



Testimony for Public Oversight Hearing on the Performance of the Economic Security Administration of the Department of Human Services

**District of Columbia Council Committee on Health and Human Services
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On behalf of the Legal Aid Society of the District of Columbia,¹ I ask the Council to act to protect 6,000 at-risk families. Although we support the Economic Security Administration (ESA) in its continuing work to improve the Temporary Assistance for Needy Families (TANF) program,² we are concerned with certain aspects of how this crucial cash assistance program is being implemented. **In light of these concerns, we ask that this Committee, and the Council, authorize funds for a temporary reprieve to these families by delaying their termination from the TANF program.**³

Over the last several years, the District has made significant changes to its TANF program in order to offer a more individualized approach to the services it provides parents. At the same time, the District instituted retroactive five-year time limits on the receipt of benefits and put in place a series of benefit reductions for families who have needed the help of TANF for more than five years. The most recent benefit cut, which went into effect in October 2014, reduced the maximum TANF benefit for a longtime TANF family of three from \$434 to just \$152 per month. **Under current law, these same families will no longer be eligible for any amount in TANF after October 1, 2015.**⁴

October's "time limit cliff" for longtime TANF families comes as ESA continues to try to make good on its promise to improve the services offered through the TANF program. But parents relying on TANF face problems with the benefit program that are outside of their control, including extended waits to receive employment-related services and an unclear path to obtaining an exemption to the time limit. And under the present system, months pass and the

¹ Legal Aid was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." For more than 80 years, Legal Aid staff and volunteers have served tens of thousands of the District's neediest residents. Legal Aid has been practicing in the area of public benefits for a number of years, representing clients with regards to programs such as TANF, Supplemental Nutrition Assistance Program (SNAP, commonly known as food stamps), and Medicaid. We also regularly collaborate with local advocates and the Economic Security Administration to ensure that our clients' experiences with these important benefits programs are reflected in the policies that are enacted and implemented by our government.

² TANF is a federal block grant program meant to provide income assistance, job training, and other services to low-income families with children. Parents receiving TANF must (1) work, participate in job training, or do other approved activities and (2) cooperate with the District's efforts to collect child support from the non-custodial parent.

³ See D.C. Code § 4-205.52(c-3)(3); Responses to Pre-Hearing Questions from the Committee on Health and Human Services, at Question 80, page 37.

⁴ D.C. Code § 4-205.52(c-3)(3).

clock for a parent's TANF eligibility ticks away regardless of whether that parent has been offered the appropriate services or screened for an exemption.

Beyond these issues, long-term TANF parents also confront a local economy in which they are at a disadvantage, making it difficult to obtain employment.⁵ The planned termination of these families from TANF in October will push a particularly vulnerable population even further behind. **In light of the fundamental changes to the District's TANF program and the unique economic landscape of our city, it is crucial that the Council delay the upcoming benefit termination for long-term TANF families.**

I. It Is Unfair and Harmful to Terminate TANF for Long-Term TANF Parents When They Cannot Consistently Access TANF Services and Exemptions from the Time Limits.

Although much progress has been made to improve the TANF program, planned programmatic changes are not yet complete. Specifically, ESA is not able to immediately refer all employment-ready parents to the employment vendors tasked with these helping parents get jobs and obtain self-sufficiency. At the same time, parents who could be eligible for one of the time limit hardship exemptions created by the Council are having difficulty obtaining an exemption because ESA has not yet updated the regulations and policies that should be the framework for any agency decisions in this area. Given these ongoing implementation problems, it would be both unfair and harmful to cut off thousands of children from economic assistance.

A. Parents Cannot Get Timely Assignments to Employment Vendors.

The TANF program serves families with a range of experiences and histories. While some families need exemptions from work requirements, others could leave TANF for work if they received appropriate training or services. ESA is working to address these varied needs by contracting with employment vendors capable of serving customers across the spectrum of job readiness.

However, ESA acknowledges that there are significant delays in assignments to vendors.⁶ Parents now wait on average ten to eleven months before such an assignment, using up valuable months of time-limited TANF benefits.⁷ By the time the 2,649 parents who are reportedly now waiting for a vendor are actually placed, their assessments may no longer reflect their current situation and needs.⁸ Some many need to be re-assessed. Others will have lost their overall eligibility for *any* TANF after the October time limit cliff.

⁵ See DC Fiscal Policy Institute, For Some DC Groups of DC Residents, Unemployment Remains High in the Wake of the Recession, <http://www.dcfpi.org/wp-content/uploads/2013/03/3-7-13-Unemployment-Paper-Final.pdf> (last accessed 3/9/2015).

⁶ See Department of Human Services Oversight Questions Addendum, at Questions 18 and 19, page 11.

⁷ See *id.*

⁸ See *id.*

B. Parents Who Might Qualify for a Time Limit Exemption May Be Missing Out Because ESA Has Yet to Update Regulations and Formalize Policies.

Parents are also unable to consistently access another important element of the redesigned TANF program: exemptions from the time limits. These exemptions allow families to “stop the clock” on the five-year TANF time limit if they fall into one of several categories, such as being needed at home to care for a family member with a disability or being a survivor of domestic violence.⁹ Parents who qualify for a time limit exemption are enrolled in the District’s POWER program and provided benefits at unreduced levels. In the last year and a half since the majority of these time limit exemptions went into effect, Legal Aid has successfully advocated for a number of parents to be placed in the POWER program. While we are pleased with this result, the mere fact that parents needed to seek legal help in these instances suggests that many individuals are not being appropriately screened for and timely placed in POWER by ESA. Some of the parents we meet express confusion regarding how they can become enrolled in POWER, and, once enrolled, what their programmatic rights are.

For example, one Legal Aid client, Ms. X, is the mother of a child with a disability.¹⁰ Caring for a family member with a disability is a basis for exemption from the time limits through POWER. Ms. X’s child receives special education services and has an individualized education program through her public school. The child’s disability is severe enough to convince her mother to apply for Supplemental Security Income (SSI) benefits on her behalf. However, when Ms. X asked ESA workers about whether she would be eligible for POWER based on her role as her child’s caretaker, she was told that POWER was not available to her because her child attends school. This additional requirement is not included in the language establishing the expanded POWER categories and passed by the Council.¹¹

Another Legal Aid client, Ms. T, believed that she had applied for POWER but was unable to confirm the status of her application.¹² Ms. T was living with her children in a shelter for survivors of domestic violence when she sought our help. She had completed the intake process with ESA’s domestic violence service provider, but was not cleared to receive the POWER time limit exemption based on her experience with domestic violence. She continued to get TANF benefits at the lower, time-limited amount. When Ms. T spoke with ESA staff to resolve this on her own, she was told that the agency was waiting on intake information from the domestic violence vendor. The vendor, in turn, told her that her case was pending with the agency. Although ESA eventually placed Ms. T in POWER and adjusted her benefits, these changes were only made with Legal Aid’s assistance.

⁹ Time limit exemptions through the POWER program include where a TANF recipient (1) has a physical or mental health problem that prevents the parent from meeting his or her TANF work requirements or from working; (2) is needed at home to care for family member with a disability or serious illness; (3) is a teen enrolled in high school or a GED program; (4) is a caregiver over 60 years of age; (5) is experiencing domestic violence and getting related services; or (6) is a parent of an infant aged 0 to 6 months. *See* D.C. Code § 4-205.72; D.C. Code § 4-205.72a; Subtitle J of Fiscal Year 2015 Budget Support Act of 2014.

¹⁰ This individual’s name has been changed and abbreviated to protect her privacy.

¹¹ *See* D.C. Code § 4-205.72a.

¹² This individual’s name has been changed and abbreviated to protect her privacy.

Much of the confusion with the implementation of POWER may be due to the informal nature of the procedures guiding placement in this program. Although staff is working to do so, ESA has not yet promulgated updates to its POWER regulations; the current regulations reflect the earlier incarnation of the POWER program as one solely for parents with physical or mental disabilities.¹³ Moreover, ESA has not updated its Policy Manual to reflect the expanded POWER categories.¹⁴ As a result, parents (and advocates) have little guidance regarding how the expanded POWER program operates. Without regulations and policies regarding the expanded time limit exemptions, it is unfair to terminate TANF benefits for parents who could potentially qualify for such exemptions.

II. TANF Parents Struggle to Find Employment in Local Economy.

TANF benefits are, above all, a safety net benefit for both long-term and short-term unemployed District residents. Although overall unemployment in the District is falling, this rebound has not been felt by all residents.¹⁵ Single parents face far higher rates of unemployment in recent years than they did before the Great Recession and unemployment for this group remains significantly higher than the rates for childless households or even two-parent families.¹⁶ Moreover, parents who have received TANF for long periods of time are more likely to have significant barriers that make it even more difficult to find stable employment. These barriers can extend beyond those recognized by the time limit exemptions to include lower levels of education or limited English proficiency as compared to those who leave TANF.¹⁷ ESA has found that a lack of academic attainment is a primary barrier to employment for parents receiving TANF.¹⁸ Given these difficult realities, withholding TANF benefits from long-term TANF families is unlikely to lead to employment in most cases. Instead, it will deepen these families' poverty and harm these families further.

III. Conclusion.

Delaying the October benefit termination would give ESA time to ensure that TANF families have been given the services they need (and have been promised) to have even a chance at obtaining self-sufficiency and to exempt those families who qualify under current law. Parents who have already been referred to vendors may use this time to continue to build their skills so that they are better positioned to find work in our competitive economy. Parents who

¹³ See 29 D.C.M.R §§ 5829 – 5831.

¹⁴ See, e.g., Economic Security Administration Policy Manual Part VIII, Section 3.11(explaining that POWER is available for parents who are “unlikely to meet TANF work requirements due to short-term incapacity related to physical or mental health problems or substance abuse.”).

¹⁵ See, e.g., DC Fiscal Policy Institute, For Some DC Groups of DC Residents, Unemployment Remains High in the Wake of the Recession.

¹⁶ *Id.*

¹⁷ LaDonna A. Pavetti & Jacqueline Kauff, Mathematica Policy Research, Inc., When Five Years Is Not Enough: Identifying and Addressing the Needs of Families Nearing the TANF Time Limit in Ramsey County, Minnesota 9 (2006), available at <http://www.mathematica-mpr.com/~media/publications/PDFs/timelimitramsey.pdf>; see Kristin Seefelt and Sean Orzol, National Poverty Center, Watching the Clock Tick: Factors Associated with TANF Accumulation 7 (2005), available at <http://www.nationalpovertycenter.com/publications/workingpaper04/paper9/04-09.pdf>.

¹⁸ Department of Human Services Oversight Questions Addendum, at Question 17b, page 11. The other barriers identified are mental health challenges, criminal background, domestic violence, and substance abuse/use.

have not yet received employment services can begin to do so. Families who are eligible to get a time limit exemption through POWER can be so screened. Importantly, ESA would also be allowed the time to improve its implementation of the TANF redesign without further fraying the safety net upon which many District families rely.

The failure to act could devastate these families and the communities in which they live. **Today, we ask that the Council protect these families from possible crisis by delaying the termination of TANF benefits for families who have received benefits beyond the five-year time limit.**