

Testimony of John Rojas, Chief Special Services Officer, New York City Human Resources Administration, New York City Department of Social Services

**Oversight: Adult Protective Services Referrals
before the New York City Council Committee on Aging
April 16, 2025**

Good morning Chair Hudson and members of the Committee on Aging. My name is John Rojas and I serve as the Chief Special Services Officer at the Human Resources Administration (HRA) within the Department of Social Services (DSS). My portfolio, among other programs, includes oversight of Adult Protective Services (APS). I would like to thank the committee for the opportunity to testify today on our work to deliver eligible clients the services and support they need to live independently and safely in their homes and our communities. I am joined by my colleagues, Deputy General Counsel Thomas Catapano and Deputy Commissioner of Adult Protective Services Gili (Galit) Hershkovich-Kim, and from the Department for the Aging Assistant Commissioner for Supportive Services Eileen Mullarkey.

Overview

Adult Protective Services (APS) is a New York State-mandated program (New York State Social Services Law Section 473) that helps New Yorkers 18 years of age and older, regardless of income and assets, who:

1. Are mentally and/or physically impaired; and
2. Due to these impairments, are unable to manage their own resources, carry out the activities of daily living, or protect themselves from abuse, neglect, exploitation or other hazardous situations without assistance from others; and
3. Have no one available who is willing and able to assist them responsibly

Criteria, mandates, and timeframes – the rules and regulations – that govern how APS operates are dictated by New York State. The State sets forth the criteria to abide by. The New York State Office of Children and Family Services provides oversight and their guidance governs the APS referral process, eligibility criteria, and how APS works.

When someone makes a referral to APS, our Central Intake Unit asks a range of questions to gather an understanding of the risk factors present and whether the individual may be eligible for services. If you or someone you know needs help, you can refer them to APS by calling 311, calling the DSS OneNumber at 718-557-1399, Monday through Friday, 9:00 AM to 5:00 PM,

Or completing a web referral at nyc.gov/apsrefer. APS does accept self referrals. If a situation is an emergency or life threatening, APS advises calling 911.

If the Central Intake Unit decides that the referred individual meets presumptive eligibility, he or she will be visited at home to initiate the assessment within 24 hours if the situation presents as life threatening, or within 3 business days in all other situations.

At an initial APS home visit, an APS caseworker will review an individual's physical and mental health living conditions, household budget and sources of income, status of rent and utility payments, ability to handle the activities of daily living, and any reported or unreported risk factors. The caseworker will evaluate if there is evidence of abuse and/or neglect, financial exploitation, or other potential hazards.

When an individual is determined eligible for APS services, the caseworker develops a service plan that can include any of the following:

- Referral for psychiatric and/or medical examination and ongoing care
- Assistance in obtaining and recertifying Medicaid and Home Care
- Applications for payment of rental and utility arrears
- Assistance in obtaining public assistance benefits and obtaining and recertifying Supplemental Security Income (SSI) or Social Security Disability (SSD) benefits
- Petitioning Housing Court for a Guardian ad Litem to assist with eviction prevention
- Identification of alternative living arrangements
- Financial management of Social Security benefits
- Referrals to the NYPD and District Attorney to address allegations of exploitation and abuse
- Heavy-duty cleaning services
- Petitioning Supreme Court for Community Guardians to manage property and personal affairs

Referrals

Returning focus to referrals now – APS receives referrals from a broad range of sources including but not limited to:

- Family, friends, concerned citizens
- Landlords and building managers
- Hospitals and medical personnel
- FDNY and EMS
- Housing Court judges and NYC Marshals
- Community based organizations
- Financial institutions
- Legal services providers
- Law Enforcement

- Self referrals
- Anonymous referrals

All information provided in an APS referral, including the identity of the referral source, is confidential (pursuant to Section 473-e of NYS Social Service Law). The APS Central Intake Unit obtains information by phone, online, email, or by fax. At intake, if the case meets presumptive eligibility, it is transferred to a borough field office (there is at least one APS office in each borough) to complete a comprehensive assessment. Alternatively, the Central Intake Unit may let a referrer know there is another social services program more appropriate to address the risks being reported.

Assessment determines eligibility. State law grants APS up to 60 days to determine eligibility. APS may or may not use all that time, one visit could be enough to determine eligibility.

Each time APS interacts with clients, we continue to assess if the client continues to meet the criteria State law sets out. During the course of putting a service plan forward, that may mean a case is eligible at one point in time and no longer eligible at another point in time, or vice versa. The criteria State law sets out answers why APS was unable to find an individual eligible for services or why a case did not remain with APS. Again in brief, that is: (1) mentally and/or physically impaired **and** (2) due to these impairments unable to manage their own risks/resources **and** (3) has no one available who is willing and able to assist them responsibly. An individual must meet all three criteria State law sets out, not just one or two of the three.

APS serves clients aged 18 and older who meet the three-part eligibility criteria set forth in State law. An advanced age does not supersede the assessment caseworkers are obligated to conduct. While we recognize the unique challenges older adults face, the vast majority of older adults referred to HRA do not meet the APS standards New York State's definition directs us towards in assessing eligibility.

Our staff is trained to observe and be mindful of the vulnerabilities and risk factors, those associated with age among others, ask the appropriate questions, and make a holistic assessment guided by the laws and regulations the State Office of Children and Family Services sets forth. Note also that the majority of APS services are on a voluntary basis; consent is a critical factor in the majority of cases and New York State Social Services Law requires APS to apply the least restrictive measures.

That said, the referral process is not an all or nothing enterprise. Staff pays attention to the needs of the individual concerned and the basis for the referral. At each point in the assessment process, staff are trained to seek to connect individuals to the resources, social services programs, and community-based organizations that are suited to the needs of the individual. Those individuals who do not meet the APS eligibility criteria can be referred for other social services. That can take the form of referral to Homebase, an older adult center, home delivered meals, case management, NYC Aging, or any number of programs and services that assist individuals live independently.

That kind of referral may occur early on in the process if it is clearly apparent that APS criteria are not met and APS is found to be the incorrect resource to meet the individual's needs.

With regard to other social service needs, APS clients are assessed in the round for the programs that best match their individual circumstances. Cash Assistance, one-shot deals, supportive housing, assisted living, NYCHA, and CityFHEPS all have eligibility criteria separate and apart from APS. There can be referral, guidance, and further assessment of eligibility insofar as the nature of different laws, regulations, and funding sources allow.

We endeavor to make the connections as seamless as possible for stakeholders and the communities we serve. There are a variety of venues through which that work takes place. One example, the Cabinet for Older New Yorkers serves as one venue for building connections between the 23 participating City agencies. We continue to think through how we can further connect intake, assessment, and case work across agencies – building more streamlined processes to deliver the appropriate help to New Yorkers.

There is no doubt that APS serves as a crucial piece of our social services safety net. Guided by New York State Social Services Law, APS has a distinct role to play in assisting some of the most at-risk individuals in our communities. Alongside the work of colleagues at HRA, DSS, NYC Aging, numerous sister agencies, and countless community organizations and stakeholders, we seek to ensure New Yorkers connect to the help they deserve.

Thank you for your attention to this topic. We welcome your questions.



**Testimony on behalf of Volunteers of America-Greater New York
The New York City Council Committee on Aging
Oversight Hearing on Adult Protective Services Referrals
April 16th, 2025**

Introduction and Thanks

My name is Eric Lee, Director of Public Policy for Volunteers of America-Greater New York (VOA-GNY). We are the local affiliate of the national organization, Volunteers of America, Inc. (VOA). I would like to thank Chair Hudson and the Members of the Committee for the opportunity to submit written testimony for this hearing.

About Us

VOA-GNY is an anti-poverty organization that aims to end homelessness in Greater New York through housing, health and wealth building services. We are one of the region's largest human service providers, serving more than 12,000 adults and children annually through 70+ programs in New York City, Northern New Jersey, and Westchester and thousands more via our Operation Backpack® initiative. We are also an active nonprofit developer of supportive and affordable housing, with a robust portfolio permanent supportive housing, affordable and senior housing properties—with more in the pipeline. VOA-GNY is a member of The Supportive Housing Network of New York, the Human Services Council (HSC), Homeless Services United (HSU), and the Family Homelessness Coalition (FHC).

VOA-GNY is the fifth largest supportive housing provider in New York City, and we have three residences in New York City dedicated to caring for older adults. Our East 12th Street SRO residence in Manhattan provides permanent supportive housing to 92 formerly homeless single adults and veterans age 55+. Our newly renovated East Clarke Place Senior Residence contains 122 rental units in the Jerome Avenue Highbridge-Concourse neighborhood of the Bronx. It provides permanent affordable housing to low and very-low-income older adults, with 37 fully furnished units set aside for chronically homeless seniors, and it includes comprehensive supportive services including case management and wellness staff to help our residents access benefits and strengthen ties within the community. Our newest residence, YP Senior Residence, recently opened and just started moving in tenants. When fully occupied, it will house 118 seniors including 37 formerly homeless households.

Many other VOA-GNY permanent housing facilities house a large number of seniors simply because our housing is permanent and the longer our buildings remain in operation the longer our tenants are afforded the opportunity to age in place. These residences may have some supportive services but were not designed with seniors in mind when they were first put into service.

Adult Protective Services:

Many of our residents in our buildings have lived with us for years, and in some cases, decades. As our tenants age and their needs become more complex, we must provide them with additional support, so they are able to remain in the community they know safely, for as long as possible. Support services onsite may not be sufficient to meet client needs as people age in place so, we often look to partner with APS or other agencies to augment our services. **We urge the Council to prioritize funding in the FY26 Budget to expand the headcount within Adult Protect Services to better meet the needs of vulnerable New Yorkers. APS needs adequate staffing to proactively partner with our clinical staff within our supportive housing buildings, to implement a service-rich progressive care model for our vulnerable residents who are struggling to maintain their housing.**



Unfortunately, it can be extremely challenging to secure APS services for our supportive housing residents. When we make an APS referral, APS workers often assume that residents in supportive housing do not need APS services which is not necessarily true. **APS frequently does not open a case when the resident does not answer the door or refuses care in the first conversation with the APS worker, rather than taking the time to further assess their circumstances and ability to make decisions to maintain their housing. They denied cases under these circumstances even after our clinical staff made the case that the individual has mental health needs which are the underlying cause of the service need (for example, hoarding disorder).** It is not clear if these denials are based on a belief that supportive housing tenants ought not receive care, or if there is a skills gap in assessing need for people who may lack insight into what their true service needs are or, if APS simply doesn't have enough hands to do the work so is eager to close cases quickly. **APS reported that they rejected over 80% of referrals for FY24, and despite a recent hiring spree, APS still has nearly 9% fewer staff in June 2024, compared to 2019.ⁱ**

It is critical that APS have sufficient staff to handle the volume of cases being evaluated by the agency and that the staff in place take the time to meaningfully engage and evaluate all persons referred. APS staff must carefully consider these weighty decisions because failure to act appropriately will result in more extremely vulnerable New Yorkers becoming street homeless. Standards of the New York State Hygiene Health Law should be consistently applied regardless of housing status. **If the administration considers the inability to maintain one's housing as sufficient to demonstrate that an individual experiencing street homelessness is unable to care for themselves, APS workers should use the same standard when determining eligibility for services to maintain one's housing.** Currently, APS workers too narrowly interpret eligibility standards, resulting in households denied access to services which could stabilize them further upstream before they become homeless.

When APS does open a case for supportive housing residents, their services can be an extremely beneficial stabilizing force. Where it may be challenging for our building staff to gain access to a unit in a hoarding situation, APS as a neutral third-party can work with the client **to declutter and deep clean** the unit as well as bring in outside exterminators **to eliminate bed bugs or other vermin.** Additionally, APS has been helpful in **arranging Representative Payee services** for individuals who are unable to manage their finances, as well as **monitoring vulnerable individual's legal guardians** to avoid exploitation and elder abuse.

Related Legislation

Res. 16-2024 (Paladino):

VOA-GNY supports veterans and others in institutional settings, and we applaud Council Member Paladino for championing Res. 16-2024 which would increase the personal needs allowance, putting more money in the pockets of deserving New Yorkers.

In Closing:

We urge the Council to prioritize additional funding for Adult Protective Services staff lines in the FY26 Budget to facilitate additional capacity within HRA, and our supportive housing staff welcome additional engagement and collaboration with APS to proactively support our supportive housing residents. By holistically serving the needs of vulnerable households, we can help them to continue to live stable, safer lives within their community.



Volunteers of America®

GREATER NEW YORK

Testimony respectfully submitted by Eric Lee.

If you have any questions, please contact me at elee@voa-gny.org .

ⁱ David Brand, Nov 4, 2024, *New Yorkers in need of housing aid are finding little luck with the city's last resort*, Gothamist, <https://gothamist.com/news/new-yorkers-in-need-of-housing-aid-are-finding-little-luck-with-the-citys-last-resort>



**New York City Council
Committees on Aging
Res: 16**

April 16, 2025

Thank you, Chair Hudson and members of the Committee on Aging for the opportunity to testify today.

JASA is a not-for-profit agency that honors older New Yorkers as vital members of society, providing services that support aging with purpose and partnering to build strong communities. For over 50 years, JASA has served as one of New York's largest and most trusted agencies serving older adults in the Bronx, Brooklyn, Manhattan, and Queens. JASA has a comprehensive, integrated network of services that promotes independence, safety, wellness, community participation, and an enhanced quality of life for New York City's older adults. These programs reach over 40,000 clients of diverse backgrounds and include home care, case management services, senior centers, NORC supportive services, home-delivered meals, caregiver support, continuing education, licensed mental health, senior housing, advocacy, legal services, adult protective services, and guardianship services. JASA also has an extensive history of providing information and referral services and benefits and entitlements assistance to ensure older New Yorkers are aware of and take advantage of the vast array of services available.

JASA's mission is to sustain and enrich the lives of the aging in the New York metropolitan area so that they can remain in the community, with dignity and autonomy. Inherent in our mission is embracing an age-friendly New York, identifying the needs of our clients and members, and working with the City to foster an environment where older adults are integral and thrive.

JASA strongly supports NYC Council Resolution 16, which urges the New York State Legislature to pass—and the Governor to sign—S.7786/A.8396, a long-overdue bill that would increase the Personal Needs Allowance (PNA) for Medicaid-eligible individuals. The PNA allowance has not been updated in over 35 years.

The PNA is the small portion of income that individuals living in nursing homes or adult care facilities are allowed to keep each month to cover essential personal expenses—items like toiletries, clothing, phone bills, or transportation to visit family and friends. It's a modest but critical safeguard for dignity, autonomy, and quality of life.

But since 1988, while the cost of living has skyrocketed, the PNA has remained frozen. Today, older adults and people with disabilities are expected to cover their personal needs with the same minimal allowance as nearly four decades ago.

This outdated amount is woefully inadequate. It forces individuals to make impossible choices between necessities and leaves them isolated, unable to maintain basic connections to their communities and loved ones. It's time for New York to act.

We are grateful to the NYC Council for supporting Resolution 16. Advocating for an increase in the PNA is a small but meaningful step towards enhancing the quality of life for our most vulnerable community members.

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Testimony of
The Legal Aid Society

on

Oversight: Adult Protective Services Referrals and Res 0016-2024

presented before

The New York City Council's Committee on Aging

Jeannine Cahill-Jackson
Director of Elder Law
Civil Practice
The Legal Aid Society

April 16, 2025

The Legal Aid Society appreciates the opportunity to comment on the subject of Adult Protective Services and Resolution Number 0016-2024 and thanks the Committee on Aging for convening this hearing.

Who We Are

The Legal Aid Society (LAS), the nation's oldest and largest not-for-profit legal services organization, was founded in 1876 to provide free legal representation to marginalized New York City families and individuals. The Legal Aid Society's legal program operates three major practices – Civil, Criminal, and Juvenile Rights – and through a network of borough, neighborhood, and courthouse offices provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. With a caseload of nearly 200,00 cases and legal matters for clients, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States.

Our Civil Practice works to improve the lives of low-income New Yorkers by helping vulnerable families and individuals to obtain and maintain the necessities of life- housing, health care, food, and self-sufficiency. We serve as a “one-stop” legal resource for clients with a broad variety of legal problems, ranging, among others, from government benefits and access to health care, to immigration and domestic violence. Our depth and breadth of experience is unmatched in the legal profession and gives LAS a unique capacity to go beyond any one individual case to create more equitable outcomes for individuals, and broader, more powerful systemic change at a societal level. Our work has always taken an explicit racial and social equity lens, and the current housing crisis has further focused our efforts to advocate for the needs of New York's marginalized communities.

The Legal Aid Society has a long history of providing eviction defense services to seniors in the Bronx and Brooklyn. In 2023, the Legal Aid Society created a city-wide Elder Law Unit (ELU), combining the Brooklyn Office for the Aging and the Bronx Assigned Counsel Project. Currently, the ELU is comprised of a multi-disciplinary team specializing in eviction defense for seniors in the Bronx and Brooklyn. By specializing in eviction defense for seniors, the ELU recognizes that the preservation of housing for a senior often involves many intersecting medical, financial and social issues. The ELU seeks to assess and address the needs of our senior clients to not only prevent their eviction but to alleviate the underlying causes that lead them to be at risk of eviction.

Support for Proposed Legislation

We support Res. 0016-2024 calling on the New York State Legislature to pass, and the Governor to sign, S.7786 / A.8396, to increase the personal needs allowance amounts for individuals who are deemed eligible from \$128-\$140 per month. This increase in personal needs allowance reflects the ever-increasing costs associated with all aspects of life and can enable an older adult with very limited means who is living in a nursing home to more fully participate in society, purchase personal items they need and have a better quality of life.

Oversight: Adult Protective Services

Delays in Processing of CITYFHEPS Subsidy Places Older Adults at Greater Risk of

Eviction

A primary form of assistance that our clients require from Adult Protective Services (APS) is to obtain a CITYFHEPS rental subsidy. These older adults have active housing court

cases and do not meet other CITYFHEPS eligibility criteria such as prior homelessness or veteran status. Accordingly, the only path for these older adults to obtain this crucial subsidy to avoid eviction (or to be able to relocate if they do have to move) is to become an APS client. Many of these older adults not only rely on APS to meet the eligibility requirements, but they also rely on APS to submit the application and to obtain the approval. However, it is our experience that this process can take between 6-9 months and in some cases over a year. This places older adults at the precipice of eviction often only prevented through the extension of time ordered by the judge after the filing of multiple Orders to Show Cause. This could be prevented in cases where the tenant has an attorney such as those with The Legal Aid Society, as our attorneys could submit the CITYFHEPS application themselves, rather than relying on APS to do so. However, this requires APS approval, which they often refuse to give. This refusal leaves our hands tied and our clients at risk.

Additionally, APS testified that when an older adult is not APS eligible they will refer them to Homebase to obtain CITYFHEPS, however this overlooks a crucial point – that the older adult is very likely ineligible for CITYFHEPS without APS assistance, therefore ultimately leaving the older adult without assistance and to likely be evicted.

Excessive Denial of Eligible Older Adults

During this hearing, APS testified that they had only accepted 5% of the referrals they had received this calendar year. Unfortunately, our experience with APS entirely supports this extremely concerning figure. Our attorneys, paralegals and social workers are well trained in the eligibility criteria for APS and screen clients thoroughly before making a referral for them to APS. However, despite this screening and additional advocacy after the referral most clients are denied the first time. Our advocates often must make 2 or even 3 consecutive referrals for a

client before obtaining an approval, and unfortunately, as evidenced by the 5% figure, many clients are never approved despite great need.

Common barriers to approval often include the inability to contact the case worker who attempted a home visit after the initial referral. APS testified at the hearing that inability to locate the client accounts for 22% of the denials. It is common for the case worker to leave their card in the door for the client, however frequently the phone number on the card no longer works or the voicemail is full leaving the client unable to leave a message. This issue results in the referral being denied citing that they were unable to meet with the client, despite the fact that they tried to connect with the case worker but were unable. This process is particularly problematic as it places the onus on the older adult to initiate contact after missing the case worker which can be a significant challenge for an individual with cognitive impairments and/or other disabilities.

We recommend that the Council inquire further as to APS's process to contact and locate older adults who are referred to them.

Another common barrier to approval is the incorrect application by APS of their own eligibility criteria. In response to the question as to the most common reasons for the denial of a referral, APS testified that 44% of referrals were denied because the person has decision making capacity (or refusing other services). To be eligible for services, it is NOT a requirement that the older adult lack decision making capacity, however this reason is often cited as the reason for denial.

The state regulation, 18 NYCRR 475.1, establishing eligibility for APS provide that "protective services for adults are provided to individuals 18 years of age or older, who because of mental or physical impairments:

- (1) Are unable to meet their essential needs for food, shelter, clothing or medical care, secure entitlements due them or protect themselves from actual or threatened harm due to physical, sexual or emotional abuse, active, passive or self-neglect or financial exploitation and
- (2) Are in need of protection [due to any of the above] and
- (3) Have no one who is willing and able to assist them responsibly”

Self-neglect is defined in 18 NYCRR 457.1 as “an adult’s inability due to physical and/or mental impairments to perform essential to caring for oneself , including but not limited to, providing essential food, clothing, shelter and medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety or managing financial affairs.”

It is very clear from these expansive definitions that the standard for the “mental impairment” an eligible client could have is not limited to whether they can make decisions, and in fact, that standard is not even listed as a specific consideration in the determination. What IS expressly found throughout the language of the regulation is that they are unable to care for themselves in one or more essential ways which could be to be able to apply for and receive benefits they are entitled to, or to buy food or to get to the store to buy other goods or no longer able to manage their finances, for example being able to get to the post office to purchase a money order to pay rent or remember when bills are due and if they are paid. And despite the fact that these factors are expressly listed in the regulations, our clients are repeatedly denied on the basis they have sufficient decision-making capacity. Further it must be noted that even when older adults DO NOT

have decision making capacity, they are also repeatedly denied for other reasons including exorbitantly high arrears or a hoarded apartment.

Notably, APS did not differentiate the percentage of referrals that were approved that did not have advocates, versus those that did. Based on our experience, the hurdles to obtaining an approval are so great it may be nearly impossible for a vulnerable older adult to be approved without an advocate.

Delays in Financial Management Leaves Older Adults Open to Continued Financial

Abuse

Another APS service that many of our clients require is Financial Management. This process by which APS becomes the representative payee for their SSA and other benefits, can be vital for older adults that need help paying their bills and are at risk of or experiencing financial abuse. However, it can take from 6 months to over a year from when a client is approved for financial management to when it is fully implemented. This causes the older adult to remain in financially unsafe circumstances for extended periods of time after APS had already identified the issue and risk. In one case, the delay has resulted in a client of Legal Aid remaining with NO INCOME for over 5 months as her financial management is being processed, as her son continues to steal her social security checks that are mailed to her. Our staff has been told that the process for this client could take up to a year, and there have been no additional protections or services offered to her in the meantime, while she lacks access to any of her funds. In response to a question asked during the hearing of APS regarding these delays and risks, APS responded that they do notify banks if there is suspected financial abuse, however there was no assistance

mentioned for those vulnerable older adults for whom notifying a bank would not address the issue such as our client mentioned here.

Additionally, once APS does implement financial management, it is not uncommon for the rent and other bills to stop being paid for the older adult, with no explanation, placing them again at risk. This is further exacerbated by the fact that financial management is operated by a separate unit, not the case worker, so the older adult would not have access to contact financial management to inquire as to the issue, and advocates are often unable to communicate with this unit as well.

In light of the extensive testimony regarding the understaffing and high caseloads of APS staff, we ask that the Council inquire as to the staffing numbers specifically in this Financial Management Unit, how many pending cases they have, and the number of older adults with active financial management.

**Vulnerable Older Adults Are Not Provided Any Assistance to Locate a New
Apartment**

Lastly, a need of many of our clients that must relocate, which is wholly unmet by APS is assistance in locating and obtaining alternative housing in the community, often with a CITYFHEPS voucher that APS obtained for them. In their testimony APS only spoke of referring a client to supportive housing or to be put on a section 8 waiting list, they did not mention any assistance that would be provided in actually finding an apartment nor leasing that apartment. Apart from one client we currently are representing in Brooklyn who was eventually connected to an APS “housing specialist”, we have been repeatedly told regarding other clients that finding an apartment for an older adult is not a service they provide. APS has explained that

they will only intervene just before the eviction by filing for an Article 81 guardian so that a community guardian may be given the power over the older adult themselves and their property based upon a finding of mental incapacity. It is unclear exactly how this would address their impending homelessness and where the potential guardian would seek to place the older adult. This is a very significant issue, as being unable to navigate the New York City realty market due to physical or mental impairment is in no way an indicia of lack of mental capacity. Additionally, there are numerous far less restrictive options to assist the older adult and prevent their homelessness, such as simply assisting in an apartment search, often with the CITYFHEPS voucher they helped the client obtain, providing transportation to the apartment to view it and assistance in completing any applications and then to assist in obtaining a grant for moving costs from HRA. This type of assistance appears to be squarely in the purview of APS, and it would greatly assist vulnerable older adults that wish to avoid having to be evicted and entering the shelter system. If APS is unable to provide this assistance they should contract with community organizations to do this service. However, there is not currently a community organization that does this, so simply a referral at this point would be meaningless. APS would need contract with an organization to CREATE and provide this service.

**Older Adults in Supportive Housing are Being Evicted Without Any Assistance
from APS Despite Extreme Vulnerability**

Tenants in supportive housing are often among the most vulnerable tenants we encounter and most in need of APS support when they find themselves in Housing Court. Yet, in case after case that we have seen in the supportive housing context, APS will decline the case on the grounds that the tenant has capacity or there is another adult in the household who can take care

of their needs, despite this not being true. Even when APS does accept a case for representation, its involvement can be ineffectual at best.

In one recent example that came to our attention, an elderly couple living in supportive housing was sued by the provider for non-payment of rent. By the time the provider took them to court, it had let \$56,000 of arrears accrue. It took the court one and a half years to appoint a GAL for the tenants. Despite having a GAL and APS involvement since at least October 2024, and despite being in possession of a CityFHEPS to move voucher, the court felt constrained to enter a judgment of possession and issue a warrant of eviction against this “elderly, infirm, married couple” because the arrears ballooned to over \$102,000 by February 2025 and there was no relocation in sight. The first day they could have been evicted was April 1, 2025.

Another tenant in supportive housing was being sued for non-payment and the court made an APS referral spurred, no doubt, by the voluminous, rambling, and incoherent filings he was making in the case. APS declined the referral finding that he had sufficient mental and physical capacity. He could have been evicted as early as March 29, 2025. These two tenants that we mention may have already been evicted, with no meaningful assistance from APS.

Extreme Staffing Shortage and Large Caseloads of Great Concern as NYC Older

Adult Population Grows

As the Council raised in the hearing, the 80 open APS positions are very concerning as the population of older adults continues to grow. The caseloads recommended by APS for their caseworkers had not been the reality at any point that they could report. Rather, APS cited caseloads of 41 older adults per caseworker which has steadily increased according to

APS data since 2019. This is concerning as the numbers of referrals continue to increase, however APS is already past its ideal capacity for their caseworkers.

Conclusion

Thank you for reviewing our testimony and for the opportunity to comment.

For more information, please contact Jeannine Cahill-Jackson at jcahilljackson@legal-aid.org, or at 646-856-0189

Good morning, members of the Committee. Thank you for the opportunity to testify today about the important issue of federal funding changes and their impact on New York City. My name is Janice Holt, and I am the Financial Secretary for the Central Harlem Senior Citizens' Center Board of Directors as well as a senior at one of its centers. I appreciate the chance to speak before you today and commend your leadership on issues that significantly affect human service organizations in New York City.

The Central Harlem Senior Citizens' Center is a non-profit organization dedicated to enhancing the healthy living of over 4,500 seniors in Harlem. We achieve this through education, socialization, and advocacy, while also working to uphold and affirm their dignity, self-worth, and pride in New York City.

Federal funding plays a critical role in the operation of our city's essential services. Recent developments at the federal level suggest that we may face significant changes in the availability of these funds. The constantly shifting financial landscape raises concerns about city contracts that involve federal funding, particularly those affecting Central Harlem Senior Citizens' Centers and the Department for the Aging. Such changes could have serious

consequences for the essential services and overall well-being of our seniors. It's important to recognize that federal funding supports our city in various areas, including human services, education, healthcare, housing, and transportation. Any reduction or restructuring of these funds would jeopardize the programs and services that many older adults rely on daily.

In recent years, fluctuations in federal support have strained our city's budget and impacted crucial services. Currently, the economic landscape in New York City is fragile, particularly as we recover from recent challenges. Any reduction in federal funding would impede our progress and threaten the stability of our essential programs. It is vital to examine the areas most at risk, such as community resources including health services, meal support, transportation options, social activities, technology assistance, housing alternatives, financial support, and caregiver resources. These are crucial for helping seniors age in place safely and independently. We must also consider how these changes will disproportionately affect our vulnerable populations, especially older adults in our city.

I believe that New York State (NYS) has explored various sources of revenue, such as increasing taxes or expanding economic activities. However, the challenge lies in the timeline and implementation of these alternatives. The immediate reduction in federal aid has led to significant shortfalls in essential services, which cannot be easily compensated for in the short term by alternative measures. Additionally, relying more heavily on state-generated revenue increases the burden on our organization and presents further economic challenges. For instance, delays in contracts and funding have a substantial impact on our operations. These delays forced our organization to take out a line of credit, resulting in interest costs that adversely affected our approved budget.

New York City has historically demonstrated financial resilience due to its diverse economy and strong tax base. However, the city often relies on federal aid to help buffer against economic downturns. Although NYC has some capacity to manage budget gaps, reductions in federal funding can strain essential services, leading to broader social and economic issues.

Cuts to federal aid can result in inefficient allocation of state resources for seniors and negatively impact critical services. While there may

be potential long-term efficiencies to consider, the immediate consequences of reduced funding force cuts to services vital for the older adult community, ultimately leading to higher costs in the future. It is essential to evaluate both short-term and long-term impacts on seniors, especially those who depend heavily on these services.

Thank you again for the opportunity to testify today about the important issue of federal funding changes and their impact on New York City seniors.



NEIGHBORHOOD Self Help by Older Persons Project
Helping Older Adults Help Themselves

975 Kelly Street Suite 401 Bronx NY 10459

Tel: 718-542-0006 Website: NSHOPP.org Email: Info@nshopp.org

April 16, 2025

To: New York City Council Oversight Hearing on Preparing NYC for Changes in Federal Funding

**Re: Testimony from Katherine Martinez, LMSW
President & CEO, Neighborhood SHOPP Bronx, NY**

Good morning, Chair Brannan, Chair Ung, Speaker Adams, and esteemed members of the Committees. My name is Katherine Martinez, President and CEO of Neighborhood SHOPP, a Bronx-based nonprofit that has been providing life-changing services to older adults and caregivers for over 40 years.

Thank you for the opportunity to speak on the profound harm that federal funding cuts will have on New York City's aging network and the human beings behind these numbers.

We are in a moment of crisis.

The recent dismantling of the **U.S. Administration for Community Living (ACL)** is not bureaucratic trimming—it's the unraveling of the only federal agency designed to support older adults and people with disabilities. Programs like Meals on Wheels, Caregiver Support, Elder Abuse Prevention, Older Adult Centers and Health Promotion are being torn away from the people who need them most.

Here in New York City, the consequences are deeply personal:

- **Federal funding makes up 18% of NYC Aging's FY26 budget**, which now faces a proposed **\$124 million cut**.
- This puts at risk the closure of **up to 60 Older Adult Centers**, which are not just places of programming—they are sanctuaries of nourishment, safety, and connection.
- **Meals on Wheels funding** is threatened for the **250,000 older adults statewide** who depend on it.
- Drastic reductions to **Medicaid and SNAP** will strip dignity, health, and care away from those already struggling to survive.

At SHOPP, we see the daily realities behind these statistics.

Take **Mr. Anthony**, 70, who joined one of our older adult centers reserved and uncertain. With encouragement, he flourished—managing his diabetes, volunteering weekly, and becoming a peer leader who now brings others out of isolation through music, wellness classes, and mentorship.

Or **Ms. Aida**, 85, grieving the loss of her son and living alone. She found companionship, nourishment, and healing at our center—her only place of daily social connection and trust.

We also serve survivors. One **elder justice client**, isolated and abused in her own home, shared:

“Being a victim of elder abuse is scary and lonely. With the help of my case manager from SHOPP, I navigated the court system, removed the abuser from my home, and learned how to keep myself safe. Today, I serve on two senior boards and educate others about SHOPP services and support. Someone cared enough to help me heal.”

And we support the silent heroes—**our caregivers**, without whom our aging system would collapse.

Ms. Bernard, who cares for her daughter living with MS, said: *“Neighborhood SHOPP gave us peace of mind. We’re like family. This agency is a big asset to me and my daughter.”*

Another caregiver, **Ms. Shelly**, shared: *“I don’t know where I’d be without SHOPP. The support groups help us feel safe, seen, and supported. Please don’t cut our funding—we need this.”*

A third caregiver Ms. Ana caring for her 89-year-old mother with dementia shared: *“Through SHOPP’s support groups and workshops, I’ve gone from hopeless to empowered. I’ve learned how to make informed decisions and connect with Medicaid and the GUIDE program. This program helped me stay strong for my mom. Eliminating it would be devastating.”*

These stories are the reason I am here today. **Older adults and caregivers are not optional investments—they are essential.** And without sustained funding, their safety nets will disappear.

We are deeply thankful to the City Council, especially Speaker Adrienne Adams and Aging Chair Crystal Hudson, for advocating for **\$227.8 million in restorations and enhancements** for older adult services in the FY26 Budget Response. You’ve shown that aging is not an afterthought—it’s a priority.

But without federal partnership, even the best city budget cannot carry the weight alone.

I urge this Council to:

1. **Continue demanding restoration of federal aging infrastructure**, including ACL, SNAP, Medicaid, and Caregiver funding.
2. **Invest in bridge funding** to sustain community-based services threatened by federal rollbacks.
3. **Direct support to organizations like SHOPP**, which are on the front lines, day after day, with no room for bureaucratic delay.



NEIGHBORHOOD Self
Help by
Older
Persons
Project
Helping Older Adults Help Themselves

New York City must lead with compassion, urgency, and unwavering resolve. We cannot allow this federal dismantling to become the undoing of decades of progress. Let us not fail those who've paved the way for us—and those who now depend on us most because if we fail our elders, we fail ourselves.

Thank you for your time and your continued commitment to aging New Yorkers and their caregivers.

Respectfully,

Katherine Martinez, LMSW
President / CEO

STATEMENT

By Robert Peters

Guardian Ad Litem in the NYC Housing Courts
[REDACTED]

**To: Members of the NYC Council Committee on Aging
Oversight hearing on ‘Adult Protective Services Referrals’
April 16, at 10 am, in the Council Chambers**

Re: HRA’s refusal to pay a Housing Court guardian ad litem (‘GAL’) *for work done* because of the failure to submit an **Introduction Letter (‘**Intro Letter**’) to HRA/APS within 10 days of their appointment**

I am a 1975 graduate of NY University School of Law, and I was admitted to the NY bar in the spring of 1976. My first job out of law school was as a VISTA attorney assigned to work with Mobilization for Youth (now Mobilization for Justice), where I worked full-time handling nonpayment cases in the NY County (Manhattan) Housing Court from September 1975 to September 1976.

Prior to being accepted to the Housing Court GAL program in January 2013, I worked full-time first as an attorney and then as an executive for Morality in Media (MIM) from May 1985 to July 2012. When MIM moved its headquarters from NYC to Washington in 2012, I stepped down as a full-time employee and served as a consultant for the next 12 years. In the interests of full disclosure, MIM (now National Center On Sexual Exploitation) didn’t have a pension plan when I worked full-time; and I anticipated that in addition to serving as a consultant I would need to work part-time after stepping down as a full-time employee.

I learned about the Housing Court GAL program while looking into the possibility of becoming an Article 81 court evaluator. Becoming a Housing Court GAL appealed to me because I worked in the Housing Court when I was a young

man and because I hoped to find part-time work where I could earn income while being of help to others. The GAL program didn't disappoint with the latter!

My first court appearance as a GAL in a Housing Court case was in March 2013; and prior to the onset of the COVID-19 pandemic, I had never been denied payment by APS. Nor had I been disciplined by a judge or sued by a tenant. Prior to the pandemic, I had also welcomed APS involvement in a case not only because I once got paid when APS was involved but because, among other things:

- APS can obtain an emergency grant to prevent an eviction;
- APS can obtain a CityFHEPS subsidy to prevent an eviction;
- APS can arrange to have an apt deep-cleaned to prevent an eviction; and
- APS can request an Article 81 Guardian to assist a severely disabled tenant.

Prior to the pandemic, while I had often failed to submit the **Intro Letter** within 10 days, I had *always* contacted APS within a reasonable time – usually before my first Court appearance and almost always before my second appearance – if APS did not contact me first, which happened on occasion but not often.

I hasten to add that while Housing Court cases are called ‘summary proceedings,’ most cases do not move with lightning speed; and that is especially true if the tenant has an attorney or guardian. With exceptions, Housing Court judges grant an adjournment when a GAL asks for one; and when a judge doesn't grant an adjournment, a GAL can submit an Order to Show Cause, which is almost always granted. I would be happy to state under oath that to my knowledge I have not had a single case where my tenant was adversely affected because I did not contact APS within 10 days of my GAL appointment.

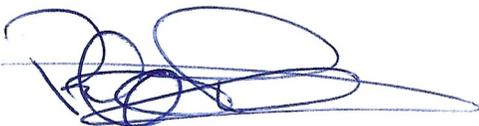
I would also add that if submitting an **Intro Letter** within 10 days is *vital* to APS, why didn't APS or someone from the Housing Court GAL program first inform GALs that submitting the **Intro Letter** within 10 days was a requirement, not an option, and that *in the future* GALs would be penalized if they did not submit the **Letter** within 10 days. I say “penalized” because an appropriate

penalty for failing to submit the form within 10 days would have been to reduce the payment by \$100 or \$150 regardless of circumstances and to deny payment all together if the failure to promptly notify APS adversely affected the tenant.

To allow GALs to accept and responsibly represent *tenant-after-tenant* in NYC Housing Court nonpayment and holdover proceedings *during the pandemic*, without knowing that we would not be paid because we failed to submit a form in time and without any explanation as to how this failure adversely affected our representation ought to shock the conscience of a court and this Committee too!

I would be remiss if I didn't add here that there is a more efficient and timely manner to notify HRA/APS when a GAL accepts a case. When a Court attorney calls a GAL, *they always know beforehand if it is an APS case*; and after the Court attorney completes the GAL Order, they can send a copy of the completed GAL Order not only to the GAL but also to HRA/APS.

In conclusion, my failure to submit **Intro Letters** in a timely manner was a mistake, but my failure was due in part to the disruption that the pandemic caused in the courts and in my life. I did not, however, neglect my duties to the tenants, and I do not think HRA/APS is justified in denying payments altogether unless they can show that failure to submit an **Intro Letter** harmed the tenant.



Robert Peters April 9, 2025

WRITTEN TESTIMONY OF
STEVEN DE CASTRO, HOUSING COURT GUARDIAN AD LITEM
TO THE HEARING OF THE
COMMITTEE ON AGING OF THE NEW YORK CITY COUNCIL
APRIL 16, 2025

My name is Steven De Castro. I have served the New York Housing Court as a Guardian ad Litem longer than I remember, but since approximately 2000. I have also served on the Housing Advisory Council, screening applicants for housing court judge, and reviewing re-appointments to the bench. I have also served as the Vice President of the Asian American Bar Association of New York, and I am currently active with the Guardian ad Litem Association of New York.

I understand that this hearing is about referrals to Adult Protective Services. My understanding is that generally, APS has limited resources, and is unable to assist all who are eligible. Therefore, they are in fact denying referrals of people who are eligible, just because of the resource limitation.

I will bring to your attention two specific problems in this regard.

PROBLEM #1

Under 18 N.Y.C.R.R. § 457.1(c), adults are eligible for APS services who, because of physical or mental impairment,

1. are unable to meet their essential needs for food, shelter, clothing, or medical care, secure entitlements due to them or protect themselves from physical, sexual, or emotional abuse, active passive or self neglect, or financial exploitation; and
2. are in need of protection from actual or threatened harm due to physical, sexual or emotional abuse, or active, passive or self neglect, or financial exploitation or by hazardous conditions caused by the action or inaction of either themselves or other individuals; and
3. have no one available who is willing and able to assist them responsibly.

A large number of eligible adults are falsely denied APS services using the third criteria above, when the caseworker finds someone at the home who is “willing and able to assist them responsibly.” This third criteria is being misapplied. Caseworkers are often rejecting clients when they find anyone in the house during a home visit.

I recently had a rental nonpayment case involving thousands of dollars of rent arrears, where the caseworker conducted a home visit and found the client's daughter in the apartment, having returned from college on fall break. When the caseworker asked vaguely if the daughter was “willing and able to assist” her mother, the caseworker summarily closed the case.

The problem is that the third criteria does not state what the “someone” is supposed to be able to assist

with. The daughter can assist with some loving care, but she is not a caseworker and has no financial capability to replace public assistance. Because of the vague language in the third criteria, thousands of adults with physical and mental disabilities are denied services and are even evicted, when caseworkers find any third party in the home.

Clearly, this third criteria which states that an adult is eligible if there is “no one available who is willing and able to assist them,” should be clarified. Family members and neighbors can be an important part of a disabled adult's support group, but that should not be a grounds for denying APS services, unless APS determines that the support of these other parties would render APS services unnecessary.

PROBLEM #2

I am going to relate to you the story of 73 year-old Constance Bruce, who is homebound and suffering myriad medical needs. She only receives social security disability benefits, and subsequently fell behind on the rent. In the ensuing eviction case, *711 Seagirt Avenue Holdings, LLC against Constance Bruce* (Queens County LT 304252/24 QU), Adult Protective Services performed a comedy of erroneous policies that clearly illustrate the need for reform.

When adults with mental and physical impairments are visited by a New York City Marshal, DSS may intervene to get the judge to vacate the eviction warrant. But after the judge vacates the warrant, in many cases, APS refuses to continue anti-eviction services. By refusing to provide ongoing services, cases are in danger of reaching the warrant stage again. This is what happened to Constance Bruce. DSS intervened to stop Ms. Bruce's imminent eviction, and then, once the judge vacated the eviction warrant, they immediately terminated her services, leaving her in danger of eviction yet again.

On October 11, 2024, the Department of Social Services filed an order to show cause to vacate the judgment and eviction warrant against Ms. Bruce. DSS attorney ENJOLE JOHNSON, stated in court filings that caseworker KODILI EZE assessed Constance Bruce, found that she was in an impaired condition, and that her “health is such that she cannot adequately defend her tenancy rights and the court is urged to use its statutory powers to appoint a guardian ad litem.”

The judge vacated the eviction judgment, and appointed me as Ms. Bruce's guardian ad litem. As soon as the judge had stopped the eviction, APS stopped all services, placing Ms. Bruce in jeopardy once again. Further, it appears that APS had this plan all along, and simply declined to tell the judge that they were going to abandon the case once the judge granted the motion.

On October 29, 2024 (just 18 days after DSS made the motion), APS informed me that they are refusing to assist Ms. Bruce. The only justification given is that APS found her “Ineligible for APS Services.”

Upon my subsequent motion to intervene, DSS replied that APS had concluded that, although Ms. Bruce was impaired enough to require a guardian ad litem in housing court, she was not impaired enough to require APS services. This argument is ridiculous: in fact, Ms. Bruce is in danger of eviction because she is not receiving the services of an APS caseworker who can help her with finding the resources for the payment of the back rent.

I subsequently found out more facts which make the APS rejection even more ridiculous. Upon investigation, I found out that Ms. Bruce was *already a former client of APS*. The entire reason she is currently facing eviction is because of an unexplained termination of the CityPheps rent subsidy that had been set up by APS.

A further fallacy in this case is that, despite the fact that DSS urged the court to appoint a guardian ad litem, DSS has no intention to pay the guardian ad litem, despite the fact that APS has an established guardian ad litem program. As a result, I am made to take this case on an unpaid basis.

The case of Constance Bruce suggests the following:

1. APS does not have a policy of assisting their former clients, even they experience problems with subsidies that APS set up.
2. APS set up a two-tier assessment of Ms. Bruce, where they represented to the court that she has a mental/physical impairment, while secretly planning to reject her case based on lack of impairment.
3. DSS is failing to fully disclose information to housing court judges. When DSS intervenes in a case, judges are under the false impression that DSS is committed to assisting these tenants with eviction prevention services. With Ms. Bruce, that turned out not to be true.
4. DSS is requesting that the housing court appoint guardian ad litem, and then DSS often refuse to pay the guardian ad litem which are appointed. When DSS asks the judge to appoint a guardian ad litem, it should be automatically assumed that this guardian ad litem will be paid through the established GAL program. Otherwise, why have a GAL Program?

Thanks. I can be reached at [REDACTED].

Yours,

Steven De Castro
Steven De Castro

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/25

(PLEASE PRINT)

Name: Thomas Catapano, Deputy General Counsel

Address: _____

I represent: DSS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/25

(PLEASE PRINT)

Name: Gil Hershkovich-Kim

Address: DC of APS

I represent: DSS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/25

(PLEASE PRINT)

Name: Eileen Mullarkey, AC for Supportive Services

Address: _____

I represent: NYC Agency

Address: _____



Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 4/16/25

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Name: John Rojas, Chief Special Service Officer

Address: _____

I represent: DCS

Address: _____

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4-16-25

(PLEASE PRINT)

Name: Jeanine Cahill-Jackson

Address: 260 E 161st St 8th Fl Bx NY 10031

I represent: The Legal Aid Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____^{ARS} Res. No. 16-224

in favor in opposition

Date: 4/16/25

(PLEASE PRINT)

Name: Eric Lee

Address: _____ Ridgewood 11385

I represent: Volunteers of America - Greater NY

Address: 135 W 51 St

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**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Marcus Jackson

Address: _____

I represent: Encore Community Services

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/15/2025

(PLEASE PRINT)

Name: Sharon Brown

Address: _____

I represent: Rose of Sharon Enterprises

Address: 43 Madison Street 3F

Brooklyn NY 11238

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/16/25

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: _____

I represent: Self

Address: _____

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