

**Public Hearing—Oversight
Fighting Hunger in New York City
Reporting on Finger Imaging of Food Stamp Recipients**

New York City Council Committee on General Welfare
Jointly with the Committee on Community Development

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Good afternoon, my name is Lori McNeil, Director of Research and Policy at the Homelessness Outreach and Prevention Project (HOPP) at Urban Justice Center. I appreciate this opportunity to testify. As we all embark on our own Thanksgiving festivities, it is particularly compelling to explore food stamp policies generally and to explore remedies to food insecurity in New York City. Before I begin discussing policies and hunger solutions, I would like to describe why HOPP is uniquely positioned to testify at today's hearing. Since its inception in 1984, HOPP has been continuously involved in serving vulnerable populations in New York City. We serve low and no income residents through direct legal services, systematic advocacy and outreach and through an application of policy research, thereby not only serving our clients but also impacting all low income New Yorkers.

In addition to our research and direct service work, our office recently settled two lawsuits with HRA that we believe bring about important systemic improvements to the administration of the food stamp program. First, in *Harris v. Eggleston*, we challenged the City's wrongful termination from the food stamp program of individuals who transferred from the cash assistance program to Supplemental Security Income (SSI). A settlement agreement was approved by the federal court in September 2007. The computer problem has been fixed and already \$14 million dollars from New York State in retroactive food stamp benefits have been restored to class members. Second, in April 2008, the federal court approved a settlement in *Williston v. Eggleston*. In this case, we alleged that HRA failed to provide food stamps to eligible applicants at food stamp offices within the time frames established by law. Under the terms of the settlement, HRA will: (1) screen all food stamp applications submitted to food stamp centers for eligibility for expedited processing; and (2) provide food stamps to eligible

households within five days if eligible for expedited food stamp processing, and within thirty days if otherwise eligible. As with the *Harris* lawsuit, this suit has served as a catalyst for HRA to fundamentally change the way it does business to ensure that households receive the food stamps to which they are entitled. HOPP has a long history advocating for food stamps in New York City and it is in this capacity that I wish to address the Supplemental Nutrition Access Program (SNAP).

In May 2011, HOPP released a research report, *Case Closed: An Examination of Exclusion in New York City's Public Assistance Programs*, documenting the many barriers and diversionary techniques used by the New York City Human Resources Administration (HRA) to deny eligible applicants vital public assistance benefits (including food stamps). We identified numerous instances of erroneous case closings and sanctions, clerical errors, caseworkers relaying inaccurate information to applicants and recipients, unanswered phones, onerous appointments and duplicative document requirements. HRA is a highly bureaucratic system of rules, procedures, regulations and processes that, far too many times, serves as an impermeable barrier to those in desperate need of food assistance.

The New York State Office of Temporary and Disability Assistance (OTDA) fair hearing statistics provide ample evidence of the rampant nature of the many problems embedded in the administration of public benefits in New York City. According to OTDA, while New York City represents 63% of the State's public assistance population, it accounts for 94% of all State fair

hearings (used to contest public assistance case decisions) and 79% of all sanctions in the State.¹ Of the almost 140,000 fair hearings held in New York City, only **13%** (18,701) were correct when made or affirmed as correct by an administrative law judge.² As part of our research report referred to earlier, HOPP interviewed 52 pro se appellants and 45% of them described the reason for their fair hearing, as an **error by HRA**. The public assistance program in New York City is rife with faulty practices and ineffective procedures and the outcome of these errors has the potential for horrific consequences, including denying food for our City's most vulnerable such as children, victims of domestic violence and those who are disabled. The provision of a receipt as outlined in Bill 696, will enable applicants to document their activities, (often necessary in fair hearings) a measure important in averting the erroneous termination of food stamp benefits.

Currently, only two states, Texas and Arizona, and several municipalities across the United States require finger imaging to receive food stamps. In a recent letter to HOPP, HRA Executive Deputy Commissioner Brune explained that finger imaging was necessary to ensure that duplicate food stamps benefits are not issued. But, in virtually every case across the United States, states, counties and municipalities have identified and utilized other means to address duplicate benefits without creating this barrier for recipients. Requiring food stamp recipients to engage in finger imaging, a practice that is imbued with stigma akin to criminality, is

¹ New York State Office of Temporary and Disability Assistance. (2009). *2009 Statistical Report on the Operations of New York State Temporary Assistance Programs*. Retrieved from <http://www.otda.ny.gov/main/resources/legislative-report/2009> LEGISLATIVE REPORT.pdf.

² New York State Office of Temporary and Disability Assistance. (2010). *2010 Statistical Report on the Operations of New York State Temporary Assistance Programs*. Retrieved from <http://www.otda.ny.gov/main/resources/legislative-report/2010> LEGISLATIVE REPORT.pdf.

unconscionable and in contradiction to HRA's commitment to expand access to food in New York City. The finger-imaging requirement creates a barrier to food stamps, and this can result in decreased food stamp participation. The food stamp program is completely funded by the federal government (excluding administrative costs), thus supporting the practice of finger-imaging essentially reduces the amount of federal dollars being funneled into the City when our City most needs these funds. Moreover, for every food stamp dollar spent, nearly two dollars in economic security is generated through job creation and increased tax revenues.³ Reporting bill 696 begins the important process of data collection necessary to eventually eliminate the finger imaging requirement in New York City.

We laud the success of HRA's recent efforts at streamlining the food stamp process, including online application, the establishment of the paperless office system and telephone recertification. In fact, the number of food stamp recipients has increased by over 70% over the last five years. The provision of face-to-face interview waivers (in hardship cases), submission of application by facsimile and accurate electronic, hotline and printed materials enhances streamlining efforts already underway.

Now is the time to approve the food stamp measures outlined in Bill 696, especially in light of the newly enforced work requirements for food stamp only cases, the practice of which will add more complexity to the receipt of food stamps. HOPP fully supports all elements of the finger-imaging reporting bill . Thank you for this opportunity to testify.

³ Widom, Ewart & Martinez. (2006). *A Better Recipe for New York City: Less Red Tape, More Food on the Table*. New York: Urban Justice Center.