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September 30, 2004

Verna Eggleston
Commissioner
New York City Human Resources Administration
180 Water Street
New York, NY 10038

Dear Commissioner Eggleston:

I am writing to respond to your letter to Henry Freedman about *Home Alone: The Urgent Need for Home Visits for People with Disabilities in New York City's Welfare System*.

We note that your letter does not dispute the central conclusion in our report, which is that HRA fails to provide home visits to many individuals with disabilities who need them, contrary to HRA's written policy and the requirements of the ADA. Nor does it dispute the specific facts on which our conclusion was based.

Your letter lists a number of programs and policies that you assert accommodate the needs of people with disabilities. This misses the point. Our report found that HRA does not comply with the policies and procedures that it has. Ironically, one of the policies you mentioned requires HRA to provide home visits to individuals with disabilities. This is the very policy our report found HRA is not complying with in practice.

HRA can hardly claim that it was unaware of our concern regarding the agency's failure to provide home visits to many cash assistance applicants and recipients who need them. We have raised our concern with HRA many times, and provided HRA with many opportunities to make improvements in home visits. In early 2002, we raised the issue in a complaint filed with the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services.

HRA was initially willing to meet with us to discuss our proposals to address the problems raised in our complaint, HRA staff abruptly terminated these meetings without committing to make any changes in policies and practices to improve services to homebound cash assistance applicants and recipients or to address many of the other issues raised in our

complaint. The meetings did not lead to improvements in home visits, and in the months that followed, individuals with disabilities continued to experience problems with home visits. Pervasive problems with home visits and other reasonable modifications continued despite these meetings.

Similarly, we fail to see the relevance of the fact that our office is a member of HRA's Legal Advisory Committee. That Committee has not taken up the topic of home visits, in part, because the issue is the subject of a pending OCR complaint, and because HRA staff had already terminated discussions with us on the issue.

We are familiar with the PRIDE program and HS Systems Wellness Plans, both of which you mention in your letter. We did not mention these programs in the report because they are not relevant to whether HRA provides home visits to people with disabilities. Moreover, as noted in our OCR complaint, these programs also fail to provide reasonable modifications to people with disabilities. HRA routinely sends case closure notices to individuals who miss only one PRIDE or Wellness Plan appointment, regardless of the reason for their absence. As a result, many individuals with disabilities cannot complete or benefit from these programs.

We are also aware of the WeCARE program, and we have a number of concerns about its implementation. The draft contracts for WeCARE do not enough to ensure that WeCARE contractors will comply with their obligations to accommodate individuals with disabilities. They do not even make clear that contractors must provide the same reasonable modifications that HRA staff are required to provide under HRA's Americans with Disabilities Act (ADA) policy. Nor do they specifically require contractors to state in clients' Comprehensive Service Plans what reasonable modifications individuals need or who will provide them. Many individuals who will be served by WeCARE need reasonable modifications, not just to address barriers to employment, but to address barriers to obtaining and maintaining HRA and WeCARE services. The draft contracts do not require contractors to identify these needs in clients' Plans or specify the reasonable modifications that will be provided to address them. As a result, it is likely that many individuals with disabilities will continue to be churned through the system.

Many individuals with disabilities need reasonable modifications, including home visits, during the benefits application process *before* they are referred to PRIDE, Wellness Plans or WeCARE. These programs cannot address that need – only HRA can. In fact, some individuals with disabilities never make it to these programs because HRA fails to them with the reasonable modifications they need to complete the application process.

As for the other HRA points raised in your letter:

- Your list of the methods by which individuals can submit applications does not include home visits.
- The specialized Centers referred to in your letter do not serve cash assistance

applicants and recipients with disabilities.

- Review Team Recommendation forms often lack meaningful information on the types of accommodations needed. They typically contain the same stock accommodations for everyone, regardless of disability or severity, or circumstances. When we raised this issue with HRA, HRA staff responded that they were unfamiliar with these forms and they were not used by HRA staff to make work assignments and accommodations.
- As noted in our report, HRA's information booklet "Are You Disabled?," provides inadequate notice to welfare applicants and recipients of their right to accommodations under the ADA, and as a result, violates the ADA. The booklet does not mention the ADA or state that individuals with disabilities are entitled to reasonable modifications. OTDA's information Booklet suffers from similar deficiencies.

As for your concern that we failed to accommodate Matthew Sapolin, the Director of the Mayor's Office for People with Disabilities, I had already spoken with Matthew Sapolin, long before we received your letter. Mr. Sapolin informed me that he was giving the report to his Legal Director to read. He did not say that he would be reading the report himself, and he gave no indication that he wanted a copy of the report in Braille or any other alternative format. We are happy to provide him with a copy of the report in an alternative format if he informs us that he wants one.

Instead of focusing on how HRA can improve services to homebound individuals, you have chosen instead to post the cover of our report on your website, adding the words "misleading information" across the cover, without our permission, along with your unresponsive "response" to the report. This is unfortunate. The failure to provide home visits to people with disabilities is a serious problem that requires HRA's attention.

Sincerely,


Cary LaCheen

cc: Mayor Michael Bloomberg
Matthew Sapolin, Director, Mayor's Office for People with Disabilities
Richard O'Halloran, General Counsel, HRA