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STRATEGIC FUND, INC.

IMPROVING NEW YORK CITY'S PUBLIC BENEFITS SYSTEM: A KEY ROLE FOR HELP DESKS

David Pedulla

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I. INTRODUCTION

When low-income families apply for public benefits in New York City, they confront a difficult process, and they typically go it alone. Dedicated advocates at non-profit organizations are trained to answer questions, provide interpretation, track down key documents, and provide other essential help to public benefits clients. These advocates can even explain how official rules render some people ineligible for assistance. A sensible way for families to consult with these advocates is at “help desks” in the public areas of the public benefits offices. But, unfortunately, the City refuses to allow families to do so.

Authorizing advocates to run help desks would be a smart change of policy for our City and it could be done without significant cost to taxpayers. Help desks would enable applicants to better understand agency policies and would increase the accuracy and efficiency of agency decision-making. Advocate-run help desks would also provide important assistance to people with special needs, such as limited proficiency in English or mental

health problems. In other settings, such as in fair hearing offices run by the state, and in the family and housing courts, help desks are commonplace, and have proven to be invaluable.

IT IS TIME FOR NEW YORK CITY TO REMOVE ITS BAN ON HELP DESKS IN PUBLIC BENEFITS OFFICES.

This Brennan Center Strategic Fund¹ Policy Proposal – which, if adopted, would enable families to consult with advocates at help desks in public benefits offices in New York City – sets forth the observations of advocates and of public benefits clients, as conveyed to

the Brennan Center in interviews and focus groups that we conducted in 2007. We describe a variety of ways in which help desks can substantially improve the public benefits system and the lives of many New Yorkers.

It is time for the City to remove its ban on help desks in public benefits offices.

II. PROBLEMS WITH NYC'S PUBLIC BENEFITS SYSTEM

New York City's public benefits system is inefficient; its decisions are often inaccurate: these sentiments resounded through all the conversations we had with advocates and clients. Many of the public benefits agencies in New York City – the Human Resources Administration (HRA), the Department of Homeless Services (DHS), the Department of Housing Preservation and Development (HPD), and the New York City Housing Authority (NYCHA)² – have complicated procedures, maintain imperfect records, demand documents from clients that are difficult to obtain, and have strained communication between caseworkers and clients. People with limited English proficiency (LEP) and other special needs find it difficult to navigate the system.

We learned that clients are often unable to provide government agencies with requested information, either because they do not possess the information or do not understand what is needed. Even when clients do provide proper information, another level of error can be introduced by the caseworkers. The United States Government Accountability Office has found that, nationally, 65 percent of the mistakes in distributing Food Stamp benefits are caused by caseworkers, not clients.³

Efficiency is as elusive as accuracy. Advocates and clients told us that caseworkers conduct repeated meetings with clients where one would suffice, or hold meetings for longer periods of time than necessary. Sometimes, public benefits offices make unreasonable demands on a client's time. For example, one public benefits recipient told us:

They left me standing [in the office] since eight o'clock in the morning. Finally, I went up there at almost five o'clock in the afternoon. And the resolution was that at a quarter to five they told me, when I went in I asked the [receptionist] again where's the lady who told me to just stand here and wait, they said she just left so you have to take another number or come back tomorrow.

Inefficiency and inaccuracy define a system that routinely frustrates a vulnerable population of New Yorkers.

The consequences are harsh. Families can't eat. Children end up on the streets. Ailing seniors don't get the medical help they need. One individual discussed the difficulties she faced when her health insurance, under the Medicaid program, was revoked improperly without her knowledge:

My daughter was, I think, one and a half years old and [the government] didn't send me a notice or anything. They took away our [Medicaid] benefits. She had pus coming out her eyes. Ear infections. Fever up high. And they didn't even want to help me [The government] didn't send me a letter. I never changed my address, I've lived there for 10 years. They wouldn't help her and she already couldn't see

The problems go beyond harms to individuals. When Food Stamps are improperly denied to New Yorkers eligible for the program, people go hungry, but the whole City also loses out. Because Food Stamps is a federally funded program, program recipients draw federal dollars into the New York City economy. Researchers have found that a \$5 billion increase in federal spending on Food Stamps produces \$9.2 billion of economic activity.⁴ But, in 2003 alone, New Yorkers who were potentially eligible to receive Food Stamps did not claim \$477 million in federal Food Stamp dollars, which meant the City lost out on more than \$875 million in economic activity in its neighborhoods. If more qualified individuals were able to secure Food Stamps with the support of advocates at help desks, the City would benefit from these additional resources.

Inaccurate decisions and agency inefficiency hurt others too. Employers suffer when individuals miss work to fulfill unnecessary agency requirements. Children suffer when parents, unable to obtain child care, drag them to unnecessary agency appointments. Friends and relatives suffer when individuals are improperly denied benefits, and must rely on them for help.

There is a flip side to the problem. As a result of inaccurate decisions, some people receive more public support than they should. Between October 2005 and August 2006, for example, HRA overpaid people in nearly eight percent of all Temporary Assistance to Needy Families cases.⁵ Promoting accurate decision-making in our agencies will help to ensure that the proper amount of taxpayer generated revenue goes exclusively to people who are qualified to receive it.

An inaccurate and inefficient public benefits system is bad for our agencies, our families, and for the city at large. It doesn't have to be this way.

III. HELP DESKS WOULD IMPROVE THE PUBLIC BENEFITS SYSTEM

Simple and cost-free, help desks would improve the accuracy, efficiency, and overall level of functioning of the public benefits system. Help desks are used in many other business and government settings. They can be found at tourist attractions, airports, and libraries, wherever customers require assistance to navigate a new city, find a proper terminal, or research difficult topics. In New York City, it is common to find them in our housing court, family court, and public benefits fair hearing offices. They are staffed by people who are able to provide concrete support to those who need it.

HELP DESKS WORK

Help desks are already used in certain public benefits settings, and they work. Since 2001, New York State has authorized Project FAIR (the title stands for “Fair Hearing Assistance, Information & Referral”) to operate a help desk at the Brooklyn Office of Administrative Hearings, where the state’s Office of Temporary and Disability Assistance (OTDA) holds fair hearings on claims for public assistance benefits. Project FAIR helps to ensure the ac-

curacy and efficiency of the fair hearing process by providing information and advice to clients.⁶

In fact, government officials at the Office of Administrative Hearings frequently rely on Project FAIR, referring to them individuals who need advice or who are confused by the fair hearing process. Advocates reported that this lightens the workload of the OTDA staff and also enables clients to participate more meaningfully in the fair hearing process. As an advocate with Project FAIR notes, “What we see is when clients are represented at fair hearings or they get advice, they tend to break the cycle of multiple fair hearings.”

Communities elsewhere in the country have effectively deployed help desks. In Los Angeles, Philadelphia, Ann Arbor, Worcester (MA), and in counties throughout Colorado, government officials have authorized advocates to provide assistance within public benefits

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offices.⁷ In some communities, advocates operate help desks and in others they walk around waiting rooms to answer questions and hand out flyers. Advocates who participate in these programs report that the agency personnel look to them for information, and refer clients to them when appropriate.

NYC’S BAN ON HELP DESKS IS COUNTERPRODUCTIVE

The City’s current policy of banning help desks from government offices means that certain clients go without help. If the City improperly refuses to allow a client to apply for benefits, the client must leave the office and locate an advocate’s office before the advocate can provide any kind of assistance. If the advocate is located inside of the public benefits office, the client can obtain help immediately. Likewise, clients with language access problems cannot obtain needed assistance without leaving the office and finding an advocate; predicatably this often precludes clients from applying for assistance immediately. When someone is without food or shelter, a day is a long time to wait.

The City’s current policy also reduces the number of clients who are able to obtain help from advocates. Although agencies authorize clients to bring individual advocates into public benefits offices with them, most advocacy groups lack sufficient staff to assign an advocate to each client who manages to request their assistance. It is far more efficient for advocacy groups to operate help tables, at which a few staff members can consult with dozens of clients a day.

Additionally, many of the clients who most need help are the least able to find an advocate on their own. Authorizing advocates to operate help desks inside government offices

would enable those clients who cannot find an advocate on their own to obtain much needed support.

RESPONSE TO GOVERNMENT CONCERNS

New York City government officials have expressed concern that help desks could infringe on the privacy of clients who are asked by advocates to reveal personal information at help desks in government waiting rooms.⁸ We asked Project FAIR advocates how they might address such concerns. One Project FAIR advocate commented:

Privacy hasn't come up as an issue. We're conscious of it and try to create a sense of privacy We try to deal as little as possible with personal information. For example, unless it's entirely necessary, we only use the person's first name out loud and we get their full name from the documents they have with them We've never had a complaint or a problem in six years about people feeling that their privacy was being violated.

The government has expressed concerns about the possibility that help desks could disturb clients in the public benefits offices.⁹ There is, however, no indication that help desks are in any way disruptive. Project FAIR has not received complaints from OTDA about creating a disruption at the fair hearing facility. In fact, OTDA even refers disruptive clients to Project FAIR because they can offer a level of attention that OTDA is not always able to provide. Also, HRA's General Counsel during the last few years in which HRA allowed advocates to enter the public benefits offices unaccompanied by a client, has said that the advocates did not disrupt the HRA offices during his tenure (approximately 1988 to 1991).¹⁰

The government has also expressed concern that the public benefits offices could become overcrowded with advocates and that some profit-seeking attorneys (or others) would use help desks to prey on vulnerable New Yorkers.¹¹ These important concerns could be addressed, simply, through basic government regulation of the help desk process. The government could limit the number of advocates at help desks each day by, for example, creating a rotating schedule that would afford advocates admission on particular days of the week. To protect clients from profit-seeking ventures, the government could restrict access to non-profit organizations whose mission includes assisting people with the receipt of public benefits.

The main concerns of the government – client privacy, office disruption, overcrowding, and profit-seeking ventures – are also concerns of clients and advocates (as we discovered during the process of interviewing clients and advocates). Help desks themselves, however, are not the source of these concerns, and simple steps could be taken to ensure that clients would be protected while taking advantage of the valuable services provided by advocates at help desks.

THE ROLE FOR HELP DESKS

Authorizing advocates to run help desks in government offices would help in a variety of ways. Help desks can reduce confusion about procedures and policies, ensure that government agency records are correct, enable clients to obtain required documentation, help

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people with special needs, improve communication between caseworkers and clients, and mitigate the negative consequences of computer errors. As noted above, they can also perform an important role by helping clients to understand the rationales behind adverse decisions. Help desks can improve the overall functioning of the public benefits system by promoting accurate decision-making and general efficiency. As one advocate states:

The more help that individuals are given at the outset of this process or the more help that they’re given along the way in terms of receiving their benefits, managing their benefits, administering their benefits . . . the more help that the city or the state gets from a local bar or other volunteers, the easier the administration of those benefits is going to be for the city and it’s going to be a cost savings for the city and the state in the end.

Here are some of the ways that help desks can improve the public benefits system:

1. REDUCE CONFUSION ABOUT PROCEDURES AND POLICIES

Many of the people we spoke with identified, as a major problem, confusion among caseworkers and clients about the procedures, deadlines, and timelines associated with public benefits programs.¹² One advocate told us that the staff who work at HRA’s Job Centers are often “poorly trained, they don’t even know the reg[ulation]s or the statutes [underlying] what they’re doing.”

Though public benefits applicants are entitled to file an application for assistance regardless of whether they will eventually be found eligible,¹³ many advocates told us of clients who should have been found eligible to receive benefits, but who were told by caseworkers that they could not apply. In some instances, a caseworker erroneously tells an applicant that it is against the rules for her to apply. According to one advocate:

I had a woman who came in to an [advocacy] clinic in Queens a couple of weeks ago. She had applied on four separate occasions at the same center. She saw different workers each time and each of the four workers told her that she wasn't eligible and wouldn't even let her fill out an application, wouldn't even accept an application. Which, right there, is just dead wrong. But, moreover, they were incorrect in their assessment of her ineligibility.

Another problem is that agency personnel who understand the procedures may fail to explain them adequately. Some agency notices tell people to attend meetings with caseworkers, but fail to communicate clearly which appointments (with third parties, such as physicians or landlords) to attend prior to the meetings, and which documents to bring to the meetings. "The notices [clients]

receive, I mean it's hard enough for lawyers to understand some of those notices. They really could use somebody to help them interpret the notices because they're very hard to understand. They're not written on a level of the average client's education at all," says one lawyer and advocate. As a result, clients may be sanctioned because they failed to comply with agency requirements that they did not understand. Many of the advocates we spoke with said their clients struggle to understand why benefits were reduced or terminated. Help desks would be a valuable resource for clients who are uncertain about why their cases have been closed or sanctioned.

Agency personnel also sometimes fail to inform clients about their eligibility for expedited or emergency benefits. "If somebody applies [for public benefits] and says, 'I have nothing,' the worker should help and fill out an application for expedited Food Stamps," explains one advocate. She continues:

Expedited Food Stamps should be made available to the client within a few days If people don't know that there's this process, this informal relief process to force HRA to pay these expedited Food Stamps, then they're not going to. It's not going to get done unless that client somehow meets an advocate somewhere.

Advocates at help desks in the public benefits offices could advise clients with emergency needs of the availability of these important benefits, and could help enable clients to receive them if they are eligible.

"THERE'S THIS HUGE MISCOMMUNICATION ABOUT EXPLAINING THE WAY BUDGETING WORKS AND WHAT THE CLIENT IS RESPONSIBLE FOR. AND LOTS OF TIMES CLIENTS ARE UNDER THE IMPRESSION THAT THINGS ARE BEING PAID THAT AREN'T."

The budgeting process – in which caseworkers determine the level of support people should receive from the government in light of their other existing resources – is another critical point at which incorrect information can interfere with benefits claims. Advocates and clients told us that caseworkers sometimes misunderstand the budgeting process, and that even when caseworkers do understand it, some fail to explain it correctly. The result is that clients do not understand how much money they are supposed to receive or how it should be allocated. This may prevent them from paying the right amount of rent to the landlord or may hurt their finances in other ways. One advocate summed up the problem, saying:

[T]he workers themselves don't understand the budgeting process or they don't realize that their clients don't understand. There's this huge miscommunication about explaining the way budgeting works and what the client is responsible for and what's going where. And lots of times clients are under the impression that things are being paid that aren't.

Many of the advocates we spoke with said that frequent changes in the public benefits system exacerbate the confusion of caseworkers and clients about eligibility. For instance, changes in the Medicaid rules are one source of confusion. One advocate said, “Now,

“WHILE CLIENTS ARE RUNNING AROUND AND SPENDING MONEY TO GET TO ALL OF THESE DOCUMENTS ON THEIR LIMITED INCOME, OFTEN WHEN THEY GET THEM ALL THEY'RE TOLD IT'S TOO LATE.”

Medicaid applicants need to show their original birth certificates or original passport or original green card. Before we just showed the copies and that's it. But, we just have to explain to clients that this is the rule and we have to go by the rules.”

Court orders, legislative action, and new agency officials will ensure that public benefits programs will continue to change. For example, the

City recently replaced its Housing Stability Plus (HSP) program with a new program, called Work Advantage, which has different requirements.¹⁴ This change, and inevitable future changes, will confuse clients and caseworkers alike. At help desks, advocates can educate clients about these important changes in public benefits programs.

When caseworkers give clients incomplete information about public benefits programs, and how to comply with official requirements, one result is that caseworkers must schedule, and clients must attend, unnecessary appointments. One client described the problem:

Welfare offices are known for, if you fill out the application and they'll tell you well you need this [document], come back and bring it with you. And

they'll always leave one [document] off. So you come back with all those and oh, didn't I tell you that you have to bring this too. So that's another day lost.

Another problem is that public benefits clients often must visit multiple offices, sometimes repeatedly. These requirements take them away from employment and childcare obligations. According to one client: "Instead of telling you to go see A, B, and C, [caseworkers] tell you to see A and then E and then E tells you no you got to go back to B. Then you have got to go to Z"

At help desks, advocates can clear up confusion about eligibility requirements. They can explain what notices actually mean, how to obtain necessary documentation, which appointments must be attended, where, and in what sequence. They also can explain to clients precisely which benefits they are eligible for, or, importantly, ineligible for, and what procedural steps to take to ensure that necessary decisions are promptly made.

2. ENSURE ACCURACY OF AGENCY RECORDS

We heard repeatedly that clients' benefits are reduced or terminated because public benefits records are inaccurate. Most advocates said that the first thing they tell their clients is to make sure to get proof that they attend every appointment, in case the agency fails to keep a record. However, obtaining documentation of appointments can be more difficult than one might expect. One advocate explains:

So often I've had clients who go and attend their appointments, but the computer system is down in a Job Center, so then within the system itself there's no proof that my client attended the appointment and then they get a sanction or a discontinuance notice. Even when they ask the worker or the supervisor at the job center for proof that they attended the meeting – some kind of paper proof like a receipt or a signature on a document – a lot of times they refuse. And a lot of times if they did have a ticket when they first got to the job center, the caseworker takes the ticket away from them so they have no documented proof that they were there at their appointment.

When an agency has no record that a client attended a visit, and when the client has no proof, the result is that a sanction is imposed on the client, reducing or terminating the clients' benefits, even though the sanction may be unwarranted.

Public benefits clients also report that many documents they present to caseworkers are not retained in agency files. "I have had so many clients where their documents are lost and their documents are not inputted into the system," says one advocate. "I think there's some glitch within the computer system . . . where the documents aren't being scanned in or something is just not working." When documents are lost, people's benefits can be improperly sanctioned. At help desks, advocates can help clients whose documents have been lost and whose agency records are inaccurate. Advocates can work with clients to

figure out options for quickly replacing the documents and can work with them and their caseworkers to find ways to minimize the impact of agency error on clients' lives.

3. MAKE IT EASIER TO GET NECESSARY DOCUMENTS

Proper documentation is necessary to apply and to recertify eligibility for public benefits. However, clients are frequently unaware of what documents they need and how to obtain them. Many of the advocates we spoke with identified the task of obtaining documents as a common problem for clients. When asked about this, one advocate said: “Yeah, especially if they're in [rent] arrears or they don't have a current lease. I understand that the offices need to see something, but it's difficult.” Another advocate responded:

For recertification and to maintain eligibility and for applying for public assistance require many specific documents that take a while to get . . . While [clients] are running around and spending money to get to all of these documents on their limited income, often when they get them all they're told it's too late.

Advocates can guide clients through the process of securing documents in the most efficient manner. When necessary, advocates can request documents from employers, landlords and others.

4. SUPPORT POPULATIONS WITH SPECIAL NEEDS

Victims of domestic violence, immigrants and others with limited English proficiency, people with disabilities, and parents of young children all face particular obstacles when applying for or renewing public benefits, a situation exacerbated by the fact that they are often under great stress. Help desks would provide needed assistance for these applicants.

The eligibility rules for immigrants and members of other specific populations are complicated, and caseworkers are often unfamiliar with the particularities of those rules. Many advocates develop expertise through their ongoing connection to these populations, which means that they may know as much, or even more, about the relevant eligibility rules than do caseworkers who are responsible for serving a general population of clients. Consequently, having advocates on site is even more important for members of particular populations.¹⁵

Domestic Violence Victims

Victims of domestic violence face specific barriers to obtaining public benefits, such as being unable to comply with work requirements.¹⁶ HRA has acknowledged this by placing domestic violence liaisons – who are experienced and trained staff members – at Job Centers, and assigning them the task of helping domestic violence victims to obtain needed public benefits. However, many clients do not know to ask for support from a liaison, or even to tell their caseworkers that they are victims of domestic violence. As a result, they do not receive assistance. According to one advocate: “Oftentimes clients don't know who

the domestic violence liaison is, or even that the domestic violence liaison exists.” Help desks could ensure that victims of domestic violence are connected to a domestic violence liaison.

Immigrants and Others with Limited English Proficiency

Eligibility determinations can be particularly challenging in cases involving immigrants. Many of the advocates noted that language barriers make it difficult for their LEP clients to interact with agencies. The frequency with which problems arise is unsurprising, because 20 percent of all low-income households nationally are headed by an immigrant.¹⁷ Advocates’ descriptions of barriers facing their clients are corroborated by the fact that qualified immigrants receive public benefits at far lower rates than citizens. In 2001, only forty percent of qualified non-citizens and 34 percent of children living with non-citizen adults participated in the Food Stamp Program, while 62 percent of the entire qualified population in the U.S. received such benefits.¹⁸

The low participation rate seems to be a function of several factors: misperceptions about the potential adverse immigration consequences of receiving public benefits, the difficulty of knowing in advance whether a claim for benefits is permissible in light of a person’s immigration status, and communication problems resulting from the language barrier. Studies have found that many immigrants are unaware that they are qualified to receive benefits, and many of those who are aware worry that they will suffer adverse consequences if they apply.¹⁹ Some immigrants worry, often inaccurately, that “public charge” and sponsor liability rules will render them ineligible should they receive public benefits and subsequently apply for citizenship.²⁰ An advocate reports:

Sometimes [my clients] are really qualified for public assistance or for something and they are scared to apply for it. Even though they come [to me] to apply for health insurance, they make sure it has nothing to do with immigration. We assure them there is no relationship between immigration and [public] health insurance.

Also, many immigrants are scared that if they disclose their immigration status to a public benefits agency they will be deported.²¹ Even U.S. citizen children with non-citizen parents frequently are not enrolled in Medicaid, the State Children’s Health Insurance Program (SCHIP), and other benefit programs due to their parents’ fear of deportation.²²

For immigrants who do apply for benefits, complicated guidelines governing immigrant eligibility and the convoluted nature of the immigration system itself pose additional obstacles to eligibility determinations. One advocate told us: “Because cases with immigrants, especially undocumented immigrants, or immigrants that have been in the country for less than five years are so complicated, it will take forever to open their case or the worker will just tell them they’re not eligible.”

Language difficulties are another obstacle for many seeking public benefits. In New York City, almost two thirds of immigrant adults, constituting 1.1 million people, are LEP, and 34 percent of LEP immigrants in NYC live below the federal poverty line.²³ It is unsurprising that previous reports have found that language inaccessibility is a major barrier for immigrants trying to obtain public benefits.²⁴ Our interviews and focus groups confirmed

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GO LEARN THE LANGUAGE.”

that this continues to be the case: according to one advocate, “Language is definitely the number one barrier for [immigrants].”

Though federal and local law requires agencies to provide interpretation in the languages spoken by clients,²⁵ one of the most common problems faced by LEP individuals is a lack of adequate interpreta-

tion services, or of any interpretation at all. A Spanish-speaking client told us:

In one public benefits office, there’s no translator available and they tell you to either go find your own translator or to go learn the language. They’re not making any effort at all to provide any kind of translator or to make it easier for people After I was here for six months, I finally went back and told them that by law I deserved an interpreter. They told me that basically they’d provide an interpreter but that I’d have to pay 20 dollars.

An agency cannot accurately determine the eligibility of an applicant with whom it cannot communicate. One advocate recounts: “I had a client who went to a Medicaid office . . . and the worker just told her just go back, go back home, go to learn English and then come back here.”

In addition to interpretation obstacles faced by people who are LEP, application forms and notices that are written in English can present challenges. In general, New York City agencies try to ensure that applications and notices they send out are in a language the recipient can understand. After a settlement in a lawsuit in 2002, HRA must translate all documents into Spanish, Arabic, Chinese and Russian and must staff its offices with employees who speak the languages most commonly spoken in the communities they serve.²⁶

However, people still have language access problems with application forms for benefits. A recent study by Legal Services for New York City found that 46 out of the 69 HRA offices surveyed for compliance with language access laws were not able to provide translated applications for public benefits in the six most commonly spoken languages in New York City.²⁷ The many forms and documents that must be submitted to maintain eligibility for

public benefits also present challenges for LEP individuals. As one advocate states:

For [one of my clients] who speaks Spanish, the notice that they have [from the government agency] saying what documents to bring is in Spanish. But then [the caseworker wrote] in the part of the notice saying what [documents to bring]. So it says “bring this documentation” in Spanish and then the [caseworker] writes “employment notice,” but that part’s in English. There are tons of language barriers.

In this instance, the key document required by the agency – an “employment notice” – was described in English, rather than in the client’s language, creating an obstacle for the recipient, and undercutting the agency’s goal of accurately determining whether the individual was eligible for benefits.

When agency personnel do not inform a client of their right to an interpreter or do not supply an interpreter, an advocate can make all the difference. Operating from a help desk, an advocate can supply the missing information, urge the agency to provide an interpreter, and, if necessary, provide the needed interpretation. As one advocate notes:

Even if there are caseworkers that are bilingual, you know, oftentimes the first person that [a client] encounters isn’t. So you know, I think that if somebody’s with them, if there’s an advocate on-site who is able to provide translation, that’s really critical every step of the way that they can do that.

Advocates can also allay some immigrants’ concerns about applying for and receiving public benefits by clearly explaining eligibility requirements and any consequences of applying for benefits.

People with Disabilities

A large segment of the public assistance population in New York City is comprised of people with disabilities.²⁸ Agency determinations for these individuals can be especially complicated. Errors can arise because of obstacles posed by the disabilities themselves, and because of complexity in the benefits programs geared toward people with disabilities. At help desks, knowledgeable advocates can perform an important role in supporting individuals with mental health problems and other disabilities as they apply for benefits.

In early 2005, HRA implemented its WeCARE program to help special needs clients by offering services not previously available.²⁹ Implementation of WeCARE has been complicated and observers have asserted that many people with disabilities have not received essential assistance. According to a March 2007 report by Community Voices Heard, many clients with mental health issues found that WeCARE staff lack the expertise needed to provide support.³⁰ Indeed, the stress facing clients who try to fulfill requirements of the WeCARE program can exacerbate existing mental health problems.³¹ As one advocate has said: “For a lot of WeCARE participants that we talk to at the Job Centers, a lot of issues

revolve around sensitivity to disabilities or to their limitations and workers not having adequate training in areas to deal with mental health or even just basic medical understanding.” Advocates have also reported that mental disabilities are not accurately assessed during WeCARE screening, and that clients therefore end up without the specialized support they require. For example, some clients go without specialized skill development and job training, proactive case management where caseworkers visit clients in their homes, and assistance in applying for federal disability benefits.

The cases of people with mental disabilities can be especially complicated. Although some individuals with mental illness are able to work, people also can be inaccurately determined able to work when in fact they cannot. And clients may not understand what is required of them. As one advocate notes: “There are people who are in WeCARE or have mental or psychiatric disabilities . . . and the caseworker said that they couldn’t work, [but] all of a sudden their benefits get cut off They don’t even know if they got a notice saying they didn’t do what they were told.”

Many people with mental health problems would benefit from consulting with advocates at help desks. On-site advocates could serve as a crucial support system, helping individuals to apply, despite their disabilities. One advocate explains:

With the example of mental health I think it’s very clear. I think if somebody had a support system with them then it would be less likely that they would get turned away. You know I actually had a woman come in here the other day who had been arrested at HRA four times. She’s a really nice woman who suffers from post traumatic stress disorder and depression and she can’t deal with it when the workers yell at her. The receptionist yells at her or makes her wait for hours, so she freaks out, you know? And then she gets arrested. So it’s just like the cycle of inefficiency.

Parents

Parents of young children also face particular obstacles to obtaining accurate agency decisions when applying for public benefits. With young children in tow, traveling to appointments and waiting in offices for hours (often without food because some offices bar it) is arduous at best, and sometimes impossible. One public benefits recipient says: “I actually sat in there one day and saw at least 20 people walk out just from being tired of waiting. Mothers with kids, you know, mainly, the kid’s been complaining for five or six hours, they still didn’t get to their number. They are number A213, and the office is at A79, and you been sitting there for five hours.” Nor is it efficient from the agency’s perspective when delay in the office prevents individuals from meeting with caseworkers – instead of making decisions on claims, second and subsequent appointments must be scheduled.

Many advocates said that long wait times in the public benefits offices were difficult for their clients, and many emphasized that wait times were especially difficult for their clients with children. Many applicants and recipients fear leaving Job Centers and missing their

turn to speak with caseworkers.³² For clients who are forced to leave because of caretaking responsibilities, no record of their attempt to see a caseworker exists, which can result in penalties. Even though these clients may be qualified to receive benefits, their need to act as parents – by feeding their children or taking them home for a nap – can prevent them from establishing their eligibility. By confirming a parent’s presence in the office, advocates at help desks could, at least, ensure that parents with children who need to leave the government office before an official meeting are not unduly sanctioned. Advocates could also work with caseworkers and agency staff to provide needed information, and to thereby limit the number of times that parents need to return to the office.

5. IMPROVE COMMUNICATION BETWEEN CASEWORKERS AND CLIENTS

Often, a quick conversation with a caseworker is all that is necessary to resolve problems. But, many advocates told us that their clients are unable to reach caseworkers over the phone. As a result, already overworked caseworkers hold many unnecessary and time-consuming meetings with clients who have to take time away from work or childcare responsibilities to attend those extra meetings. One advocate states:

HRA is notorious for not answering the phone and not returning phone calls. People explain how it’s impossible to call to reschedule an appointment and then they go to their center just to reschedule their appointment because they can’t get through on the phone. Then they need to have an appointment with their caseworker to reschedule their appointment.

One source of the problem is that clients often do not have a specific caseworker assigned to their case. As one advocate puts it, for those without a caseworker “it’s just whoever picks up the paperwork that afternoon.”

Help desks could improve communication and interaction between caseworkers and their clients. Advocates can provide individuals with essential information before they meet with caseworkers, which can both speed up meetings and ensure that those meetings are productive. Improved preparation would also reduce clients’ needs to consult with caseworkers between meetings. Advocates described multiple ways this could occur. One said: “Having an advocate at the office just asking for the correct form and making sure they see the client give it to the caseworker . . . would make a huge difference.” According to another, advocates at help desks could “help prepare applicants with the questions that

“I’VE BEEN WORKING WITH ONE WOMAN WHO HAS BEEN SANCTIONED FIVE TIMES IN ERROR BECAUSE HER CASEWORKER DOESN’T CHANGE HER ADDRESS IN THE COMPUTER SYSTEM.”

they need to ask, with the points that they need to make during the application process.” A third said:

When something bad happens, people can go [to an advocate] and say, “I don’t understand, can you just explain it to me? Will you just tell me what I need to do specifically and write it down so I can go to the caseworker and say A, B, C, D and they can say oh yeah, ok.”

And a fourth explained, “For people who are new to the system, to save them all this time and agony, it would be great for someone to be there and just be saying get some proof for your appointment.”

Additionally, if a client receives inaccurate information during a meeting with a caseworker, an advocate at a help desk could provide clarification or accurate information to ensure the client knows what he or she needs to do.

6. LIMIT PROBLEMS RESULTING FROM COMPUTER ERROR

Computer-generated notices often do not reach clients, either because a worker entered the address incorrectly, or because a computer failed to generate the document. Many advocates said problems with the automated computer system are a major issue. According to one advocate:

For people who are already receiving public assistance, it’s a huge challenge just to keep cases open and active. And, a lot of these problems seem to have to do with the automated computer systems in the different Job Centers that generate notices for appointments. For whatever reason, the client doesn’t get the appointment notice and misses an appointment, they automatically get sanctioned.

When computer problems lead to clients not receiving crucial notices, clients often end up receiving a sanction. If the client requests a fair hearing, the sanction may be lifted.³³ But, the resulting inefficiency is tremendous: agency personnel and clients must prepare for and attend wholly unnecessary hearings. An advocate described the experience of one of her clients:

I’ve been working with one woman who has been sanctioned five times in error because her worker doesn’t change her address in the computer system. And then when she doesn’t get the notice and says, “That’s not where I live, remember I told you and I brought you my lease,” her worker says, “Ok you’re fine,” and doesn’t delete the sanction fully or change the address And so we finally got the sanctions lifted through fair hearings and now they’re all removed.

If there had been a help desk in the public benefits office where this occurred, the advocates staffing the help desk could have met with the caseworker and client and fixed the computer error without going through the fair hearing process.

Additionally, computer problems can prevent documents from being placed in the agency's electronic files. As a result, the client is forced to spend time securing replacement documents and presenting them to a caseworker again, and the caseworker is forced to spend extra time in additional meetings with the client to process the documents. By working with caseworkers, advocates at help desks could promptly address the problems caused by computer errors and incorrect records.

HELP DESKS CAN PROVIDE PEOPLE WITH ESSENTIAL INFORMATION BEFORE THEY MEET WITH CASEWORKERS, WHICH CAN BOTH SPEED UP MEETINGS AND ENSURE THAT THEY ARE PRODUCTIVE.

IV. CONCLUSION

The process of applying for public benefits is complicated. Mistakes are inevitable. Clear communication is difficult. And the stakes are high. But, the good news is that help is available – advocates at non-profit organizations are dedicated to providing assistance. Unfortunately, such assistance is currently prohibited within public benefits offices, where it could do a lot of good, including for the government agencies themselves. New York City's policy, barring advocates from public benefits offices except where they have been retained personally by individual clients, does not make sense.

But the solution is simple. Without spending taxpayer dollars, the City could authorize advocates to operate help desks inside government offices. At help desks, advocates could reduce confusion about agency policies and procedures, ensure accuracy of agency records, assist clients obtain required documents, improve communication between caseworkers and clients, limit the problems resulting from computer errors, and lend much-needed support to people with limited proficiency in English or other special needs.

In a variety of settings, and in communities across the country, officials rely on help desks to provide assistance to people who need it. It is time for New York City to follow suit.

METHODOLOGY

To write this report, the Brennan Center conducted interviews with 18 advocates from 13 non-profit organizations based in New York City: 1) City Bar Justice Center, 2) Community Service Society, 3) Community Voices Heard, 4) Cooper Square Committee, 5) Genesis Transitional Housing Ministries, 6) Legal Aid Society of New York, 7) The New York Immigration Coalition, 8) New York Legal Assistance Group, 9) Partnership for the Homeless, 10) Project FAIR, 11) Sanctuary for Families, 12) TAMKEEN: The Center for Arab American Empowerment, and 13) Urban Justice Center. We asked each advocate a standard set of questions about his or her clients, the role advocates play in assisting clients, and the nature of clients' interactions with public benefits agencies.

We also conducted focus groups on two dates in July 2007 with a total of 15 clients. We were referred to these clients by two non-profit, community-based organizations that work extensively with public benefits clients: Make the Road New York and New York City AIDS Housing Network. Each organization invited public benefits clients that they have worked with in the past and who they thought would be willing to participate in the focus group. Our focus group participants included both men and women, within an age range of 20 to 62. They were in various stages of applying for or receiving public benefits from New York City, through one or more of the following programs: 1) public assistance, 2) Food Stamps, 3) Medicaid, 4) SSI, 5) Section 8, 6) Housing Stability Plus, 7) SSD, and 8) Social Security. We asked these individuals a set of open-ended questions to elicit full descriptions of their experiences with public benefits and their observations of the role that advocates play.

Additionally, we posted a set of questions about help desks on heavily trafficked listserves used by public benefits advocates throughout the nation. Our questions asked whether help desks or other modes of communication, such as distributing flyers, were allowed in public benefits offices in other parts of the country. We received responses from advocates in 15 different communities, the majority of whom reported that in their communities they were permitted by local officials to enter public benefits offices unaccompanied by a client.

All of this work was conducted during the months of May through July in 2007.

ENDNOTES

- 1 The Brennan Center Strategic Fund, referred to throughout this policy proposal as the “Brennan Center,” is the 501(c)(4) affiliate of the Brennan Center for Justice at NYU School of Law, a 501(c)(3) organization.
- 2 These agencies administer Medicaid, Food Stamps, WeCARE, public assistance, housing subsidy programs, and job training programs for low-income New Yorkers.
- 3 U.S. GOV’T ACCOUNTABILITY OFFICE, FOOD STAMP PROGRAM: STATES HAVE MADE PROGRESS REDUCING PAYMENT ERRORS, AND FURTHER CHALLENGES REMAIN 17 (2005).
- 4 Kenneth Hanson & Elise Golan, *Effects of Changes in Food Stamp Expenditures Across the U.S. Economy*, Issues In Food Assistance (USDA, Economic Research Service), Aug. 2002, at 2, *available at* <http://www.ers.usda.gov/publications/fanrr26/fanrr26-6/fanrr26-6.pdf>.
- 5 Memorandum from Michele Royal, Director, Office of Eligibility Monitoring, Family Independence Administration Office of Quality Assurance, City of New York Human Resources Administration, to Center Directors 1 (Nov. 15, 2006) (on file with Brennan Center).
- 6 *See* Project FAIR, *Mission*, *available at* <http://www.projectfair.org/mission.html>.
- 7 The Brennan Center electronically distributed a survey to public benefits advocates nationwide. All survey responses were collected and analyzed to develop an understanding of whether help desks are relied on in public benefits offices in other parts of the country.
- 8 Letter from Jeffrey D. Friedlander, First Assistant Corporation Counsel, The City of New York Law Department, to Haeda Mihaltses, Director, New York City Mayor’s Office of Intergovernmental Affairs 2 (Dec. 15, 2006) (on file with Brennan Center).
- 9 *Id.*
- 10 Deposition of Barry Ensminger, March 7, 2001, in *Sanchez v. Turner*, 00 CV 1674 (S.D.N.Y.).
- 11 Letter from Friedlander to Mihaltses 2 (Dec. 15, 2006) (on file with Brennan Center).
- 12 Other studies report similar findings. For example, according to a report by the United States Government Accountability Office, nearly two-thirds of Food Stamp payment errors nationally are caused by caseworkers, most frequently when they fail to keep up with reported changes or make mistakes applying program rules. *See* U.S. GOV’T ACCOUNTABILITY OFFICE, FOOD STAMP PROGRAM: STATES HAVE MADE PROGRESS REDUCING PAYMENT ERRORS, AND FURTHER CHALLENGES REMAIN 17 (2005).
- 13 *See, e.g.*, 7 U.S.C. § 2020(e)(2)(B)(iii) (right to apply for Food Stamps).
- 14 *See* NYC Department of Homeless Services, *Work Advantage: About the Program*, *available at* http://www.nyc.gov/html/dhs/html/rent/wrkAdvnt_about.shtml.
- 15 It is for this reason that Legal Momentum (formerly called the NOW Legal Defense and Education Fund) recommends that advocates be involved in decision-making at all levels on issues affecting child care and welfare receipt. Mia Cahllil & Roslyn Powell, *Nowhere to Turn: New York City’s Failure to Inform Parents on Public Assistance About Their Child Care Rights* 22 NOW Legal Defense and Education Fund (2000).

- 16 See HRA/DSS, *Domestic Violence Services*, available at http://www.nyc.gov/html/hra/html/family_independence/domestic_violence.shtml (last visited December 7, 2007) (“[A]t HRA/DSS we recognize that the safety of the client is paramount, and that domestic violence can be a major obstacle to compliance with Welfare-to-Work requirements.”).
- 17 McCarthy & Sayeed, *Immigrant Access to the Food Stamp Program: An In-Depth Analysis of New York City’s Immigrants Communities, Estimates of Unmet Need and Barriers to Access*, 3 FoodChange (2007), available at http://www.foodchange.org/files/Immigrant_FSA_Study.pdf.
- 18 *Id.*
- 19 *Id.* at 17.
- 20 Sonya Schwartz, *Immigrant Access to Food Stamps: Overcoming Barriers to Participation*, Clearinghouse Rev. (Sept.-Oct. 2001), at 260, 268.
- 21 *Id.* at 260-275.
- 22 Hyejung Janet Shin, *All Children Are Not Created Equal: PRWORA’s Unconstitutional Restriction on Immigrant Children’s Access to Federal Health Care Programs*, 44 Fam. Ct. Rev. 484, 489 (July 2006).
- 23 McCarthy & Sayeed, *Immigrant Access to the Food Stamp Program* 18 (2007), available at http://www.foodchange.org/files/Immigrant_FSA_Study.pdf.
- 24 For example, a 2007 study found that benefits recipients with limited English proficiency encounter problems with notices that are not completely translated, lack of access to interpreters, and discrimination. See McCarthy & Sayeed, *Immigrant Access to the Food Stamp Program* (2007), available at http://www.foodchange.org/files/Immigrant_FSA_Study.pdf.
- 25 See, e.g., 18 N.Y.C.R.R. § 387.2(t); Local Laws of the City of New York for the Year 2003, No. 73.
- 26 McCarthy & Sayeed, *Immigrant Access to the Food Stamp Program* 18 (2007), available at http://www.foodchange.org/files/Immigrant_FSA_Study.pdf.
- 27 Amy Taylor & Dimple Abichandani, *Translation Woes: Language Barriers at New York City’s Human Resources Administration*, iii Legal Services for New York City (2007), available at <http://www.lsnyc.org/>.
- 28 NYC Human Resources Administration officials estimate that 55.7 percent of the welfare agency’s caseload is partially or completely unable to work. See Alexa Kasdan & Sondra Youdelman, *Failure to Comply: The Disconnect Between Design and Implementation in HRA’s WeCARE Program* 1 Community Voices Heard (2007), available at <http://cvh.mayfirst.org/files/WeCareReportFinal.pdf>.
- 29 Kasdan & Youdelman, *Failure to Comply* 1 (2007), available at <http://cvh.mayfirst.org/files/WeCareReportFinal.pdf>.
- 30 Kasdan & Youdelman, *Failure to Comply* 3 (2007), available at <http://cvh.mayfirst.org/files/WeCareReportFinal.pdf>.
- 31 *Id.*
- 32 Sheri M. Danz, *A Nonpublic Forum or a Brutal Bureaucracy? Advocates’ Claims of Access to Welfare Center Waiting Rooms*, 75 N.Y.U. L. Rev 1041 (2000).
- 33 Vicki Lens, *Bureaucratic Disentitlement After Welfare Reform: Are Fair Hearings the Cure?*, 12 Geo. J. Poverty L. & Policy 13, 46 (2005).

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