



MERCY HAVEN, INC.

BUILDING COMMUNITY SINCE 1985

Mercy Advocacy Program

Legal Advocacy
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November 4, 2019

Hon. Andrew M Cuomo
Governor, State of New York
633 Third Ave.
New York, NY 10017

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Re: The Need for Your Signing the Bill by Which Families in Receipt of Public Assistance, with a Child in Receipt of His/her Own Unearned Income, Will Be Able to Avoid Having Their Monthly Public Assistance Drastically Reduced Due to the Income from Such Child.

S. 04809 A and A. 04256 A

Dear Governor Cuomo,

I hope this letter finds you well.

Let me introduce myself to you. I am an attorney with 42 years of full time experience with nonprofit organizations in Nassau, Suffolk and Westchester counties and the five boroughs of New York City providing free legal services to indigent individuals and families on their civil legal emergencies. For the past 22 years I have been employed by Mercy Haven, Inc., founded by two Sisters of Mercy, which provides housing to persons living with serious and persistent mental illness in Suffolk and Nassau counties. My role is to provide free legal assistance to our indigent residents on their "civil legal emergencies", which means the denial or loss of subsistence income from Public Assistance or Supplemental Security Income (SSI), the denial or loss of access to healthcare through Medicaid and, where applicable, Medicare, the promotion of basic nutrition through the maximization of food stamps (also known as SNAP), and the prevention of the recurrence of homelessness by securing emergency assistance to prevent evictions due to nonpayment of rent.

Mercy Haven's mission is to acknowledge the dignity and potential of people who are homeless, living with mental illness or living in poverty by providing housing, advocacy, education and life skills development.

The legislation on which I am requesting your support will protect the income of a child, who is entitled to receive child support or Social Security Survivor's benefits, from being utilized to support his parent(s) and minor sibling(s) by removing this child from the family's public assistance household. The removal of such child, as is currently the situation only for a disabled child on SSI, will preclude a local social services district from considering his/her income to be available for the support of his parent and minor siblings in the family public assistance household.

For your review, the PURPOSE OF THE BILL:

This bill amends the Social Services Law (SSL) to permit caregivers to exclude children with unearned income from the public assistance household.

Its JUSTIFICATION:

This bill addresses disparities that exist when a minor is named as an applicant for public assistance. Current law requires a minor's parents and any other minor siblings living in the home to also apply for assistance and be included in the household for purposes of determining both eligibility and grant amount. This means that the income of any child, such as child support or social security survivor's benefits, is considered available to the entire household, and reduces the entire grant of the household making far fewer resources available for the care of the child applying for assistance, as well as any other children in the household.

While I don't believe that the passage of this bill will have a significant fiscal impact on the New York State and local counties because of the relatively uncommon fact pattern it addresses, I cannot underestimate the importance of its passage to public assistance households, which currently contain a child, who receives child support or Survivor's benefits.

Let me offer a terribly sad example of the need for the passage of this legislation:

A family which I currently represent includes a mother who has recently been placed on hospice care due to her terminal diagnosis of kidney cancer. She currently receives \$814 monthly from Social Security disability and SSI disability and state supplement program benefits. One of her sons is also disabled and

receives \$794 monthly from SSI disability benefits and state supplement program ("SSP") benefits .

The fact of their receipt of SSI renders them invisible, and therefore their combined income of \$1,608 per month is excluded from the public assistance household of three persons in which the father and their two other children receive \$1,154.60 monthly, including an enhanced shelter allowance, based on their monthly shelter expense of \$1,250 for this family of 5.

It is not expected that the mother will have long to live. Upon her passing, the family will lose her \$814 monthly income.

Secondly, only her disabled son will begin to receive survivors benefits from Social Security on his mother's record. If the amount of his survivors benefits is \$814 or higher (in 2019 standards), such new income will render him ineligible for SSI and SSP benefits.

If he will no longer be on SSI or SSP, he will no longer invisible from the public assistance household of his father and two siblings.

Unless this proposed legislation is signed by you, as Governor, his newly acquired Social Security Survivors benefits will become countable to the public assistance household of his father and his two siblings.

If his Survivors income is \$815, a huge detrimental impact on the public assistance eligibility received by his family will occur by reducing their public assistance by his \$815 from \$1154.60 to \$339.60.

Upon the death of the mother, the family's gross income is expected to drop from \$2,762.60 to \$1,154.60.

However, if this legislation is signed by you, the family can protect its public assistance benefits as a three person household of \$1,154.60 and retain the disabled child's Survivors benefits of \$815 in this projection for a total of \$1,969.60 (towards their monthly rental expense of \$1,250).

As demonstrated by this example, this legislation would exclude the son and his Social Security survivor's benefits from being considered available for purposes of his income being utilized to support his father and his two siblings.

In other words, this disabled child will not be put in the position of having to provide financial support to his father and his siblings for whom he is not legally responsible.

I trust you can appreciate the gravity of this legislation.

I urge you to exercise your compassion and wisdom to sign this legislation to avoid a needless and grossly excessive economic punishment on families similarly situated across New York State. Furthermore, under our State's "affirmative duty to aid the needy" under Article XVII, Section 1, of our State Constitution, as construed by our Court of Appeals, you and I need to provide mercy and justice to needy families, who presently have to endure the loss of not only a parent and the parent's income, but also the loss of public assistance benefits for family members whose household's income must now include the newly obtained survivors benefits (if above the SSI/SSP limits) for any disabled child, .

I appreciate very much your consideration of this matter.

Thank you very much.

Very truly yours,


John F. Castellano
Attorney in Charge