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An Open Letter to HRA—Response to HRA letter dated 5/16/11:

June 17, 2011

Thank you for your candid response to our research report, “Case Closed: An Examination of Exclusion in New York City’s Public Assistance Programs.”

I begin by addressing HRA’s set of concerns regarding research design. The idea that “no research method is perfect,” and thus all research has inherent flaws, is a generally accepted principle in the research community. In order to develop rigorous and meaningful studies, researchers utilize multiple methods to produce empirical research. Since **every** research method has innate strengths and weaknesses, the most powerful tool researchers can employ is a combination of different methods to address the research question as comprehensively and accurately as possible.

Our report, *Case Closed*, incorporated a multiple-method research design using both quantitative and qualitative data. The sample of 2,926 cases, which is clearly described in our report, includes cases in which HOPP provided advocacy services to individuals experiencing problems with their public assistance cases. We did not use a random sample of those 2,926 cases; we included **all** 2,926 cases for quantitative analysis. Additionally, HOPP conducted 52 short interviews with pro se fair hearing appellants (public benefit applicants and recipients challenging decisions to their cases) who were not HOPP clients. The combination of these two data sets sought to understand *what* was occurring relative to public assistance access and retention in NYC, particularly when people experienced problems with their benefits cases.

Furthermore, HOPP went beyond simply describing the “average” case and supplemented the quantitative data described above with qualitative data. The purpose of qualitative data is not to generalize, nor is random sampling typically relevant. Rather, our qualitative data (which for this research design included 28 individual case histories--205 separate advocacy cases--and 8 verbatim fair hearing transcripts) sought to answer *why and under what circumstances* people were experiencing access and retention problems. Rich, in-depth data (such as our narratives and transcripts) was analyzed for these purposes.

To be clear, the *Case Closed* report does **not** claim generalizability, but it does assert that the results, coupled with secondary state and city data and numerous other research reports, form a compelling commentary on access and retention issues experienced in public assistance programs in New York City.

Eliminate duplicative documents and appointments

While HOPP appreciates the overview of HRA's documentation process during the public benefits application period, there is unequivocal room for improvement. The finger imaging requirement, is by all accounts both costly and inefficient. We suggest an evaluation of the majority of states and municipalities that do **not** use such a stigmatized process to address the concern of duplicative benefits.

With respect to HRA's approach to avoiding duplicative appointments, "time-tested" is not synonymous with efficient or effective. HOPP would welcome a response from HRA, addressing in detail, how HRA connects eligible applicants to critical safety net assistance effectively and efficiently during the appointment process.

Audit the errors and problems in public benefit receipt

While HRA maintains that there are systems in place to ensure accuracy and integrity the very essence of our report calls these "quality control" measures into question. Given the lack of acknowledgment by HRA, we request that the city and state comptroller conduct an external audit to evaluate HRA. Integral to such an audit would be a cost-benefit analysis identifying the cost of agency errors which we conservatively estimate exceed \$21 million annually.

Perform a systematic review of agency accuracy

HRA refers to five mandatory, audits performed on a regular basis. One of the audits focuses on vendors, another on applicants and recipients, another on the implementation of action plans, and yet another on compliance with regulations and legal requirements. Based on HRA's description, only one of the five audits focuses on the internal components of HRA. However, HRA's response is perplexing in that this is the only audit for which no description is given, making the content of the audit elusive at best.

When HOPP performed a search on the NYC.gov website, none of the audit results were posted for public review. Since these audits are funded by the public, results should be posted to HRA's website so that anyone can examine the audit findings without having to go through the FOIL process. For example, HRA claims a cost avoidance of over \$1 billion in their Investigation, Revenue and Enforcement Administration (an audit to detect fraud on the part of applicants and recipients of public assistance). It would be appropriate to allow a public examination of the audit. Indeed, it is commonplace in all research circles to provide the opportunity to examine data to evaluate the validity of the findings. Ironically, HRA requested additional data from HOPP that was not included in our report and we were happy to meet that request. In the spirit of transparency, it is appropriate that HRA offers the same.

Establish standards for sanctions and fair hearings

HOPP is aware of the function of the Office of Temporary and Disability Assistance (OTDA) as it relates to HRA. We have been in contact with OTDA (the state agency providing oversight and direction to HRA) about our research findings, and HOPP is in the process of arranging a meeting with the appropriate OTDA staff members. It is

certainly within the purview of HRA, if not its' obligation, to establish its own quality control procedures to correct erroneous sanctioning.

Simplify evidence packets

HOPP remains optimistic that the various measures discussed in our meeting on May 2nd are followed up in a timely manner so as to effectuate a more user-friendly process for pro se litigants.

Revise withdrawal codes for fair hearings

While HRA states that explanations for codes used for fair hearings withdrawals are available, HOPP was not seeking explanations for codes but was recommending a revision of codes to more accurately reflect the reasons for and outcomes of fair hearings.

Facilitate file access

HRA claims that procedures exist so that public benefit applicants and recipients can obtain copies of case records. HRA also claims that a person at every job center is responsible for handling case record requests, as well as assisting applicants and recipients in understanding the contents. To date, no contact information from any job center identifying the person at that center responsible for case record requests has been made available. The experience of our clients, as well as our staff, supports this.

Expand escalated outreach procedures

While HRA describes their process for contacting recipients in danger of being sanctioned as "well-defined," the reality is that all too often recipients suffer the costs of HRA's error culture. The high fair hearing withdrawal and reversal rates are a telling testament to these problems. Providing additional contact opportunities (escalated outreach) between HRA and public assistance recipients and using varied outreach strategies would make HRA more accountable for the administrative errors that are so prevalent in public assistance programs. Escalated outreach procedures should not be used as just another opportunity to sanction recipients (as they are in WeCare), but should be an opportunity for HRA to "get it right."

Increase training and education opportunities to the level the State allows

HRA states in their response letter that they are committed to self-sufficiency for Cash Assistance recipients. Since it is an undisputed fact that educational attainment is the single strongest indicator of self-sufficiency, it is puzzling that HRA remains uncommitted if not opposed to further training and educational pursuits. Instead, HRA's outdated work-first philosophy discounts the value of education as a true avenue to self-sufficiency. HRA is wedded to the notion that unpaid work activity for public assistance recipients is better than training and education.

Incorporate flexibility into work requirements

When HRA points to the fact that their Back-To-Work (BTW) program offers over a dozen ways to enable clients to find a job, it belies the fact that few public benefit recipients actually acquire employment via BTW, and those who do rarely maintain their position beyond six months. It is upon these facts which HRA should be focused.

Moreover, HRA heralds the success of the BTW program that offers workshops, computer labs and resume development. This actually calls attention to the vast discrepancy between what BTW should be providing and what BTW actually provides. Not only in our research, but also in city oversight hearings, applicants and recipients have reported that they have **never** participated in most of the activities HRA describes as part of their BTW model.

In conclusion, HOPP looks forward to real accountability of those problems identified in accessing and retaining public assistance in New York City. New York City's poorest deserve to have their voices heard and acknowledged with respect and transparency. The time has come for "business as usual" to end at HRA.

Sincerely,



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