

MONROE COUNTY LEADS IN BENEFIT DENIALS

A Closer Look at Denials, Case Closings and Sanctions

by

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Key Findings:

- Monroe County is an outlier for its denial rate of applications.
- While overall use of sanctions has plummeted, Monroe County has increased case closings for compliance issues.
- Monroe County continues to sanction drug and alcohol use more than similar counties.
- More data is needed to determine the reasons behind Monroe County's high denial rate.

March 19, 2024

Introduction

Monroe County and the City of Rochester continue to struggle with high rates of poverty. Access to public assistance is an important way for households to meet basic needs. There is longstanding concern, however, that Monroe County may make it more difficult than its peer counties to access benefits.

In 2018, Nazareth University professor of sociology Harry Murray authored a report¹ showing Monroe County denies and suspends public assistance benefits at higher rates than other urban areas, a consistent trend during the years examined, 2005 to 2017. The report cited the County's use of "sanctions," removal of benefits for noncompliance.

Concerns about Monroe County's sanction rate persisted in the 2021 report issued by the Commission on Racial and Structural Equity (RASE). The commission recommended that Monroe County "adjust internal policies to ensure that sanctions – which remove needed resources from individuals, many of whom are BIPOC – are used only as a last resort, and never as a first step."²

This report aims to answer the question of whether Monroe County has made any progress on concerns surrounding its high rates of denial and suspension of benefits.

Data in this report comes from the New York State Office of Temporary and Disability Assistance website, specifically the Annual Legislative Report on Public Assistance³ and Monthly Caseload Statistics.⁴

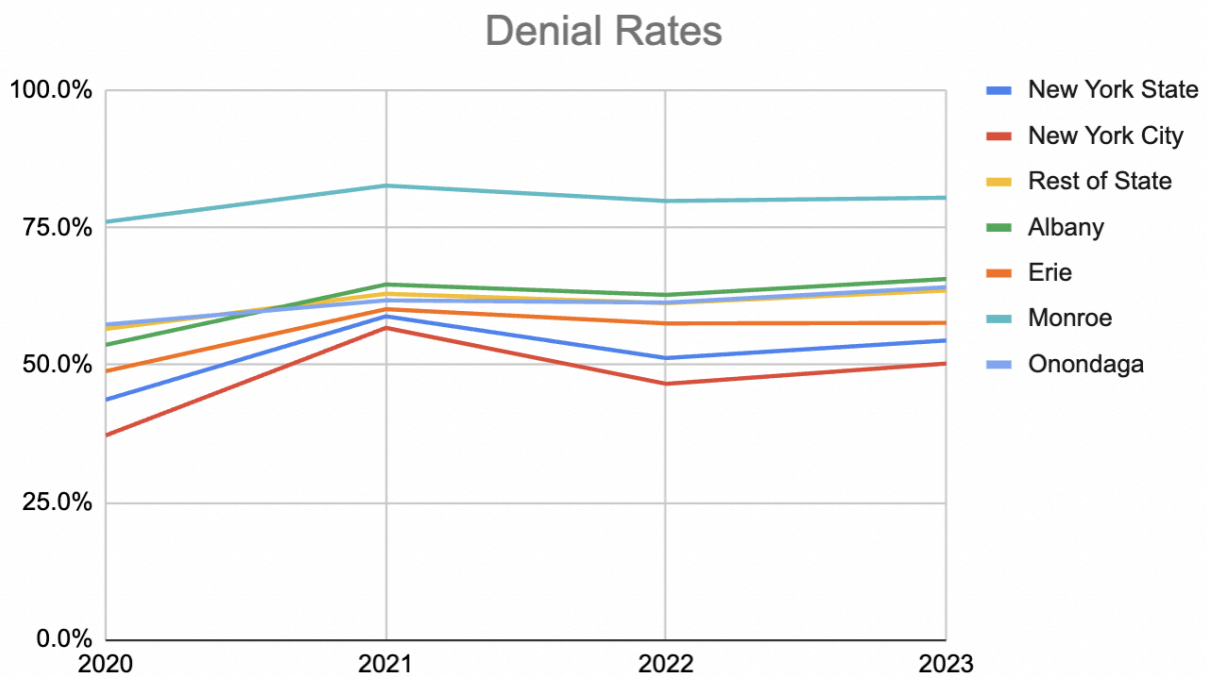
¹ Murray, H. (2018, August 23). *Monroe County Public Assistance Sanctions, Application Denials, and Case Closings in the Context of NYS OTDA Data for Four Large Urban Counties*. Nazareth College. https://www2.naz.edu/files/7315/3738/6277/Monroe_County_Public_Assistance_Statistics_in_the_Context_of_NYS.pdf

² (2021, March 18). RASE Study Recommendations. <https://www.rocrase.com/recommendations>

³ New York State. *Annual Legislative Report on Public Assistance*. Office of Temporary and Disability Assistance. Retrieved March 10, 2024, from <https://otda.ny.gov/resources/legislative-report/>

⁴ New York State. *Monthly Caseload Statistics*. Office of Temporary and Disability Assistance. <https://otda.ny.gov/resources/caseload/>

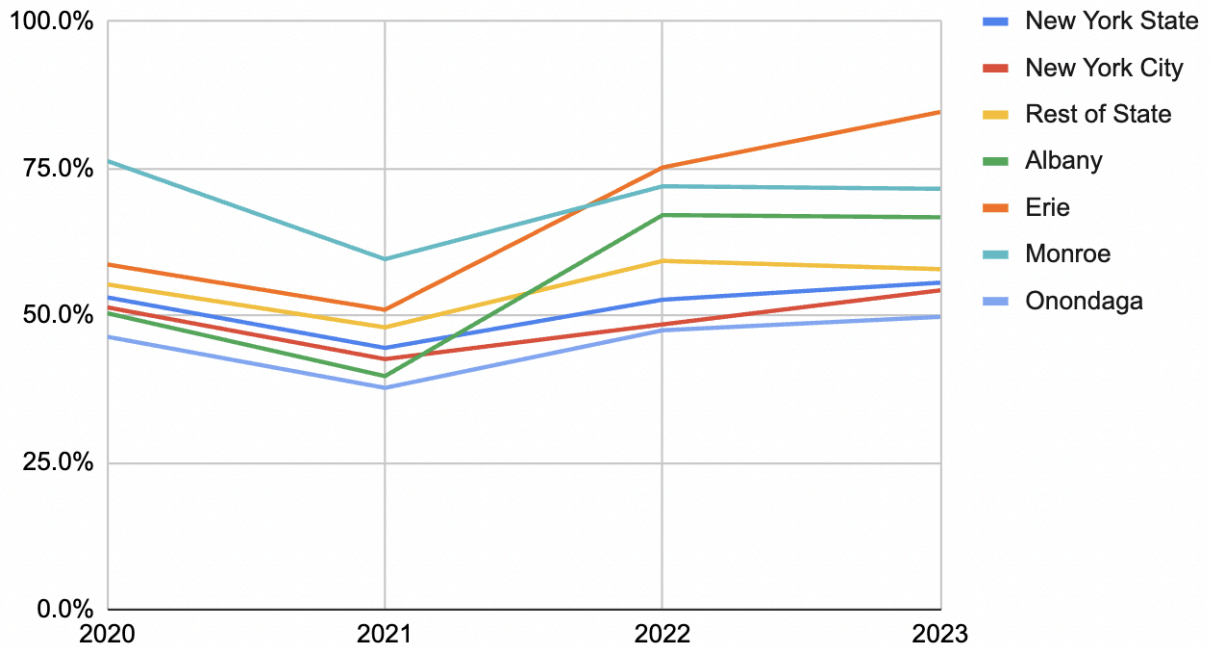
Denials



Methodology: $\text{Denials} / (\text{Approvals} + \text{Denials})$

Monroe County denies public assistance applications at a higher rate than the state as a whole and similar urban counties. Monroe County's denial rate has remained consistent since 2020, never dipping below 75%. In 2023, New York State denied 54.5% of public assistance applications, while Monroe County denied 80.5% – impacting nearly 22,000 households. Only three other counties – Lewis, Saratoga and Otsego, had higher denial rates than Monroe County in 2023.

Denial Rates for "Other" Compliance Issues

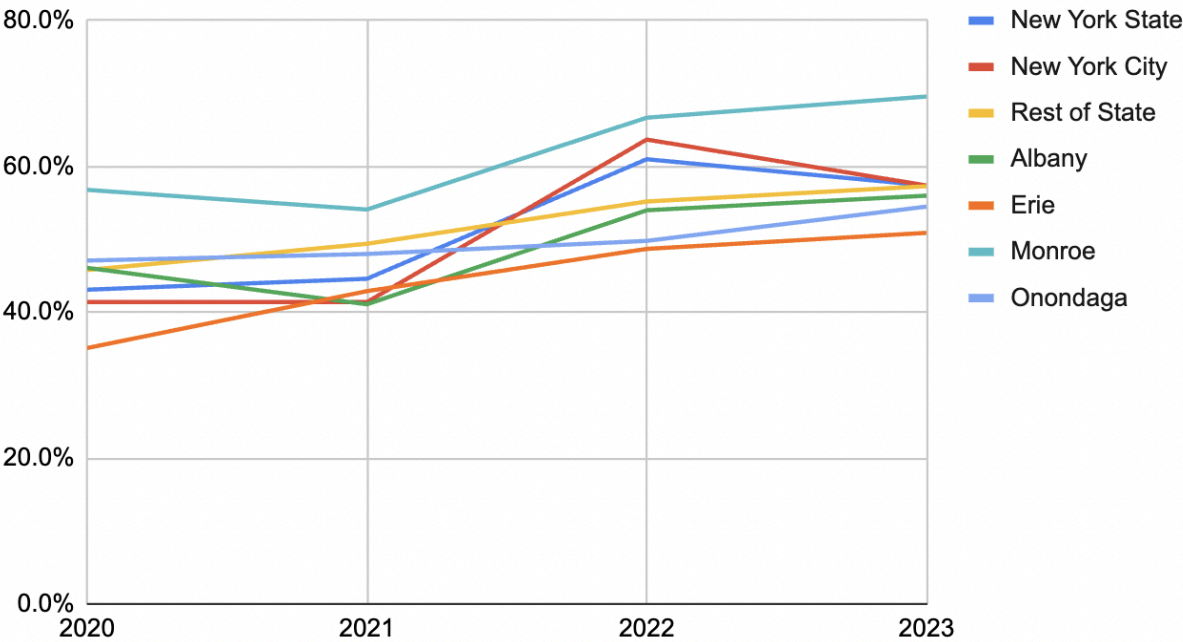


Methodology: Compliance Issues: Other/Total Denials

In New York State, the biggest reasons people are denied public assistance are compliance-related issues such as not appearing for an interview or providing all documentation. (These compliance-related denials are *not* related to financial or employment issues, which are categorized differently.) In 2023, the state denied 55.6% of applications for compliance-related issues. Monroe County denied 71.6% of applications for this reason, surpassed only by Erie County among similar urban areas.

Case Closings

Case Closings: "Other" Compliance Issues



Methodology: Closings for Compliance Issues: Other/Total Closings

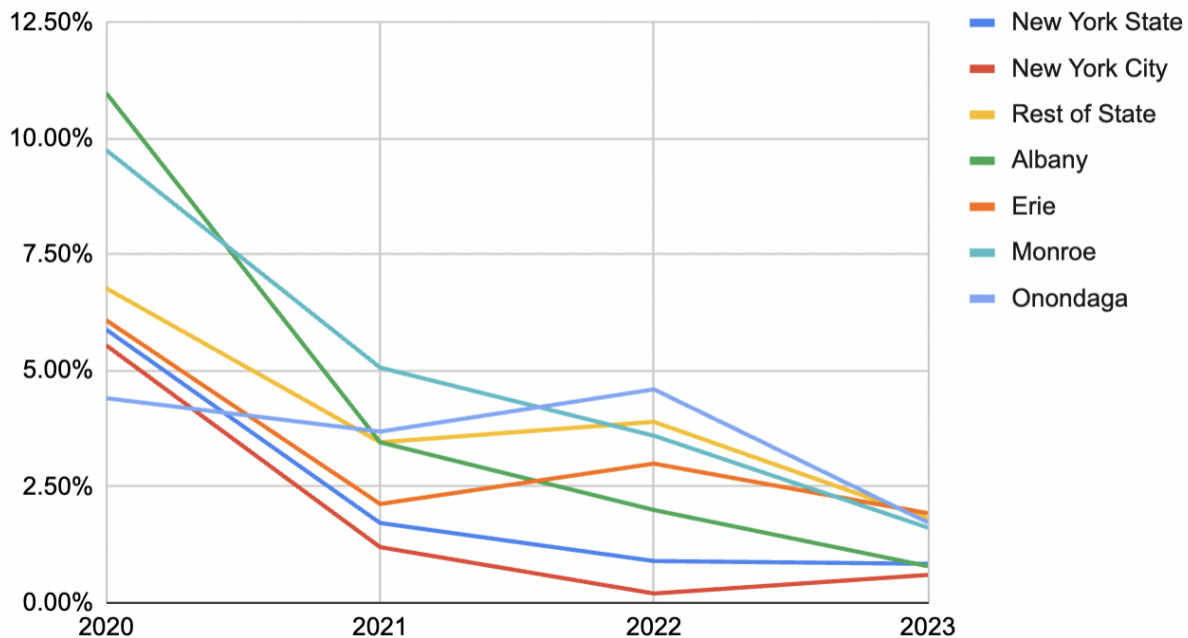
When a public assistance case is closed, either by the request of the client or action from the government, benefits to the recipient cease. Some cases are closed due to employment, residence or financial issues. Other cases are closed for other compliance issues, such as not recertifying finances or failing to do drug and alcohol screenings and assessments.

In New York, more than half of case closings in 2023 – 57.4% – were due to these “other” noncompliance issues. In 2023, Monroe County had a far higher case-closing rate in this category - 69.6%, equal to 4,882 cases.

Monroe County closes cases overall at a rate comparable to similar counties, but uses noncompliance as a reason far more often.

Sanctions

Sanction Rates



Methodology: Monthly Average Number of Recipients in Sanction Status/Average Monthly Caseload
56

New York State law allows local districts to suspend benefits, or “sanction” individuals if they do not comply with program requirements. Monroe County has published a handbook to describe the reasons recipients can be sanctioned.⁷ Some sanctions are “durational,” which means there is a specific time period attached in which the individual cannot receive benefits.

⁵ New York State publishes annual sanction data on July to June calendar, but the annual average monthly caseload on January to December calendar. The annual average can be found in the December reports.

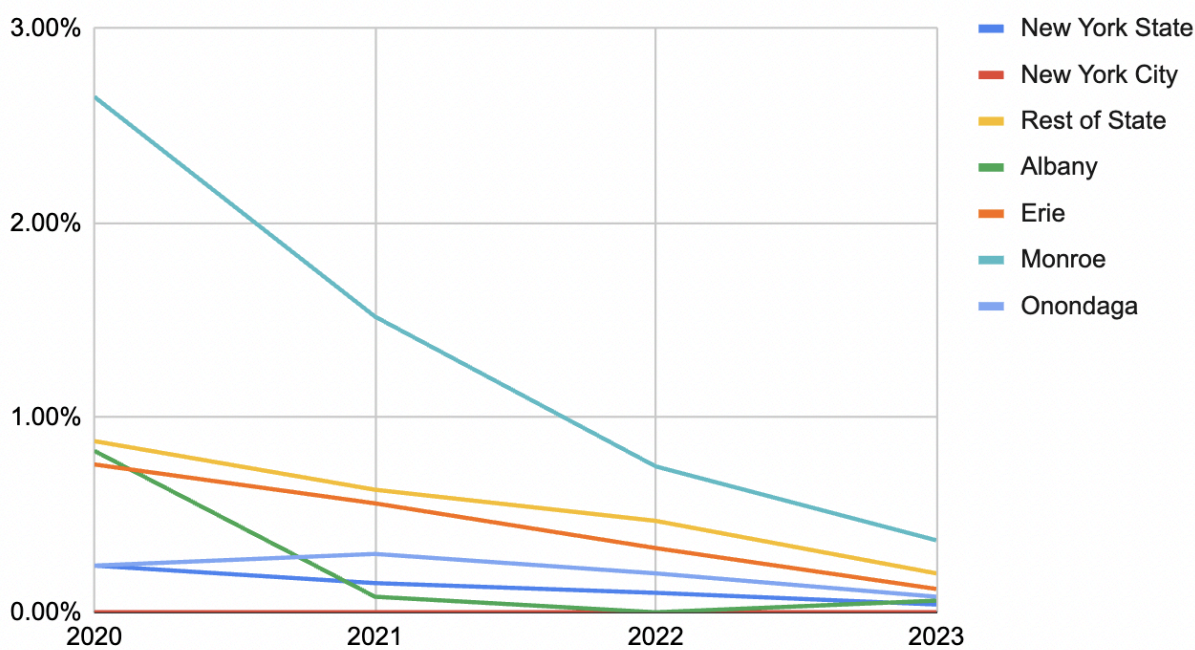
⁶ The Prof. Murray report uses the average number of monthly recipients instead of caseloads as the denominator for the sanction rate. This report uses cases, because a case equals a household, which could have multiple recipients. For example, the majority of public assistance recipients are children, who are also impacted by a parent’s sanction.

⁷ (August 2022). *Monroe County Department of Human Services DHS 101*. Monroe County. <https://www.monroecounty.gov/files/hs/DHS%20101%2010.2022%20update.pdf>

People can be sanctioned for violating requirements for the following programs: Temporary Assistance, Supplemental Nutrition Assistance Program (SNAP), Medicaid and Emergency Housing.

In 2020, Monroe County had 10% of cases under sanction status, one of the highest rates in the state. But by 2023, Monroe County and other local districts dramatically reduced the use of sanctions to under 2% of all cases.

Sanctions: Durational for Drugs & Alcohol



Methodology: Monthly Average Number of Recipients in Sanction Status: Durational for Drugs and Alcohol/Average Monthly Caseload

However, Monroe County's use of durational sanctions for drug and alcohol use remains much higher than the rest of the state and similar counties.

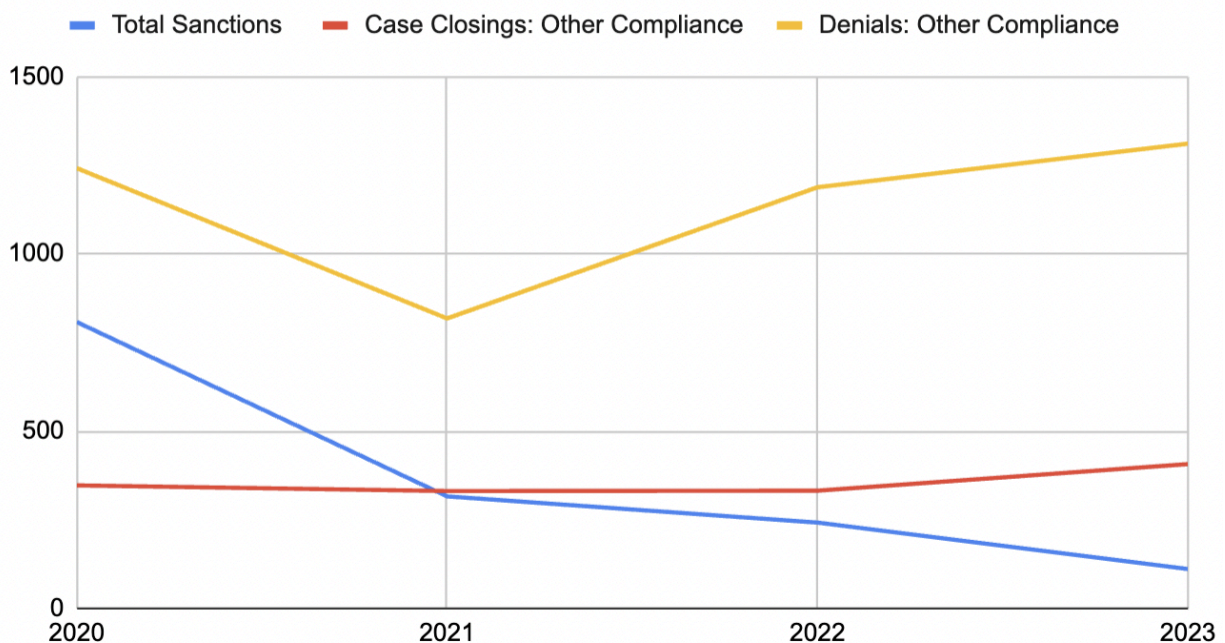
To obtain public assistance benefits in New York, Individuals must go through a substance use disorder screening. When a screening or other evidence determines an individual is abusing alcohol or drugs, they must undergo an assessment that can include drug testing. If the assessment determines the individual cannot work, they will be directed to attend a treatment program. If people refuse screenings and assessments, miss treatment

appointments or refuse treatment, or refuse to consent to their data being shared with MCDHS, they can be sanctioned or deemed ineligible for benefits.⁸

In 2023, Monroe County reported an average of 25 people a month serving a durational drug and alcohol sanction. The County's durational sanction rate for drugs and alcohol is three times the rate in Erie County and four times the rate in Onondaga County.

Sanctions Down, Denials and Case Closings Up

Sanctions, Case Closings & Denials: Monthly Average



Methodology: Monroe County's Average Monthly Total Sanctions, Annual Case Closings/12, Annual Denials/12

The good news is that Monroe County has made dramatic progress on sanctions, reducing the average number of individuals in sanction status every month by 86%, from 808 in 2020 to 111 in 2023.

This progress, however, is offset by the increasing use of compliance-related denials and case closings, which increased by 8% between 2020 and 2023. That's a monthly average of 1,718 compliance-related denials and case closings last year for reasons unrelated to finances, employment or residency.

⁸ 18 CRR-NY 351.2 (i)

Discussion

Need for More Data on Compliance Issues

We need more data on specific compliance-related denials to get a fuller picture of what makes Monroe County's bureaucracy different. "Other compliance issues" makes up the vast majority of denials and case closings, but this could encompass a wide range of issues. (These denials do not include issues related to residency, finances or employment.) For example, what percentage of denials and case closings are because people missed appointments or didn't have the right paperwork? New York's published data does not drill down to these common reasons people are denied benefits.

Monroe County has acknowledged that many applicants don't have the required information to process their applications. In a November 29, 2023 letter⁹ to the Monroe County Legislature, Department of Human Services Commissioner Thalia Wright addressed the fact that the County was processing only half of SNAP and cash assistance applications within the state's required 30-day limit.¹⁰ Commissioner Wright said the County leaves many incomplete applications open to avoid denials, which extends the processing time. She did not provide data on how many cases are eventually closed or denied for incomplete information, or steps the County is taking to help individuals complete applications.

Emergency Housing

The entire community is impacted when people cannot obtain public assistance, especially as it relates to homelessness. People may be forced to sleep outside or in vehicles, live with abusive partners, or be subject to evaluations by Child Protective Services, which can intervene when families are unhoused.

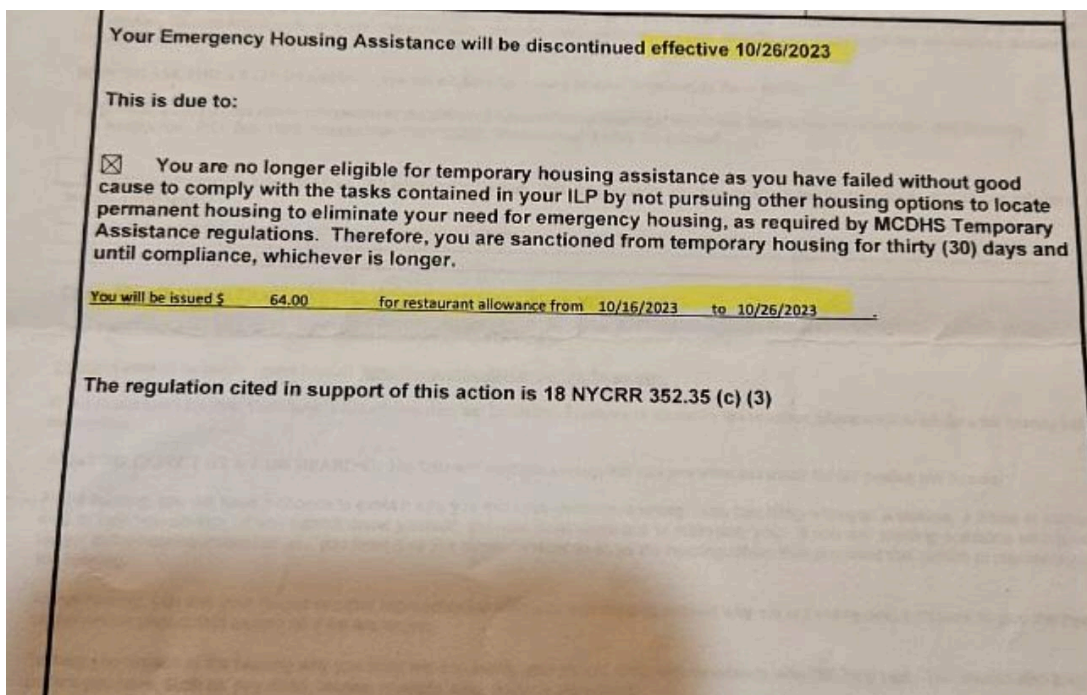
⁹ Letter to Legislature from Commissioner Wright:

<https://rachbarnhart.com/wp-content/uploads/2024/03/Commissioner-Wright-letter-to-Leg-11-29-23-2.pdf>

¹⁰ (2023, November 16). *Legislator Barnhart Asks for Corrective Plan for Benefits Processing*. Rachel Barnhart. <https://rachbarnhart.com/legislator-barnhart-asks-for-corrective-plan-for-benefits-processing/>

We have anecdotal information showing Monroe County engages in punitive actions against recipients in temporary shelter through the use of sanctions. Here again, there is no published data about how often Monroe County uses this tool or how many individuals have been impacted.¹¹

This practice, detailed in the Monroe County Department of Human Services (MCDHS) handbook, allows the County to stop emergency housing assistance for 30 days for violating rules including drug and alcohol use, violence and calling the “after hours” hotline excessively. Another reason people can be sanctioned is “failure to accept permanent housing.”



The above is an example of a 30-day sanction issued in October of 2023 for a family placed at a hotel in Greece and later sanctioned for not finding permanent housing. The parent was waiting for a workers compensation claim and did not have funds for a security deposit. In the following weeks, the teenage son worked at a fast food restaurant while attending high school to pay the hotel bill, but that was unsustainable. A private nonprofit agency stepped in to pay for the hotel while helping the family obtain permanent housing.

Although the MCDHS handbook says “cases are evaluated individually before a sanction is imposed to determine if there may be an underlying cause for not locating permanent

¹¹ Legislator Barnhart filed an open records request for sanction data related to emergency housing with Monroe County and New York State on January 21, 2024.

housing,” recipients like Ashley Williams say the notices take them by surprise.¹² Placed at a Henrietta hotel with her children, without transportation (it wasn’t on a bus line) or a security deposit, she was unable to find an apartment – even with the help of an advocate at a nonprofit agency.

When Monroe County sanctions an individual for “failure to accept permanent housing,” it cites a provision of New York State law¹³, which reads:

An individual or family must actively seek housing other than temporary housing, as required by the social services district, and not unreasonably refuse or fail to accept any such housing, including but not limited to, permanent housing, reunification with family or relocation to other appropriate residential facility. When an individual or family fails to comply with these requirements, the social services district must discontinue temporary housing assistance until the failure ceases, or for 30 days, whichever period is longer.

Monroe County has discretion in how to implement this provision, as it can determine what it means to “actively seek housing other than temporary housing” and “unreasonably refuse or fail to accept any such housing.” It is extremely difficult for people without transportation or financial means to access an apartment, much less a safe and affordable one. Indeed, Monroe County immediately lifted the sanction against Williams after media coverage of her plight, proving officials had discretion in her case and others.

The RASE Commission report noted Monroe County’s strict overall interpretation of state regulations saying, “Nearly two thirds of Fair Hearings resulted in favorable findings for the client, with judges often questioning the strict discretion exercised by Monroe Co that leads to more sanctions.”¹⁴

Drugs and Alcohol: Abstinence-Based Lens

The RASE Commission identified a reason for Monroe County’s disproportionate rate of substance use-related sanctions: The County uses a database, the Addiction Recovery Employability System (ARES), for providers to track individuals’ progress in treatment programs. What’s more, the RASE Commission report said Monroe County requires public assistance recipients to maintain an 85% attendance rate in treatment programs, which is

¹² (2023, November 29). Single mother's struggle highlights gaps in Monroe County's housing assistance. *Democrat and Chronicle*. <https://www.democratandchronicle.com/story/news/2023/11/29/mothers-struggle-highlights-gaps-in-monroe-county-housing-assistance-rochester-ny/71728372007/>

¹³ 18 NYCRR 352.55 (c) 3

¹⁴ (2021, March 18). *No Time for Excuses: Report on the Commission of Racial and Structural Equity (RASE)*. Pages 151. <https://rocrase.com/files/report-rase.pdf>

not in accordance with the best practices. The report says, “This requirement is explicitly a local choice.”

Despite the RASE Commission recommendation to adopt a less-stringent approach, the following year the County contracted with a firm for \$230,000 to develop a “Recovery Attendance System”¹⁵ to track temporary assistance applicants and recipients in substance use treatment programs.

Another concern is Monroe County does not take a harm reduction approach to substance use treatment. A harm reduction approach recognizes individuals may continue to use drugs and alcohol, while making progress in their recovery. We are aware of Individuals deemed “non-compliant” even when they are making positive changes like reducing drug and alcohol consumption, using medication assisted treatment (MAT) while they taper off use, or switching from injecting to sniffing.

Recommendations

- In order to reduce denials and case closings, the County should explore how it can help more applicants meet the requirements for public assistance, and meet them in a timely manner. This could include accepting sworn affidavits of identity where ID documentation is missing.
- Monroe County should immediately stop the use of sanctions for “failure to accept permanent housing” and work closely with clients to ensure they are housed.
- Monroe County should continue progress on reducing sanctions, fully implementing the suite of RASE Commission report recommendations.¹⁶ When a DHS client is non-compliant, a plan of action should be required by DHS to overcome the non-compliance quickly and reduce barriers to doing so; in keeping with the County's legal and ethical obligation to provide aid and assistance to the poor as envisioned by the NYS Constitution and Social Service Law.
- Monroe County should take a harm-reduction approach to substance use disorder treatment, which includes not requiring abstinence as a condition to obtain financial assistance. MCDHS should contract with agencies that have harm-reduction alternatives for all clients.

¹⁵ MCDHS Contract Log #262-23

¹⁶ (2021, March 18). *No Time for Excuses: Report on the Commission of Racial and Structural Equity (RASE)*. Pages 150-155. <https://rocrase.com/files/report-rase.pdf>

Conclusion

Even with a shift to Democratic control of the County administration in 2020, Monroe County continues to stand apart from its peers when it comes to access to public assistance. Monroe County has made significant progress on reducing the use of sanctions, even for drugs and alcohol, but the County's use of denials and case closings is up, particularly for compliance-related issues. There's no reason to suspect Monroe County's social services seekers are fundamentally different from those in other counties, pointing to systemic issues.

When individuals and families go to the Monroe County Department of Human Services for assistance, the burden should not be solely on the applicant to meet requirements. Monroe County also has a responsibility to ensure the process is not onerous, understaffed and punitive. A Monroe County where everyone has an opportunity to thrive is one where everyone can meet their basic needs. But for many, when they seek help from MCDHS, the door is too often closed.