

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR
HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 5, 2009

LATE
Testimony

MEMORANDUM

TO: The Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: **H.B. 1496 - RELATING TO TEMPORARY ASSISTANCE FOR
NEEDY FAMILIES**

Hearing: Thursday, February 5, 2009; 8:15 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 1496 is to require the Department of Human Services to grant to families homeless assistance, under specified circumstances, as an allowance for nonrecurring special needs when homelessness is a direct result of domestic violence. Allows verification by sworn statement of victim.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) respectfully opposes this measure. DHS currently provides, through contracted services, domestic violence screening and case management services to its eligible families, as well as funding for domestic violence shelters through contractual agreements monitored by the Department's Child Welfare Services.

We have the following concerns with this measure:

1) The proposed statutory language beginning on page 2, line 3, proposes that the only condition of eligibility for temporary assistance for needy families (TANF) payments is homelessness due t domestic violence either verified by a third party

AN EQUAL OPPORTUNITY AGENCY

agency or by self-certification, without regard to income or eligibility testing. This does not comply with Federal requirements of the TANF program.

2) Additionally, the proposed statutory language does not specify the number of payments nor the length of time a person's certification would last. It is unclear if this is an on-going payment, which again does not comply with Federal requirements of the TANF program.

The definition of nonrecurrent, short-term benefits under Chapter 45 of the Code of Federal Regulations (CFR), section 260.31(b)(1) of the TANF regulations has three criteria. The benefit shall: 1) Be for a specific crisis or episode of need, 2) Not be used for ongoing needs, and 3) Not extend beyond four months. A nonrecurrent, short-term benefit must meet all three criteria to be excluded as assistance under TANF. If a State provides recurring basic income support, then the State is providing assistance with would then require the recipient of assistance payments to be compliant with federal work participation requirements as established in the Deficit Reduction Act (DRA) of 2005. The important element for a payment to be considered non-assistance under TANF is that a bona fide specific family crisis or family episode of need exists, rather than a chronic or continuing situation. A specific crisis or episode of need does not include payments for needs that are ongoing.

Though this measure states that this payment would be a nonrecurring special needs payment, language on page 2, lines 9 through 19, seem to imply that an individual may receive this payment more than once for an ongoing or continuing situation.

3) Assistance payments paid for by TANF funds require recipients of assistance payments to be compliant with Federal work participation requirements as established in the Federal Deficit Reduction Act of 9DRA) of 2005. Homelessness, or being identified as a victim of domestic violence, is not a recognized Federal exemption from these work

participation requirements. Failure by the State to meet the TANF work participation rate would result in a loss of up to \$5 million in future Federal TANF block grant allocations, as well as the requirement that the State make up the equivalent of this loss in State funding. The total cost to the State would be \$10,000,000 for failure to meet the Federal work participation rate in any given Federal fiscal year.

4) As a matter of process, if this bill is passed, Hawaii would need to amend its TANF State Plan to create such an assistance payment, and receive Federal approval of the amendment, before this measure could be implemented. Additionally, Administrative Rules would need to be amended to incorporate this assistance payment.

5) Non-assistance payments are not an allowable charge to a State's TANF reserve fund, and must be charged to a State's current year TANF block grant allocation. Passage of this bill, and subsequent issuance of these payments against the State's current TANF block grant allocation, will limit the funding available for services that the Department is currently providing. This will adversely impact the Department's priorities set forth in the Executive Biennium Budget for Fiscal Years 2009-2010.

6) Current TANF appropriations to the Department to cover expenditures for assistance payments for our current caseload of TANF eligible families is restricted by the Legislature's budget provisions at a maximum of \$41,000,000. If this bill is passed, the Legislature would need to raise this current TANF restriction and increase, by the same amount, the current overall TANF appropriation restriction.

The Department also respectfully requests that the \$28.2 million in TANF Federal funds restricted in the current State fiscal year 2009 budget be restored for the biennium so that we can continue to fund the programs, services and benefits that have, among other positive outcomes, strengthened families and contributed to the reduction, by half, of child re-abuse and neglect since 2005. This is neither the time to freeze Federal

funds nor divert Federal funds from the investment we have made that is working so well.

Thank you for the opportunity to provide comments on this bill.

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

TO: Representative John Mizuno, Chair and Representative Tom Brower, Vice Chair of the Committee on Human Services HUSTestimony@Capitol.hawaii.gov
FR: Carol Lee, Executive Director, Hawaii State Coalition Against Domestic Violence – clee@hscadv.org
RE: HB 1496 Relating to TANF

February 5, 2009, 8:15am Room 329

Aloha, my name is Carol Lee and I am the Executive Director of the Hawaii State Coalition Against Domestic Violence (HSCADV). HSCADV is a private non-profit agency which serves as a touchstone agency to the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV favors providing homeless assistance payments to victims of domestic violence. With the growing economic crisis victims of domestic violence are at greater risk of homelessness if they attempt to flee the violence. If victims cannot get their most basic needs of shelter met they often have no other choice but to return to their abusive ex-partner.

The following statistics were compiled by The National Law Center on Homelessness & Poverty.

- **A comprehensive study released in 2005 found that one out of every four homeless women is homeless because of violence committed against her.**
- **A 2005 survey in New York City found that 27.5% of housing providers who had a vacancy either flatly refused to rent, or failed to follow up as promised, after they learned that a domestic violence survivor would be residing in the apartment.**
- **A 2005 survey of 76 legal and social services providers around the country found that 28% of all housing denials handled by these advocates, and 11% of all evictions, resulted from domestic violence against the tenant.**

We hope this information gives you a clearer picture of the many issues domestic violence victims face. If you have any questions HSCADV is happy to provide you further educational materials or serve as an expert in any matters relating to domestic violence.

**LATE
Testimony**