than helping meet their needs. One advocate called it, "systems churning."

Case management can mirror abuse. The traumatic experiences of survivors living in poverty are often exacerbated and compounded by public benefits administrative agencies lacking in trauma-informed customer service and survivor-focused solutions. Survivors and advocates alike complain of HRA staff and security who use abusive language, violate safety concerns, and refuse to provide valid reasons for denials. Bias or limited understanding about survivors with marginalized identities are particularly at play here, resulting not only in the deep disparities around who can receive and maintain benefits, as reported above, but also who must endure additional layers of violence and trauma along the way.

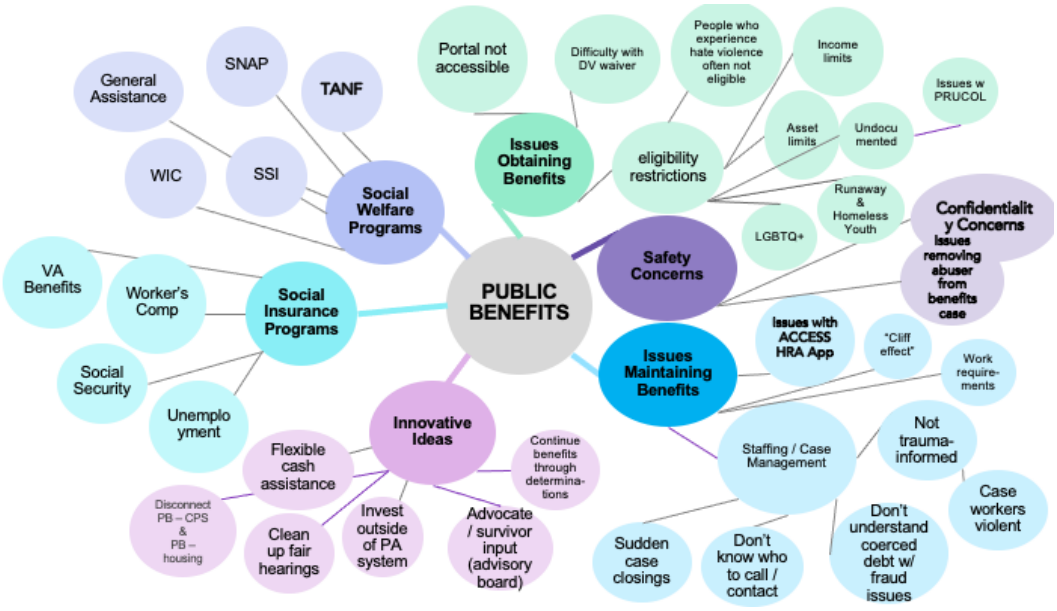
Glitchy apps prevent effective assistance and create digital divides. The online systems and apps for survivors and providers to get updates on their case are a great step toward all

New Yorkers having easy access to their HRA account. But, unfortunately, they are often glitchy, poorly maintained, inaccurate, lack status updates on cases, do not provide information regarding sudden changes in payment, and do not have reliable customer service support. It also creates a digital divide and adds new opportunities for abusers to control and find out about welfare cases.

Triple threat: Few protections from and forced interaction with abusive partners, then penalized for abuse. Domestic violence waivers o receive public benefits are difficult to apply for. The domestic violence waivers made available to help survivors access public benefits are notoriously, and ironically, difficult to apply for. This means that, for the purpose of obtaining benefits, survivors may need to continue to interact with the people who have harmed them, and who may pose a continued threat to them. Survivors may also be coerced to provide fraudulent information to government agencies as a part of the economic abuse that they experience in order to avoid worsening violence which can leave them vulnerable to termination of benefits and/or liability for benefit overpayments. HRA's solution is to restrict benefits to those still living with abusive partners or others who may commit fraud.[10] This ignores the economic reality many face and places the onus and liability of fraud and abuse on the survivor, with acute disparities for LGBTQ+, immigrant survivors, and those engaged in survival economy (eg. multi-generational households, roommates and co-housing, room renting, couch surfing, etc).

The "cliff effect:" Work requirements and asset limits undermine long-term financial stability. At their heart, public benefits programs require that survivors work toward other aspects of economic stability such as housing and employment, but they do not include mechanisms that support these efforts. Public benefits programs also include unhelpful mandates like the Back to Work Program, which is inflexible and time consuming. Asset limits mean survivors cannot save the amount of money to cover rent or afford other basic needs in NYC; if they do, they risk losing their benefits all together. Many advocates refer to this as the "cliff effect." For example, one survivor noted: "I want to move out, but I can't. To do so I'd have to pay $8000 to cover a deposit plus rent. That's a lot of money" And it's above the allowable asset limits in New York State. In fact, fearful of losing benefits, many families feel pressure to "spend down" all savings.[11,12] While some survivors are able to find work, once they do, they often lose benefits that can be essential for survival, because many do not make enough to sustain themselves and their families without them.

Public Benefits Systems Map



As currently set-up, the NYC public benefits system both denies financial assistance to survivors in need and creates additional economic hardship via case denial, poor case management, and an opaque and inaccessible fair hearing process. Disparities experienced by immigrant, LGBTQ+, and systems-involved survivors further indicate biases and residual institutional racism from past policies that remain latent within the service system. To serve as a real and meaningful bridge to safety, deep reforms are needed to undo racialized harm, prevent further discrimination, maximize eligibility, and increase public assistance to levels that promote safety and allow survivors to sustain themselves and their family. We need to reframe poverty in its proper historical and political context - the result of multiple policy decisions, rooted in racism– not an individual failing. From there, we can re-envision and restructure public benefits programs to meaningfully address it. While this is a national reckoning, New York City can position itself as a model of economic equity.

RECOMMENDATIONS FOR EQUITABLE ACCESS TO PUBLIC BENEFITS

Survivor recommendations:

- Expand eligibility of public benefits to immigrant and other historically marginalized survivors, including making more benefits available to those who are not in shelter.
- Provide training and reforms to ensure City services (HRA, NYCHA, ACS) are streamlined, accessible, quickly dispersed, and trauma-informed.
- Break the pipeline between public benefits and child protection services, which primarily functions to criminalize survivors' living in poverty. Instead, survivors want:
  - » Funding to create their own childcare and daycare set-ups
  - » Expand access to affordable childcare
  - » Parents need resources, from job searching and parenting to childcare, that are separate from child removal/protection. Remove parent peer support from ACS and use community-driven models of care Similarly, at the nexus of housing and child removal, supportive housing may require mental health care, which ACS often uses against parents in child removal proceedings. **See solidarity economy brief for additional recommendations from survivors.

> *"They need to change the current policies, and restrictions that do no let us access the benefits, in order to solve our issues. I'd give more access to the benefits. I wish everything could be easier. That every time we ask for an aid, it could get easily approved, and we didn't have to wait. If they could help us as soon as possible. The access to a safe place, food...and being able to work without any fear, nor discrimination, so we can move on."*
>
> — survivor from visioning call, December 2022

Advocate recommendations:

- **Increase, expand, and lengthen flexible funds for survivors within and outside of the public benefits system.** This includes continuing pandemic-specific benefits (ERAP, EHV, stimulus payments, etc), delinking housing and PA systems (see housing brief), and building low-barrier, cash assistance programs outside of the public benefits system. Learn from and engage survivors in continuing and building programs similar to ENDGBV's micro grants, FreeFrom flex funding, and many other food and cash assistance programs set-up by culturally specific and community-based programs.

- **Expand Eligibility**
  - » Expand eligibility of public benefits to immigrant survivors, including cutting wait times and distributing immediate resources to cover gaps in timing or case disruptions.
  - » Simplify the process to obtain domestic violence (DV) waivers.
  - » Ensure a faster and simpler system for survivors applying for benefits under PRUCOL.
  - » Improve and add screening questions (i.e., for many reasons, including the nature of economic abuse, survivors may not self-report as experiencing "domestic violence," but may respond to questions about control of finances and similar abusive behaviors). Ensure that survivor-led and community-based programs drive the process to ensure a survivor-centered approach that can be implemented with fidelity. (Past efforts to improve DV screening protocols in TANF applications have continued to exclude LGBTQ+ relationships and have been poorly implemented with no additional funding to programs that help survivors apply. As a result, there are complicated process changes, but with the same problems and outcomes. Review and learn from them.)
  - » Conduct a systems audit to identify and remove unnecessary "hoops," expand flexibility, expand eligibility, and decrease wait times.
  - » Online tutorials for how to understand benefits.
- **Increase Transparency**
  - » Ensure case processes and systems (for survivors and advocates) are accessible and transparent. Provide clear explanation of rejection or case closure reasoning and clear guidance on how to fix or re-open.
  - » Develop a survivor-centered fair hearing process (including maintaining payments while cases are under consideration, so survivors do not lose out on critical funds). Provide data reports to advocacy organizations on the fair hearing process and outcomes.
  - » Allow advocate letter for fraud cases and explore non-punitive options for fraud/overpayment (i.e.,, hold case conference before hearing or stopping/garnishing funds to better understand).

- **Changes to processes, systems, and requirements and offer funding and support to programs** who need to adapt, hire/train, and help survivors access and navigate new systems.
- **Create and fund an HRA Advisory Committee** staffed with advocates, survivors and local representatives to ensure the systems delivering benefits are most impactful. Cross information sharing is key to holding large city agencies, such as HRA, accountable and to provide clear and substantial feedback. This will establish transparency and accountability with an opportunity to train staff on trauma-informed care.

Other Recommendations:

- **Change city policy to continue paying benefits until case determinations are made**, rather than stopping payment until resolved and having no repayment mandate if case is closed. Currently, benefits are cut off immediately when there is a technical glitch or there is an unexplained reinstatement, while the survivor still misses out on months of payments.
- All HRA staff and security should continue to be **trained in anti-racism and anti-oppression, DV/IPV, trauma-informed care, and culturally specific care** on a regular basis (quarterly or monthly). And enlist "in-house" survivor-employees as well as unaffiliated survivors to act as leaders and key liaisons to hold HRA staff and security accountable.
- Provide training and reforms to ensure **City services (HRA, NYCHA, ACS, DHS) are streamlined, accessible, quickly dispersed, and trauma-informed.** We encourage the City to have dedicated departments holding these agencies accountable.

- **Expand emergency benefits for survivors of hate/family violence** that makes a living space uninhabitable.
- Improve accessibility and navigation of **the ACCESS HRA online portal.**
- Create mechanisms to **address the "cliff effect"** and support economic mobility.
- HRA should enlist experts (informed and identified by the advisory board) to train staff of the effects of **coerced use of public benefits in the context of an abusive relationship.** We encourage HRA to create a better system for remedying these issues that does not further punish or traumatize a survivor in the process. We encourage HRA to listen to advocates and survivors on how best to do this (e.g. allow an advocate letter for fraud cases instead of requiring a judicial determination of fraud because such judicial rulings are rare).
- HRA should **report regular data on the use and outcomes of public benefits.** Specifically, we believe that they should report data on fair hearings, wins/losses, and the number of survivors on public benefits.

ENDNOTES

1 Aditi hrivastava & Gina Azito Thompson, TANF Cash Assistance Should Reach Millions More Families to Lessen Hardshi,. Center on Budget and Policy Priorities (2022) https://www.cbpp.org/research/family-income-support/tanf-cash-assistance-should-reach-millions-more-families-to-lessen (last visited Sept. 8, 2022).

2 United StatesDepartment of Health & Human Services, TANF Caseload Data 2021 (2021) https://www.acf.hhs.gov/ofa/data/tanf-caseload-data-2021 (last visited Sept. 8, 2022).

3 The New York City Human Resources Administration also reports that 78,329 people received emergency assistance, and 1.6 million individuals received SNAP (978,733 households) in 2021. The average food stamp benefit amount for a family of 3 in January 2021 was $690 (and $790 average cash assistance). See New York City Department of Social Services Human Resources Administration, Report No. MCA40 (2022) https://www1.nyc.gov/assets/hra/downloads/pdf/facts/hra_facts/2022/hra_facts_2022_01.pdf (last visited Sept. 8, 2022).

4 Joshua R. est, et al. Multistate analysis of factors associated with intimate partner violence, 20 AMERICAN JOURNAL OF PREVENTIVE MEDICINE,, 156-164 (2022) https://www.researchgate.net/publication/11467191_Multistate_analysis_of_factors_associated_with_intimate_partner_violence_American_Journal_of_Preventive_Medicine_22_156-164 (last visited Sept. 8, 2022).

5 United States Department of Health and Human Services, TANF Caseload Data 202 (2022): https://www.acf.hhs.gov/ofa/data/tanf-caseload-data-2021 (last visited Sept. 8, 2022).

6 New York State Office of Temporary and Disability Assistance, Desk Reference for DV Screening under the Family Violence Option, 03 ADM 2 (February 24, 2003) https://otda.ny.gov/policy/directives/2003/ADM/03_ADM-02.pdf (last visited Sept. 8, 2022).

7 New York City Mayor's Office to End Gender-Based Violence, New York City Domestic Violence Fatality Review Committee 2020 Annual Report 11 (2020): https://www1.nyc.gov/assets/ocdv/downloads/pdf/2020-FRC-Annual-Report.pdf (last visited Sept. 8, 2022).

8 New York State Office of Temporary and Disability Assistance, Temporary and Disability Assistance Statistics February 2015, at 5, Table 1, https://otda.ny.gov/resources/caseload/2015/2015-02-stats.pdf (last visited Sept. 8, 2022).

9 New York State Office for the Prevention of Domestic Violence, New York State Domestic Violence Dashboard 2015 (2015) https://opdv.ny.gov/system/files/documents/2021/09/opdv-dashboard-2015.pdf (last visited Sept. 8, 2022).

10 These simultaneous risks mirror historical ones like 'Man in the house' rules that cut-off benefits for families, disproportionately Black ones, when a man was present, regardless of the nature of the relationship and little to no examination of contributions to the household income. See Aditi Shrivastava, A. & Gina Azito Thompson, supra note 35.

11 See, e.g. Mario Gutierrez, New York Should Eliminate Asset Limits for Public Assistance Recipients, CITY & STATE NEW YORK (Feb. 28, 2020) https://www.cityandstateny.com/opinion/2020/02/new-york-should-eliminate-asset-limits-for-public-assistance-recipients/176336/ (last visited Sept. 8, 2022) for additional stories of New Yorker experiences with asset limits.

12 See Martha Moscowitz & Susan Antos, Driven into Poverty: How New York's asset test keeps people poor, Empire Justice Center (2015) https://empirejustice.org/wp-content/uploads/2018/01/driven-into-poverty-2015.pdf (last visited Sept. 9, 2022).

WE NEED REAL, BOLD ACTION

The first step toward an effective, bold plan is commitment. See below for a variety of ways to support, act, and hold yourself accountable to the vision and recommendations for survivor economic equity.

We invite individual survivors, advocates, community members, community-based organizations, and aligned gender-, racial-, and economic-justice initiatives to support this vision and join us in advocating change.

Join Our Call-To-Action

You can sign as an individual, group, or on behalf of an organization. Your name or organization will be added to a future webpage to help us demonstrate power behind this vision.

And we call on City agencies, elected officials, and other policy makers to support the vision and help us turn key recommendations into reality. Contact us to connect with survivor and advocacy groups to advise, draft, and help effect your policy and legislative agendas.

Show Your Support

Contact us: nyc_survivor_ej@csaj.org

Together we can bridge the ripple effect and transform the economic landscape facing survivors in NYC.

"We all count, we have a say. There is equality and comradeship in our community."

— a survivor visioning call participant