

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

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September 3, 2019
Start: 1:14 p.m.
Recess: 4:14 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Carlos Menchaca
Chairperson

COUNCIL MEMBERS: Margaret S. Chin
Mark Gjonaj
Carlina Rivera
Francis P. Moya
I. Daneek Miller

A P P E A R A N C E S (CONTINUED)

Bitta Mostofi
Commissioner
Mayor's Office of Immigrant Affairs

Grace Bonilla
Administrator
Human Resources Administration

Chris Keeley
New York City Health and Hospitals

Claudia Calhoun
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Rebecca Antanovok
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Volunteers Legal Service

Rex Chen
Director of Immigration
Legal Services NYC

[NAME INAUDIBLE]
Director of Immigration Legal Services
Immigration Hotlines
Catholic Charities

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2 STEVEN SADOWSKI: This is a test, this is
3 a test. Today's date is September 3, 2019, on the
4 Committee on Immigration, recorded by Steven
5 Sadowski. [pause]

6 CHAIRPERSON MENCHACA: OK, we're going to
7 get started. If you can silence your cell phones, or
8 you can turn them off and get in a little break, a
9 social media break. If you have them on, we want you
10 to tweet about what you're hearing. We're going to
11 get started. [pause]

12 CHAIRPERSON MENCHACA: Buenas tardes,
13 everyone. I am Carlos Menchaca, chair of New York
14 City Council's Committee on Immigration. And today
15 the Committee on Immigration will be hearing a
16 package of legislation drafted in response to the
17 federal administration's new rule regarding
18 inadmissibility on public charge grounds. Before we
19 get into the nuts and bolts of what this means for
20 everyday New Yorkers, I want to thank the Mayor's
21 Office of Immigrant Affairs and Commissioner,
22 specifically Commissioner Mostofi, for their
23 collective leadership on this issue. Your
24 willingness to work with the council and ever-present
25 availability has strengthened the legislative package

1 significantly. It is a testament to how much we can
2 accomplish when we coordinate our efforts. Together
3 we are stronger. And I am so pleased that when
4 threats come to our city we waste no time uniting to
5 defend our neighborhoods. Some version of a public
6 charge rule has been in the news for more than 18
7 months. At council, at the City Council, we have
8 been taking this extremely serious. The threat of an
9 expanded public charge rule is serious. Analyzing
10 the leaked drafts and official proposed rule when
11 they were made public, holding a public hearing in
12 November 2018 on the potential impact such a rule
13 would have on New Yorkers is grave, and submitting a
14 strongly worded public comment opposing the rule.
15 Our partners held a briefing on public charge for
16 City Council members and their district staff and I
17 held a series of town halls in all five boroughs to
18 address community concerns about the proposed rules.
19 Through these efforts we were able to educate New
20 Yorkers about the proposed rule and encourage
21 comments in the federal register along with MOOIA and
22 comments to that federal government, ah, was required
23 by law to consider and respond to before determining
24 the validity of a proposed change. And yet despite
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2 the 200 plus thousand public comments, the vast
3 majority of which were against any change of this
4 rule, on August 12, 2019, the federal administration
5 released a final version released a final version of
6 the public charge rule, titled "Inadmissibility on
7 the Public Charge Grounds." The new rule expands the
8 definition of public charge and public benefits,
9 thereby altering, altering, the standard used by the
10 Department of Homeland Security to determine if an
11 individual is likely to become a public charge at any
12 time in the future. As of now, the rule will go into
13 effect on October 15, 2019. A public charge, as
14 defined by this new rule, is an individual who is or
15 is likely to become dependent on public benefits. A
16 public charge determination occurs when an individual
17 is either applying for a visa to enter the US,
18 extending an existing visa, or applying for legal
19 permanent residence, a green card, for the first
20 time. And I want to be clear here that public charge
21 did and will not apply to US citizens, to current
22 green card holders, to asylees, to refugees, to U and
23 T visa holders, special immigrant youth, applicants
24 under the Violence Against Women Act, or Afghans and
25 Iraqis on special immigrant visas. It is such a

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2 complex and confusing rule. It is extremely
3 important that you seek legal counsel to determine if
4 it affects you or your family before making any
5 decisions about public benefits. If you or someone
6 you know has any questions about whether the rule
7 applies to them, please seek out expert legal advice
8 immediately. The council, the mayor's office, and
9 our community partners are committed to ensuring that
10 no New Yorker feels pressured to disenroll from
11 critical benefits without first speaking with a
12 trusted lawyer. You can call the New American hot,
13 New Americans Hotline at 1-800-566-7636. Or
14 ActionNYC at 1-800-354-0365. Right now. To speak to
15 someone about public charge and I urge you to call.
16 Clearly this rule is designed to ensure that as many
17 individuals as possible disenroll from life-saving
18 and family-sustaining government benefits. As
19 council members of the City of New York it is our
20 responsibility to protect the rights and welfare of
21 all our residents, and our city is home to 3.2
22 million immigrants, making up nearly 37% of the
23 city's population. Immigrants also comprise nearly
24 half the city's work force and own approximately 42%
25 of the city's businesses. Ours is a beautiful,

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2 diverse, and resilient city. That is precisely
3 because of our immigrant families, neighbors, and
4 friends. This is the envy of the world. And that is
5 why I'm pleased to announce that we hearing a package
6 of four bills and one resolution regarding public
7 charge today. This legislative package strengthens
8 the social services network that has become a
9 national model for how to care for and empower
10 everyone. Our responsibility as elected officials
11 and members of the City Council is to do everything
12 that we can to protect people who live and work in
13 New York City. These bills and resolutions exercise
14 that duty. The preconsidered intro sponsored by
15 myself would, let me get the numbers actually, that's
16 right, because they're preconsidered. The
17 preconsidered intro sponsored by myself would require
18 the Mayor's Office of Immigrant Affairs to conduct
19 training on the provisions included in the new public
20 charge rule to employees in the Department of Social
21 Services, Human Resources Administration, the
22 Department of Homeless Services, the Department of
23 Housing Preservation and Development, and the New
24 York City Housing Authority. This bill would take
25 effect immediately after it became law and deemed

1 repealed two years after it became law.

2 Preconsidered introduce, sponsored by Council Member
3 Moya, would require the Department of Social Services

4 to distribute information by mail, telephone, or

5 email regarding all city-funded emergency food

6 programs. The next preconsidered intro, sponsored by

7 Council Member Rivera, would require the Mayor's

8 Office of Immigrant Affairs to create written and

9 electronic materials on the public charge rule and

10 the Department of Education would be required to

11 distribute these materials to every student and every

12 DOE school. The next preconsidered intro, sponsored

13 by Council Member Cabrera, would require the

14 Department of Social Services and the Human Resources

15 Administration to designate a unit with a dedicated

16 phone number and staff to assist individuals who have

17 evaluated their case with a legal service provider

18 and have elected to modify their benefits. The next

19 preconsidered reso, sponsored by Council Member

20 Levin, calls on the US Congress to take legislative

21 action to stop the enactment of the new rule entitled

22 "Inadmissibility on Public Charge Grounds." We are

23 joined today by Council Members Chin, Gjonaj, Rivera,

24 Moya, and Miller. I want to thank them for being

1 here today, and before I turn it over to the bills'
2 sponsors to say a few words I want to thank my staff
3 for all their work on this hearing on public charge
4 and everything which has been done up to this point,
5 which has been a lot, my chief of staff, Lauren
6 Alisaro, communications director Tony Charito, and
7 the committee staff, committee counsel Jarbani Osa,
8 committee policy analyst Elizabeth Cronk, and finance
9 unit head Crilian Francisco. We're going to hear
10 from Council Member Moya, member of the immigration
11 committee, and then Council Member Rivera on their
12 statements. Council Member Moya.

14 COUNCIL MEMBER MOYA: Thank you so much,
15 Chair, for all your hard work and the opportunity to
16 say a few words on such an important issue. As I've
17 always said, I will never begrudge someone who comes
18 here in search of the American dream and works
19 through blood, sweat, and tears to make that a
20 reality. As a son of immigrants I know this all too
21 well, but this is exactly what this Trump
22 administration is doing to the immigrants that are
23 here in this country now. Their [wealth] for the
24 public charge will deter immigrants from getting the
25 help that they need. This bill will ensure that

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2 those who disenroll from SNAP or whose SNAP benefits
3 are set to lapse will be given information on
4 emergency feeding programs and it is incumbent upon
5 us as elected officials to take care of our
6 constituents regardless of their national origin or
7 their economic status, and I just want to take this
8 opportunity again to thank the chairman, the speaker,
9 and all my colleagues in helping to support this
10 much-needed bill. Thank you.

11 CHAIRPERSON MENCHACA: Thank you. Council
12 Member Rivera.

13 COUNCIL MEMBER RIVERA: Thank you so much
14 Chair Menchaca and all of my colleagues, and thank
15 you for holding this hearing today on what is a very
16 important package of legislation. The public charge
17 rule proposed by the federal administration is an
18 attempt to generate fear, chaos, and confusion in the
19 immigrant community. It is deliberately designed to
20 threaten essential programs that countless immigrant
21 families depend on for their health, housing,
22 nutrition, and more. For many this rule will force
23 them to choose between their families' well-being and
24 a potential threat to their immigrant status and it's
25 our responsibility as a council to do what we can to

1 support immigrants who call New York home and who
2 will suffer under the proposed rule. That is why I
3 am proud to introduce a bill that is part of this
4 package requiring the Mayor's Office of Immigrant
5 Affairs to create written and electronic materials on
6 the federal regulations relating to admissibility on
7 public charge grounds. The Department of Education
8 will distribute this materials both physically and
9 electronically to every student and every school
10 within its jurisdiction and additionally ensure that
11 these materials are available in a central and
12 accessible office in every school for both parents
13 and students. These materials would also include
14 crucial information on federal regulations as well as
15 instructions on how to access immigration legal
16 services to address any issues related to regulatory
17 charges, changes. There is a lot of noise right now
18 surrounding this rule. It is important that families
19 know precisely whether or not they are affected. It
20 will not be easy for immigrant parents to navigate
21 the web of information on these matters while also
22 ensuring stability at home, so providing these
23 materials to their children may be the best way to
24 cut through misinformation and get these details to
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2 those who need it most. I am proud to stand with the
3 legislative body that has demonstrated care for every
4 person in our city and I hope my colleagues will join
5 me in continuing to ensure every person regardless of
6 their immigration status knows the New York City
7 government is standing with them every day. Thank
8 you.

9 CHAIRPERSON MENCHACA: Thank you to the
10 bill sponsors, and we're going to call the
11 administration up for our first panel. Commissioner
12 Mostofi, and we have Administrator Grace Bonilla from
13 HRA, and then Chris Keeley, New York City Health and
14 Hospitals, if you would please come on up. As we
15 get settled in, I just want to reiterate the
16 confidence that I have in this administration in
17 partnership with our work and the advocates that you
18 will hear from later. I spent some time this summer
19 after the shootings in El Pason and with my family,
20 and I know, Commissioner, you were there, ah, this
21 last year and coming back to New York City made me
22 just appreciate the work that we do and the amount of
23 work that we've done so far to prepare, and our
24 message today is one of confidence and calm to our
25 New Yorkers who have an incredible team working

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2 together to figure this out and to ensure that we
3 have the best, ah, the best strategy moving forward
4 and it's not a new strategy, it's a strategy that's
5 been there. We're just going to add to it, and so I
6 just want to say thank you before you start for the
7 work that you and your team does. We're going to
8 swear you in.

9 COMMISSIONER MOSTOFI: OK.

10 UNIDENTIFIED: Do you affirm to tell the
11 truth, the whole truth, and nothing but the truth in
12 your testimony before this committee and to respond
13 honestly to council member questions?

14 COMMISSIONER MOSTOFI: I do.

15 UNIDENTIFIED: Thank you.

16 COMMISSIONER MOSTOFI: Thank you to Chair
17 Menchaca and members of the Committee on Immigration.
18 My name is Bitta Mostofi. I'm the commissioner for
19 the Mayor's Office of Immigrant Affairs and I'm
20 joined today by HRA Administrator Grace Bonilla, as
21 well as staff from other agencies, including Chris
22 Keeley from Health and Hospitals. Just a few weeks
23 ago the Trump administration published a regulation
24 that is meant to change when certain immigrants are
25 considered a public charge for immigration purposes.

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2 The rule makes it harder for those immigrants to
3 receive a green card or certain visas. This rule,
4 which discriminates against people with disabilities,
5 seniors, and people of color in the name of self-
6 sufficiency was fundamentally flawed from its
7 conception. The city knows firsthand that immigrants
8 make our communities stronger and that supporting
9 immigrants in accessing the services they need to
10 produce long-term, can produce long-term benefits.
11 The Trump administration's view of self-sufficiency,
12 on the other hand, is based on falsehoods and biased
13 thinking and runs counter to the reality of how
14 immigrants contribute to our country. Given this
15 reality, it is impossible to see this rule as
16 anything other than an attack on the American ideal,
17 the vision of Lady Liberty, also known as the Mother
18 of Exiles, welcoming your tired, your poor, and your
19 huddled masses for generations. I'm particularly
20 concerned with the widespread fear and confusion that
21 this rule has incited even in those who are not
22 affected by it at all. At the outset I want to
23 emphasize that this rule has not yet gone into
24 effect. It will not be retroactively applied. It
25 does not affect all immigration applications and it

1 does not affect all immigrants. For that reason, it
2 is extremely important for immigrants to get
3 information and help before unnecessarily withdrawing
4 from or foregoing benefits. As a city we've been
5 preparing for this rule since the beginning of the
6 Trump administration, as the council member noted.
7 Our preparation has led to sustained advocacy and
8 public education on this issue. The city submitted
9 two comments on the proposed rule, including one in
10 conjunction with cities across the nation who share
11 our point of view. We have repeatedly engaged
12 stakeholders, including elected officials with
13 information about the rule and its impact. For
14 almost a year we have prepared our ActionNYC hotline
15 for an influx of calls about the rule by adding staff
16 to provide immediate consultations on the phone to
17 help individuals understand whether the rule applies
18 to them, and by working with partners to create
19 capacity for referrals for urgent legal consultation.
20 And we've developed detailed fact sheets and
21 conducted research on messaging. This testimony will
22 provide a very brief overview of the rule,
23 highlighting the city's response and MOOIA's role in
24 that response, and address the bills at issue today.
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2 As I stated, changes to the public charge rule have
3 not gone into effect. The final rule was published
4 on August 14 and it is scheduled to become effective
5 on October 15 unless courts say otherwise. The
6 public charge rule applies only to a narrow subset of
7 immigrants - those applying for a green card,
8 changing or extending certain visas, and applying for
9 admission under the immigration laws would be
10 affected by the final rule. But many, if not most,
11 noncitizens in New York City will not be subject to
12 the public charge test or will be able to seek a
13 waiver. This includes refugees and asylees,
14 certified victims of human trafficking or U or T visa
15 recipients, VAWA self-petitioners, special immigrant
16 juveniles, those with temporary protected status, and
17 more. In addition, there is no public charge test
18 when green card holders apply for citizenship.

19 Turning now to the final rule itself, the term public
20 charge is used in immigration law to deny admission
21 or a green card to someone based on their likelihood
22 to depend on the government for support in the
23 future. For the past two decades this rule has been
24 limited in scope because studies showed that an over-
25 broad, vague rule could have devastating public

1 health and nutrition consequences. Despite this
2 long-standing policy and, frankly responsible policy,
3 the final rule changes the definition of public
4 charge and creates a new over-broad test that will
5 disproportionately harm immigrants of color,
6 immigrants with disabilities, and immigrants with
7 limited resources when they seek to change their
8 status. This will primarily affect family-based
9 immigration. The final rule changes how closely the
10 federal government scrutinizes factors such as an
11 individual's age, education, employment history,
12 income, assets, health conditions among other
13 factors, when determining whether an immigrant is
14 likely to become a public charge in the future, even
15 if the individual has never used benefits in the
16 past. It also increases the number of programs that
17 will be considered when evaluating whether someone is
18 a public charge. In addition to cash assistance, the
19 government will consider use of Medicaid, SNAP,
20 public housing, and Section 8 housing assistance.
21 For Medicaid, there are some notable exceptions,
22 including for pregnant women, children, emergencies,
23 and more. To re-emphasize, benefits use is just one
24 factor in addition to the others I just mentioned in
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1 an overall test of who is likely to become a public
2 charge. We've argued against this rule since it was
3 first proposed because it will needlessly harm the
4 health, safety, and economic security of our city.
5 While the rule itself only affects a small subset of
6 all noncitizens, we know that it will create fear and
7 confusion in the immigrant population generally. Our
8 preliminary analysis shows that hundreds of thousands
9 of New Yorkers could be affected by chilling effects
10 alone. We've already heard concerning anecdotes of
11 immigrants withdrawing from important benefits due to
12 fear and misunderstanding about the rule and its
13 impact. For example, even before the final rule was
14 published the Department of Health saw that anxiety
15 and confusion was causing some clients to withdraw
16 from or refuse to enroll in Medicaid and CHIP. DOHMH
17 staff have reported that clients sought to disenroll
18 or declined to enroll in Medicaid or CHIP because of
19 public charge. In addition to foregoing health
20 insurance, staff reported that some of their clients
21 had declined services while others have shown
22 reluctance to engage with them or use services, even
23 though these services are not covered by the final
24 rule. In order to help address the fear, DOHMH's
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1 Bureau of Primary Care Access and Planning provided
2 training to its front-line staff for public [facing]
3 programs, explaining the public charge rule and
4 providing guidance for staff to address client
5 inquiries and concerns. DOHMH is also planning
6 another round of briefing to front-line staff at
7 various divisions and bureaus now that the final rule
8 has been published. In addition, since rumors of the
9 public charge rule began circulating in 2017 there
10 has been a marked dropped in noncitizen SNAP cases.
11 Administrator Bonilla will testify more about this
12 chilling effect and the steps that HRA has taken to
13 address it. Turning now to the city's response to
14 the rule, we are fighting this rule with every tool
15 at our disposal, including ligation. We've partnered
16 with New York State attorney general's office in a
17 legal challenge to this final rule. One important
18 tool to counter the effects of this rule is legal
19 services. The city is committed to assisting all New
20 Yorkers, regardless of immigration status, in getting
21 the information and legal assistance that they need
22 to make the best decisions for themselves and their
23 families as to their usage of public benefits. To
24 re-emphasize, it is crucial that New Yorkers who are
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1 concerned about whether the public charge rule will
2 affect them, get trustworthy and competent legal help
3 before taking any action related to public benefits.
4

5 As I said, the new regulation is not yet in effect
6 and if and when it does come into effect only certain
7 immigrant New Yorkers will be impacted in their
8 immigration applications. Over the last several
9 months we have worked closely with legal service
10 provider, community and other partners to ensure the
11 availability of legal assistance around the rule.

12 The ActionNYC hotline funded by the City of New York
13 and operated by our partner, Catholic Charities, can
14 provide immigrants with information about the rule
15 and, where needed, connect callers to legal help and
16 appointments. We are also working with partners at
17 the Legal Aid Society supported by the Robin Hood
18 Foundation and the New York Legal Assistance Group to
19 coordinate requests for assistance and to address
20 needs. In a few days on September 9 and 10 we will
21 be holding a two-day phone bank with partners at
22 Catholic Charities, Univision, El Diario, The Office
23 for New Americans, the Legal Aid Society, The New
24 York Immigration Coalition, Hispanic Federation, and
25 NYLOG where New Yorkers may call in to speak with an

1 immigration legal expert who can answer questions
2 about public charge. We will also be holding a
3 Facebook live panel with legal experts on September
4 12. We have worked to make sure that all immigration
5 legal service providers, including those from smaller
6 organizations, have access to the most up to date
7 analysis about the public charge regulation. Working
8 with experts at Clinic, the Catholic Legal
9 Immigration Network, we have disseminated training
10 materials to our ActionNYC providers and are also
11 working on a New York City-specific webinar for
12 immigration legal service providers that will also be
13 made available to members of the private bar, private
14 attorneys representing immigrants. The city's
15 leaders have continued to share information and
16 resources with immigrant New Yorkers during the rule-
17 making process. The mayor, our city's fraction
18 coalition, and our partners at DSS, H&H, and others
19 have publicly condemned the public charge final rule
20 and shared information about how to connect with
21 legal services. Our outreach staff and teams on the
22 ground are conducting numerous field engagements as
23 well. Senior administration staff have also spoken
24 at houses of worship and in communities to share
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1 information about the final rule. When news about
2 the rule broke we shared information digitally to our
3 many partners. On August 13 we first received news
4 that the final rule would be published. We sent an
5 update to over 9000 people and partners, including
6 our community partners, our partners within the
7 council and other elected officials, and our agency
8 partners. We then held briefings to answer follow-up
9 questions and additionally we created and shared a
10 social media toolkit so that different agencies could
11 share relevant and easy-to-understand information
12 about the public charge rule with their networks. On
13 August 25 we hosted a day of action to address
14 immigrant New Yorkers concerns about the new public
15 charge rule. We had staff, partners, and volunteers
16 handed out thousands of informational flyers at over
17 a dozen grocery stores across the five boroughs to
18 empower our residents to make the best decisions for
19 themselves and their families and not to needlessly
20 forego public benefits to which they are entitled.
21 We have also engaged with the press. We have
22 participated in press conferences with our partners
23 at the New York Immigration Coalition and the Asian
24 American Federation and coordinated media appearances
25

1 with local media outlets, including WNYC, 1010 Wins,
2 Pix 11, Univision, and New York One. MOOIA in
3 partnership with city agencies is also involved in
4 planning for mitigation of the harms of the final
5 rule if it were to ever go into effect.
6

7 Specifically, we're in discussions with various
8 partners about how to ensure that New Yorkers will
9 still be able to get the help that they need even if
10 the rule prevents them from accessing certain public
11 benefits or creates fear and concern. The city is
12 committed to serving everyone regardless of status
13 and eligibility as city services and benefits have
14 not changed. As just one example, all patients are
15 welcome at New York City Health and Hospitals
16 regardless of status or ability to pay. Through H&H
17 and NYC Care we're ensuring that even those without
18 insurance have access to affordable health care they
19 need. Similarly, the city is in close conversation
20 with those community-based organizations who provide
21 emergency assistance to those in crises. My
22 colleagues at DSS, for example, have been engaged
23 with emergency food assistance providers to ensure
24 that we understand the current need and can keep
25 abreast of any concerning trends. We will continue

1 to monitor the impact of public charge and are
2 prepared to support our communities as needed.

3
4 Moving now to the preconsidered bills, we are very
5 grateful that we have been able to work closely with
6 the council on public charge and so many other
7 attacks on our immigrant communities. We look
8 forward to continuing to work with you as we contend
9 with the fear and confusion already created in the
10 communities that we both serve. I want to say at the
11 outset that our goal as a city has always been to
12 address the fear and misinformation circulating about
13 public charge. One of the most devastating aspects
14 of this rule out is how much it has harmed people who
15 are not even named or subject to it. Our overriding
16 goal is to ensure that we as a city are not feeding
17 the false narratives of the Trump administration and
18 the way that it wants immigrants to buy into it. We
19 want our communities to access the services that they
20 need and be empowered to make the right decisions for
21 themselves and their families. We certainly support
22 the intent of the bills to ensure that New Yorkers
23 are armed with the information and the resources that
24 they need in this difficult time and, as noted above,
25 we are working closely with our partners at DSS, DHS,

1 HPD, NYCHA, and others to ensure that relevant staff
2 understand the scope of the rule and how it will
3 affect the populations that they serve. In addition,
4 we have engaged those partners on how they should and
5 can refer people to immigration legal support.
6

7 Relatedly, we are developing information to be shared
8 with DOE in multiple languages in order to inform
9 parents and families about the public charge final
10 rule and how to seek legal assistance to understand
11 the, how the rule may or may not affect them. As we
12 found in our survey on public charge, the most
13 effective messaging we can share at this time is how
14 people can seek legal advice. MOOIA has also been
15 working since the proposed rule was published to
16 ensure that our hotline would be able to address, as
17 I noted, any influx or change in calls. This
18 includes adding our staff to provide crucial and
19 immediate screening for callers. We also partnered,
20 as I said, with the Legal Aid Society and the New
21 York Legal Assistance Group in addition to our
22 primary ActionNYC, Catholic Charities, to ensure our
23 availability of urgent legal consultations for those
24 who need it. ActionNYC is really the best referral
25 to make for people unsure of how the rule may affect

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2 them or may not. We look forward to working with the
3 council on these bills to ensure that we're providing
4 links to invaluable information on public charge and
5 its effects without stoking the misinformation
6 circulating in our communities. We understand that
7 this rule is complicated and frightening. Many of
8 our immigrant families are concerned about how this
9 final rule will affect them. And I want to end
10 today's testimony by reiterating that the rule is not
11 yet in effect. It does not apply to all immigrants,
12 nor does it apply to all immigrant applications. It
13 doesn't apply to those seeking citizenship. Many
14 categories are exempted. I urge all who have
15 questions and concerns to please get legal advice.
16 You can call 311 or call 1-800-354-0365 and say
17 public charge to be connected with free and safe
18 legal guidance to make an informed and empowered
19 decision for you or your loved ones. The Trump
20 administration's idea of who deserves to be here is
21 based on a racist vision of a white and rich
22 American, a vision that is out of touch with American
23 principles and with the reality of how the
24 contributions of immigrants to this country improve
25 the lives of all of us. We will do everything in our

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2 power to making sure that idea does not become a
3 reality, and again I want to thank the chair for your
4 commitment and your vision in working alongside us
5 and the communities that we both serve to ensure that
6 we're doing as effective, efficient, and timely a job
7 as we can, and thank all the members of the
8 committee. Really, I think the council has been
9 tremendous and members themselves even individually
10 owning how critical this is, submitting that speak to
11 personal family experiences and community
12 experiences. I think this is really emblematic of
13 how much something like this touches on the lives of
14 so many people and so much that we we're fighting for
15 here in our city. So thank you so much for allowing
16 me to testify, and I'm going to turn it to my
17 colleague.

18 CHAIRPERSON MENCHACA: Thank you,
19 Commissioner.

20 ADMINISTRATOR BONILLA: Good afternoon.
21 Thank you, Chair Menchaca and members of the
22 immigration committee for giving us the opportunity
23 to testify today. My name is Grace Bonilla and I'm
24 the administrator of the New York City Human
25 Resources Administration. I want to thank

1 Commissioner Mostofi and the partnership we have with
2 MOOIA to ensure immigrant New Yorkers are getting up
3 to date and accurate information concerning public
4 charge. Since the leak of the public charge rule we
5 have been working to ensure that all New Yorkers in
6 need have access to our agencies, benefits, and
7 services. And it is important for me as the
8 administrator of the nation's largest social services
9 agency, particularly given the current punitive
10 executive policy climate in Washington, D.C. to
11 unequivocally restate our commitment to addressing
12 the social and economic barriers that all New Yorkers
13 face. Each year HRA addresses the needs of more than
14 three million low-income New Yorkers, including
15 immigrants. To provide context for this hearing I
16 would like to briefly touch on the services HRA
17 provides both independently and in partnership with
18 sister agencies to improve the lives of immigrant New
19 Yorkers. My written testimony includes details of
20 the Department of Social Services Office for Advocacy
21 and Outreach, which includes the Office of Refugee
22 and Immigrant Affairs, as well as full detail
23 concerning HRA's legal services programs through the
24 Office of Civil Justice, including the extraordinary
25

1 investment and legal services to fund anti-eviction
2 legal services and antiharassment and tenant
3 protection. Let me take a moment to talk about the
4 few, a few of OCJ's programs that serve immigrant New
5 Yorkers. The Immigrant Opportunity Initiative, IOI,
6 is a network of nonprofit legal providers and
7 community-based organizations who conduct outreach in
8 immigrant communities across the city and provide
9 legal assistance to low-income immigrant New Yorkers
10 in matters ranging from citizenship and lawful
11 permanent residency application to more complex
12 immigrant matters, including asylum application and
13 removal defense work. ActionNYC is operated jointly
14 by the Mayor's Office of Immigrant Affairs, HRA, and
15 City University of New York and implemented in
16 collaboration with over 20 community-based
17 organizations and legal services providers across the
18 five boroughs. Additional programs include community
19 service block ground programs, the New York Immigrant
20 Family Unity Project, and the Immigrant Child
21 Advocate Relief Effort, ICARE, Unaccompanied Minor
22 and Family Initiative. More details about these
23 programs as well as IDNYC and New York citizenship
24 can be found in my written testimony, as well as
25

1
2 HRA's website. I thank my colleagues for providing
3 us a, my colleague, Commissioner Mostofi, for
4 providing a succinct and final, of the final rule and
5 current state of affairs on this issue and want to
6 reiterate some very important points from
7 Commissioner Mostofi's testimony. First of all, it's
8 important that all New Yorkers understand the
9 eligibility for our benefits has not changed. This
10 rule is not retroactive. This rule is currently not
11 in effect. The rule itself affects a subset of
12 immigrant New Yorkers seeking to adjust their status.
13 This rule is intended to sow fear among our immigrant
14 communities. If you're concerned that your receipt
15 of benefits might affect your immigrant status please
16 seek legal assistance through ActionNYC's hotline.
17 If you or your family are in need of assistance we
18 are here to serve you. The new rule expands the list
19 of public benefits considered under public charge.
20 Under the final rule the determination of whether an
21 individual is likely to become a public charge would
22 also require a more stringent totality of the
23 circumstances test, even for those immigrants who
24 have not used a covered benefit. This may change how
25 closely the federal government scrutinizes factors

1 such as individuals' age, education, employment
2 history, income, assets, and health conditions, among
3 other factors, when determining whether an immigrant
4 is likely to become a public charge. Because of this
5 we are urging any New Yorker who has questions about
6 how the final rule might affect them to seek legal
7 assistance. HRA and DHS frontline staff have been
8 made aware of the rule through official
9 communications from Commissioner Banks and training
10 has been conducted to ensure staff refers clients to
11 the informative flyer created by our colleagues at
12 the Mayor's Office of Immigrant Affairs, which
13 provides information how to contact ActionNYC. The
14 flyer is being made available at all HRA and DHS
15 client facing locations. All staff have been told to
16 refer any client with questions about the impact of
17 the receipt of benefits to ActionNYC. Through these
18 referrals to ActionNYC clients can speak with trained
19 professionals and ask questions about how accessing
20 public benefits may or may not impact the immigrant
21 status. There continues to be information on our
22 internal website about legal service referrals for
23 immigrants so that the entirety of our staff may
24 easily access the information and make appropriate
25

1 referrals to those free and anonymous legal
2 resources. Lastly, Access HRA continues to provide
3 information on immigration legal services for
4 everyone who has questions, which will reach those
5 New Yorkers who are conducting business with us
6 online and not coming into our centers or seeking
7 information about applying for benefits for the first
8 time. As of June 2019, SNAP has helped 1.5 million
9 New Yorkers, or nearly 20% of the city's population
10 by putting food on the table and feeding their
11 families. This includes approximately 200,000
12 eligible noncitizens. To understand the impact of
13 the federal government proposed rule HRA conducted an
14 analysis of SNAP enrollment earlier this year. The
15 analysis looked at our year-to-year change between
16 elbow US citizens and noncitizens. In the last two
17 years since news and media outlets first began
18 reporting of potential changes to the public charge
19 rule noncitizens who are eligible for lawfully
20 receiving SNAP benefits have either, ah, have either
21 chosen not to continue with the program at a higher
22 rate than US citizens. This is particularly
23 concerning as each of these New Yorkers are lawfully
24 receiving SNAP benefits. We look forward to working
25

1 with the sponsors of the two bills that impact HRA.

2 We stand in a position of great responsibility to

3 provide real time factual information about what

4 public charge is and what it is not, as well as who

5 it will impact. HRA support providing all clients

6 with information about the assistance available to

7 them. This legislation would require DSS to share a

8 notice by mail or email about the availability of

9 emergency food programs to all SNAP recipients who

10 choose to disenroll on or after June 1, 2016, to

11 those currently receiving SNAP and when they

12 recertify. We welcome the proposal from the council,

13 but we want to make it clear that this information

14 would be provided to all SNAP recipients irrespective

15 of public charge and to prevent any targeting of any

16 client the receipt of such information is not being

17 provided because a recipient is impacted by public

18 charge. This approach will enable us to reach a

19 broader group of clients and protect those who may

20 believe that they are impacted by public charge.

21 Again, we remind all New Yorkers who have questions

22 about public charge to consult with an accredited

23 trusted legal provider to discuss their individual

24 circumstances. We support the intent of the bills

1 and would like to continue to work with the council
2 to ensure that its implementation will not contribute
3 to the chilling effect we have seen. On Council
4 Member Cabrera's preconsidered bill, as stated, we
5 are working to ensure that our staff and clients have
6 timely factual information about public charge. We
7 look forward to working with the council to achieve
8 that end, including the use of ActionNYC, one hotline
9 for concerned individuals to obtain accurate
10 information, and to limit confusion. All this said,
11 our doors are open and we encourage any all New
12 Yorkers in need to come to seek help. There has been
13 no change in our long-standing policy that permits
14 any family or individual to apply for assistance and
15 there has been no change in current law regarding
16 what benefits immigrants are eligible to receive. We
17 will continue doing what we do best, which is provide
18 critical services to everyone who is eligible. Since
19 the release of the proposed rule we have been
20 partnering with our colleague agencies, advocates,
21 and stakeholders to better understand how the recent
22 federal actions are playing out in the community. We
23 will continue working with our partners to keep our
24 ears to the ground and to provide accurate, useful
25

1 information to New Yorkers on this topic. While the
2 final rule has not gone into effect, this policy
3 direction will harm New Yorkers, not only those who
4 may be directly impacted by the rule, but also
5 through the chilling effect among those to whom the
6 rule does not apply, but who changed their behavior
7 in favor of adverse, in fear of adverse immigration
8 consequences. New York City is a proud city of
9 immigrants and we will do everything we can to
10 prevent the Trump administration's proposed harmful
11 actions on public charge from going into effect. We
12 are committed to ensuring all New Yorkers, including
13 immigrants, have access to the services they need.
14 Thank you again for the opportunity to testify before
15 the council today and we look forward to your
16 questions.

18 CHAIRPERSON MENCHACA: Thank you, both of
19 you, for, ah, a robust testimony, set of testimony,
20 and I know Mr. Keeley is also here to answer any
21 questions, and I'm going to ask council members of
22 the bills to hold their statements, ah, because we
23 have a lot of questions that we want to get through
24 and I hope there are no time limits on your side, but
25 we want to get through as many questions as we can.

1
2 So I'm going to start with a few questions and then
3 I'm going to hand it over for a few minutes to the
4 authors of the bills to ask questions about their
5 bills and then we'll move forward. Thank you. Ah,
6 so, Commissioner, has there been a documented
7 increase in the number of calls to ActionNYC related
8 to public charge since the final rule published in
9 August of 2019?

10 COMMISSIONER MOSTOFI: Sure, so we're
11 currently working with our, our partners at Catholic
12 Charities who operate our catholic, our ActionNYC
13 hotline to monitor our call, call volume. We have
14 seen an, an increase in calls, um, generally as we
15 did last fall, um, when the proposal was first
16 issued.

17 CHAIRPERSON MENCHACA: We saw a spike in
18 the fall.

19 COMMISSIONER MOSTOFI: We did.

20 CHAIRPERSON MENCHACA: In November we
21 kind of heard that, and then, so you were saying that
22 we're going to learn more from the partners soon
23 about any spike?

24 COMMISSIONER MOSTOFI: Yeah, we, as I've
25 said, we have seen an increase in calls generally.

2 CHAIRPERSON MENCHACA: Oh, we already
3 have? OK.

4 COMMISSIONER MOSTOFI: Yup, um, and, ah,
5 one of the goals in the upcoming hot phone bank is to
6 kind of more broadly share the word, as we saw last
7 time. We saw a huge increase on the day of the phone
8 bank and then that, ah, resulted in increased
9 awareness and then kind of continued increase in the
10 number of calls.

11 CHAIRPERSON MENCHACA: So ActionNYC is
12 going to be very important here in the strategy,
13 correct? So you want to get a lot of understanding
14 about ActionNYC?

15 COMMISSIONER MOSTOFI: Yup.

16 CHAIRPERSON MENCHACA: So how many
17 languages can the ActionNYC hotline support?

18 COMMISSIONER MOSTOFI: The hotline can
19 support over 150, up to 200, I believe, languages
20 through, um, we have certainly, ah, individuals to
21 speak multiple languages answering calls, but can
22 provide interpretation services in up to 200
23 languages.

24

25

1 COMMITTEE ON IMMIGRATION 39
2 CHAIRPERSON MENCHACA: What proportion of
3 callers are contacting ActionNYC in a language other
4 than English and what are those languages?

5 COMMISSIONER MOSTOFI: I don't have the
6 breakdown for you today. I can say generally
7 speaking a large proportion, um, call, ah, caller, a
8 large proportion of our callers speak Spanish, um,
9 and also English, and a smaller number of those sums
10 speak different languages.

11 CHAIRPERSON MENCHACA: How long on
12 average do callers who speak languages other than
13 English have to wait to speak to someone with their
14 language capability?

15 COMMISSIONER MOSTOFI: Um, I don't,
16 again, I don't have the breakdown on the languages,
17 but we can get back to you on that specifically. We
18 have not, ah, it has not been reported to us that
19 people have to wait for long periods to speak to
20 somebody, um, nor has it been reported since we've
21 operated the hotline that there's been challenges in
22 accessing an interpreter for specific languages. So
23 I don't know of any. Usually know if there is an
24 issue [laughs], I don't know of there being an issue.
25

2 CHAIRPERSON MENCHACA: Well, and I guess
3 what we're trying to get to is, is there data...

4 COMMISSIONER MOSTOFI: Yup.

5 CHAIRPERSON MENCHACA: That can get
6 pulled.

7 COMMISSIONER MOSTOFI: Yeah.

8 CHAIRPERSON MENCHACA: And what we're
9 asking for is not just the breakdown of languages,
10 but the time in which it takes for someone to call,
11 ah, and get someone.

12 COMMISSIONER MOSTOFI: Sure.

13 CHAIRPERSON MENCHACA: And you'll have,
14 you have that data, it's out there?

15 COMMISSIONER MOSTOFI: We definitely have
16 the number of languages. We record that.

17 CHAIRPERSON MENCHACA: But not the time.

18 COMMISSIONER MOSTOFI: And we can
19 indicate based on conversations with our providers if
20 time has been an issue in terms of needing to wait
21 for the service.

22 CHAIRPERSON MENCHACA: OK. We'll follow
23 up on that.

24 COMMISSIONER MOSTOFI: Sure.

2 CHAIRPERSON MENCHACA: What is the
3 protocol when there are no staff able to provide
4 interpretation in a language spoken by the caller?

5 COMMISSIONER MOSTOFI: As I said, that is
6 not something that has arisen, it is not a challenge
7 that we...

8 CHAIRPERSON MENCHACA: Which is different
9 from protocol, so I'm looking for protocol.

10 COMMISSIONER MOSTOFI: Sure.

11 CHAIRPERSON MENCHACA: What is, what
12 happens, what internally has to happen?

13 COMMISSIONER MOSTOFI: Any issue that
14 arises, that or another one, we have regular
15 reporting and communication with our, ah, provider
16 with Catholic Charities and they let us know if they
17 have a challenge and any issue and then we work with
18 them to resolve it. That might mean identifying
19 additional interpretation or translation services.
20 It might be something totally different. But the
21 protocol in general is if any issue arises that could
22 include we were unable to access interpretation in
23 this language. That gets elevated to our project
24 manager, who works closely with the hotline so that
25 we can resolve it.

2 CHAIRPERSON MENCHACA: OK.

3 COMMISSIONER MOSTOFI: And we have a
4 number of ways of resolving things like that, right?

5 CHAIRPERSON MENCHACA: Yeah, that's what
6 we want to...

7 COMMISSIONER MOSTOFI: Yeah.

8 CHAIRPERSON MENCHACA: I want to just
9 understand the mechanics.

10 COMMISSIONER MOSTOFI: Sure.

11 CHAIRPERSON MENCHACA: This isn't like is
12 ActionNYC broken, it's...

13 COMMISSIONER MOSTOFI: Yeah, yeah, no, I
14 understand. I think, the simplest answer is it gets
15 escalated to us if there is any challenge, including
16 if they were for some reason unable to access...

17 CHAIRPERSON MENCHACA: It's more of a
18 flag, it's a flag protocol, so that, it's a protocol
19 to flag any issues and then you kind of address them
20 as you get them.

21 COMMISSIONER MOSTOFI: Yeah, and then if
22 it's, and if it's a language-specific issue we work
23 with our language services team to either work
24 directly with the vendor in accessing an individual

25

2 or identifying separately somebody who can provide
3 the translation support or service to the individual.

4 CHAIRPERSON MENCHACA: OK, we'll follow
5 up on that.

6 COMMISSIONER MOSTOFI: Sure.

7 CHAIRPERSON MENCHACA: What are the hours
8 of operation for ActionNYC?

9 COMMISSIONER MOSTOFI: Um, ActionNYC, the
10 hotline itself, is available from Monday to Friday
11 from 9 to 6. And we have a partnership with 311, so
12 311 is able to receive a call, give basic
13 information, and the information for hotline
14 availability to a caller if they call outside of
15 those time periods.

16 CHAIRPERSON MENCHACA: Got it. And were
17 the hours extended from, ah, were the hours extended
18 when the proposed rule was published in 2018?

19 COMMISSIONER MOSTOFI: It was not.

20 CHAIRPERSON MENCHACA: OK. Were the
21 hours extended after the final rule was published?
22 Well, was it extended after last month's rule?

23 COMMISSIONER MOSTOFI: It was not.

24 CHAIRPERSON MENCHACA: OK.
25

2 COMMISSIONER MOSTOFI: In both instances
3 what we did, as I noted, was we worked with a number
4 of partners, including the ONA hotline, um, who had
5 slightly extended hours to be able to transfer calls
6 or provide service there. Um, we...

7 CHAIRPERSON MENCHACA: And that's the 311
8 transfer?

9 COMMISSIONER MOSTOFI: 311 can also
10 support that. Um, 311 is equipped with scripts to be
11 able to give people on information when they could
12 and couldn't call, and we did the phone banks, and
13 the phone banks intentionally operate outside of
14 normal hours, ah, to be able to reach New Yorkers
15 who, you know, use that opportunity with that sort of
16 increased partnership with Univison in particular to
17 get the word out so that people can call in.

18 CHAIRPERSON MENCHACA: I'm going to pause
19 here for ActionNYC questions. I'm going to hand it
20 over to Council Member, Rivera is not here, Moya, for
21 questions.

22 COUNCIL MEMBER MOYA: Thank you.

23 CHAIRPERSON MENCHACA: There's a [dem]
24 conference happening to someone that we're going to
25 go through [inaudible].

1 COMMITTEE ON IMMIGRATION 45
2 COUNCIL MEMBER MOYA: Thank you so much,
3 Chairman. Thank you, of course to the panel for
4 being here and the support that's been given. Ah,
5 just in the preconsidered intro that I've put in,
6 which requires the dissemination of information about
7 the city's funded emergency room food program, under
8 what circumstances does the Department of Social
9 Services share information about emergency food
10 program and food pantries across the city?

11 COMMISSIONER MOSTOFI: Sure. Thank you
12 for your question. So normally today any, ah, anyone
13 who wants to have access to an ICA provider can call
14 311, ah, provide their information address and 311
15 will give them their local food pantry.

16 COUNCIL MEMBER MOYA: And is, um, I'm
17 sorry, is this information, ah, available on the DSS
18 website?

19 COMMISSIONER MOSTOFI: It is, our
20 information is on the website.

21 COUNCIL MEMBER MOYA: OK. And is it
22 searchable by location of the individual?

23 COMMISSIONER MOSTOFI: I have to remember
24 how it's searchable, but all of our pantries are
25 there.

1 COMMITTEE ON IMMIGRATION 46
2 COUNCIL MEMBER MOYA: OK. And also, as
3 we know in this administration released the fact
4 sheet on SNAP enrollment trends in New York City, ah,
5 the fact sheet showed shrinking SNAP caseloads among
6 noncitizens, ah, noncitizen New Yorkers, beginning in
7 2017. In light of this data, what investments has
8 the administration made, ah, to the city's, ah,
9 emergency food program?

10 COMMISSIONER MOSTOFI: So I have to say
11 that in partnership with the City Council we've
12 already made a number of investments in the ICA
13 program, ah, really unprecedented investments in the
14 ICA program. We stay in touch with our ICA providers
15 to ensure that they have enough for the communities
16 that they serve. As a by-product of the public
17 charge for the last 18 months we ensure that anything
18 that comes out in the news is an impact on ICA and we
19 haven't seen such an impact.

20 COUNCIL MEMBER MOYA: OK. And has the
21 administration provided information on, about public
22 charge and SNAP enrollments to the emergency food
23 providers?

24 COMMISSIONER MOSTOFI: So, ah, it is our
25 practice that any time we put out any information all

1
2 of our providers will receive it as well, so not just
3 our ICA providers, our HASA providers, our employment
4 vendors, all of them will receive information on
5 public charge and have received information on public
6 charge.

7 ADMINISTRATOR BONILLA: I will add to
8 that, that we did a series of, um, briefings with
9 stakeholders that work with different populations
10 that we believe would be impacted, including health,
11 food safety, immigration, of which invitations went
12 out to these same providers. So we've been in
13 regular contact with folks since the proposed rule,
14 including offering in person, ah, briefings for the
15 providers that we work with.

16 COUNCIL MEMBER MOYA: Great. And as
17 you're collecting the data on how many immigrants are
18 using SNAP and other government programs, has it been
19 declining or has it grown?

20 ADMINISTRATOR BONILLA: So we, as the
21 chair mentioned, we did, and the commissioner
22 mentioned, we did put out some information in June
23 about those trends. Ah, we did see something that
24 was very alarming, which is that noncitizens are, ah,
25 disenrolling, not disenrolling but not recertifying

1
2 for SNAP at a higher rate than noncitizens, but I
3 have to say that when we look at trends across the
4 many years, including during the Obama
5 administration, there has been, ah, steady decline of
6 SNAP usage, mainly because of the economy. So it is
7 something that we track.

8 COUNCIL MEMBER MOYA: So you're seeing
9 that they're moving back or they're just...

10 ADMINISTRATOR BONILLA: There has been a
11 steady decline of the caseload on SNAP since Obama,
12 the Obama years, right? So we can't particularly say
13 that the decline is due to the, this administration,
14 ah, it wasn't until we desegregated the data that we
15 saw there was concerning trend among noncitizens.

16 COMMISSIONER MOSTOFI: Yeah, I think to
17 put a finer note on it as well, so, you know, in
18 general the overall caseload the administrator is
19 speaking to positively, right, a decline in people
20 needing and/or choosing to use SNAP and obvious that
21 correlates with economic growth, right?

22 COUNCIL MEMBER MOYA: Right, OK.

23 COMMISSIONER MOSTOFI: And notably, and I
24 think this is really key, especially as we talk
25 publicly about why this is such a horrendous

1
2 proposal, people don't elect to participate in public
3 benefits programs like SNAP unless they absolutely
4 need to. Right? I practiced immigrant law for a very
5 long time, over a decade. The clients who were
6 participating in these programs were maybe somebody
7 who is a domestic violence survivor and is in
8 immediate need of assistance to get back on their
9 feet, or somebody who's transitioning, ah, jobs in a
10 difficult position or time in their lives, and so I
11 think what is critically important is you've seen an
12 overall decline in participation because there's
13 economic growth, which means people don't need it and
14 they are not electing to go after it or use it. What
15 we've highlighted and noted and we think is important
16 for purposes of our outreach and engagement with
17 communities to understand what this is, is that the
18 disparity between citizens and noncitizens and their
19 choices, choice to recertify has dramatically
20 increased. So, ah, we know that the recertification
21 kind of rate, if you will, for noncitizens to city's
22 was about the same in the calendar year of 2016 to
23 2017, but we saw it grow dramatically in disparity in
24 17 to 18 and 18 to 19. By 18 to 19 there was an 8%
25 difference, when two years ago it was almost the

1 same. So when we're looking at why that is happening
2 we don't have the exact pinpoint of why people are
3 choosing to do it, but we recognize that that's when
4 really drafts of public charge came out and the
5 increased immigration enforcement and so forth.

7 COUNCIL MEMBER MOYA: Great. Thank you
8 so much. Thank you, Chairman.

9 CHAIRPERSON MENCHACA: Thank you, Council
10 Member Moya. Ah, questions from sponsor Cabrera
11 first. No statement. Questions.

12 COUNCIL MEMBER CABRERA: Thank you, Mr.
13 Chair. I appreciate you holding this hearing. I
14 just have a few questions with regards to my
15 preconsidered intro. Does DSS, HRA currently have a
16 unit that they believe will be best suited to
17 response to the questions related to, ah, benefits
18 modification and if so which one?

19 COMMISSIONER MOSTOFI: I'll start, if
20 that's OK, Council Member, and to say a few things,
21 one is that in partnership with all of you and many
22 of the providers that are in the room today, you
23 know, for the last year we've really tried to
24 understand how do we best combat this, right? How do
25 we ensure that as we know the greatest impact here is

1
2 going to be people who really aren't going to be
3 impacted at all, but because of the fear and the
4 confusion and the concern are going to choose to
5 disenroll and there's going to be this tremendous
6 chilling effect, and in speaking to community members
7 directly and talking to some, many of the providers
8 in this room and the ones that we work with
9 regardless on this, the overarching challenge that we
10 have as a city is to prevent that chilling, and our
11 goals jointly have been to ensure that everybody that
12 needs public benefits is getting it, that nobody is
13 left hungry or without housing or without, ah, health
14 needs that they have and that we're moving towards
15 addressing that as a whole. So what we, what we've
16 learned very directly around public charge is that,
17 ah, the thing that gives people the greatest
18 confidence in not choosing to withdraw or forego
19 those benefits is getting good immigration legal
20 advice. That's true both in terms of our partnership
21 and work with community members and providers, as
22 well as through research that we conducted. And what
23 we've tried to balance is that anything that we set
24 up as an administration, any step that we take
25 forward, is one that continues to encourage the

1
2 utilization of the benefits, but directs people to
3 that immigration legal advice when needed or if
4 necessary, and I think that's really our goal in
5 working with you guys around this is to keep that at
6 the center and core of how we, ah, respond to and
7 address what public charge is doing, and I'll turn to
8 the administrator for that.

9 ADMINISTRATOR BONILLA: Sure, so we don't
10 have such a unit and I think such a unit, as the
11 Commissioner is pointing out, would not only go
12 against everything this administration has tried to
13 do to really increase access and create a welcoming
14 environment at HRA, it's been something that we are
15 committed as part of our core values, a unit that
16 would create an atmosphere of like there's a reason
17 why you shouldn't enroll, ah, it would not help us in
18 that, in that effort. Ah, and additionally, like
19 it's already been stated, if you're eligible for SNAP
20 there's a high likelihood that this rule will not
21 affect you. And that is the message that we need
22 keep making sure our communities are hearing. And if
23 there is any concern about that impact the best place
24 that you could go to is a legal provider that could
25 look at your very specific issue and the makeup of

1
2 your family so that you can make the most educated
3 decision for your family as possible.

4 COUNCIL MEMBER CABRERA: Maybe, ah, maybe
5 the best way to move forward, I appreciate this
6 dialogue, is to refrain how we look at that unit,
7 rather than, ah, you know, have the prospected to
8 discourage people from receiving benefits is that
9 they get the correct information, especially, we live
10 in a generation where people are looking for
11 information that comes with precision, that is
12 accurate, ah, that also brings that level of comfort.
13 Look, my, my wife is a first-generation immigrant,
14 came from Mexico, and I know all the fears that her
15 and her family went through and there is something,
16 you know, about a big humongous agency that is to be
17 honestly truth very fearful, ah, and then there is
18 something to be said about having to brand a unit
19 where people feel safe. I think that that would make
20 your agency just so much efficient, effective, and
21 impactful. It's something to think about in terms of
22 the framing.

23 COMMISSIONER MOSTOFI: So I absolutely
24 appreciate the intent by which this, ah, this was
25 introduced. We believe that we have the best model

1
2 possible today. Ah, when someone walks into any one
3 of our offices to apply, um, our, what we do is we
4 ensure that if there is any issue, if there is any
5 concern, any doubt, that we're directing them to the
6 people that are most appropriate, as you're stating,
7 to, to answer those questions, and those are the
8 providers that we've invested a great deal of
9 resources in just to be able to respond to moments
10 like this.

11 COUNCIL MEMBER CABRERA: Ah, to tell you,
12 ah, that the advocates, ah, who are in the very
13 frontline and we appreciate all the work that they
14 do, ah, did see a tremendous benefit of having a
15 unit, ah, and it's not to take away all the wonderful
16 work that you do, again, ah, but there are out people
17 out there who are very much apprehensive and scared,
18 ah, because they came from a government, many alone,
19 where basically you don't trust the government,
20 mainly the countries they came from. So they,
21 they're coming now with that level experience and,
22 ah, so, something to think about. Let's come to the
23 end of the dialogue, appreciate, you know, let's stay
24 open-minded about, you know, where we could go the
25 next step with this. I want to ask you one more

1 question. Mr. Chair, can I ask one more question? Is
2 that OK?

3 CHAIRPERSON MENCHACA: I want you take as
4 much time as you need because this bill is very
5 important.
6

7 COUNCIL MEMBER CABRERA: OK, thank you so
8 much, really appreciate it, ah, to the chair. Has
9 HRA or MOOIA ever produced a guide or a written
10 guidance for community-based organizations about
11 public benefit, ah, benefits, and have you
12 historically partnered with CBOs to create guides on
13 use in HRA services?

14 ADMINISTRATOR BONILLA: So we have a
15 number of guides around our services and how to use
16 them. I think that the best example that we have
17 about our incredible partnership with our community-
18 based organizations is the work that we've done
19 around Access HRA. Ah, every time I go out into the
20 community, ah, to talk to our providers, the feedback
21 that I get is that having that tool by way of helping
22 community members in a safe, reliable space that's
23 smaller than a large agency has been a game changer
24 for them, ah, and that is the tool that we continue
25 to use to make sure that providers understand how to

1
2 apply for our benefits and assist the clients that we
3 mutually serve in applying for those benefits.

4 COMMISSIONER MOSTOFI: I'll add a couple
5 of things to that, which is to say, um, two things.
6 One is to say that we have in working closely with
7 you all and advocates and others really tried to, as
8 I said, strike that right balance on this, right,
9 and I think we're very open to continuing our
10 conversation and make sure that we're at least
11 speaking the same language about what would be most
12 useful or what you have in mind or with the right
13 advocate, advocacy we've spoken to, to understand
14 kind of more specifically what people are interested
15 in. But I think directly echoing what you said, of
16 course sometimes there might be as much as we all try
17 to put our friendly city government faces on it,
18 there might be concern interacting with city
19 government. Frankly, our frontline staff at our
20 agencies are not and will not be, in speaking
21 candidly, the best qualified, nor is it fair to them
22 to expect that they are most qualified in speaking
23 about immigration law, right? Immigration
24 practitioners who have practiced immigration law for
25 long periods of time, this is complicated. We're

1
2 actually working with experts to develop the training
3 necessary for the existing practitioners to be able
4 to be effectively responsible to this. We don't want
5 to give bad information. We don't want to share bad
6 information with anybody. We know that the best way
7 to do that is to hyper focus on the intersection of
8 immigration law with people who are using public
9 benefits and making sure that people are actually
10 speaking to the immigrant lawyers to get that advice
11 and counsel and that we're not having staff that's
12 not an expert in this area give bad advice.
13 Secondly, I would say that the...

14 COUNCIL MEMBER CABRERA: Can I stop you
15 there? Because maybe I'm, what I'm hearing is the,
16 that the hesitation and understandably so, if this is
17 the case, that what you're lacking then is people
18 with expertise to be able to handle these type of
19 cases?

20 COMMISSIONER MOSTOFI: I don't think we
21 lack it. I think we're investing in it in the right
22 place, which is the immigration legal services
23 providers that we work with, um, we're making sure
24 that people who have those questions as their seeking
25 to utilize public benefits are getting the advice

1 there, where it's rightly positioned. The second
2 thing that I would add is that the provider
3 community, Legal Aid Society, and others have been
4 working to develop a tool that can assist those that
5 do public benefits administration, other stakeholders
6 and navigators in the community that do that work,
7 um, to see if there is a flag around public charge
8 for the individual so that they can direct them
9 accordingly, and again these are experts, the
10 immigration lawyers, who also are our experts in
11 public benefits who are helping to developing this
12 kind of tools to think about what's most effective as
13 if the rule ever goes into effect.

14
15 COUNCIL MEMBER CABRERA: My last
16 question, thank you so much for your responding.
17 What is being done to communicate that, ah, being
18 done to communities that do not have digital access?

19 COMMISSIONER MOSTOFI: Thank you very
20 much for the question.

21 COUNCIL MEMBER CABRERA: Smart phones,
22 computers.

23 COMMISSIONER MOSTOFI: Yup, yup, very
24 important. Thank you for the question. Ah, a few
25 different things. So one is insuring that we're

1
2 working closely with the press community and ethnic
3 media included, the phone bank being an example which
4 will be televised, ah, so, ah, you can watch it from
5 TV, if you watch Univision, etc. Ah, making sure
6 that...

7 COUNCIL MEMBER CABRERA: It's not going
8 to be there.

9 COMMISSIONER MOSTOFI: Sorry?

10 COUNCIL MEMBER CABRERA: I'm going to be
11 at the forum.

12 COMMISSIONER MOSTOFI: Excellent.

13 COUNCIL MEMBER CABRERA: Univision.

14 COMMISSIONER MOSTOFI: I'm very happy for
15 that.

16 COUNCIL MEMBER CABRERA: [inaudible]
17 also.

18 COMMISSIONER MOSTOFI: We welcome
19 everybody's participation. Um, and, ah, making sure
20 that we're using the medium that people are receiving
21 information through in different languages and with
22 different, um, ah, community, ah, papers or
23 television providers, etc. Um, the second is on the
24 ground, so working with our own community partners
25 that we work with. As I've said, we've done number

1 stakeholder briefings, but even more broadly shared
2 information, including flyers in different languages
3 with over 9000 community providers that we work with,
4 so that people have good information to share with
5 people that they're interacting with. We've done a
6 convening and engagement with houses of worship so,
7 um, both in terms of educating leadership in the
8 clergy and elsewhere, but also being on the ground
9 and offering to send our staff personnel. I've been
10 out. I know Grace has been out and others, um, to
11 join, ah, houses of worship and share good
12 information, to pass out literature and to have that
13 available. We've also done, as I've noted in my
14 testimony, days of action at grocery stores. We
15 focus that actually on grocery stores specifically
16 and on a weekend, on Sunday, because that's when
17 families are doing their shopping and maybe using
18 SNAP benefits or other, or other services, ah, so
19 making sure we're engaging on the ground in
20 community, um, our Health and Hospitals, there's
21 signage up as well and there's been flyers and other
22 resources that are shared, um, as people are coming
23 through the public hospitals. We're definitely open
24 to new ideas, but those are some of the ways that
25

1
2 we've been on the ground and making sure that those
3 who don't have the digital access are still getting
4 the information.

5 COUNCIL MEMBER CABRERA: And that, ah,
6 appreciate, ah, the work that Univision does and
7 going to be doing and everything that you mentioned,
8 is that at the same level in all of the people
9 groups? For example, I chaired the government
10 operations and one of the people groups they're,
11 sometimes they're not getting equal services is the
12 Asian community.

13 COMMISSIONER MOSTOFI: Yup.

14 COUNCIL MEMBER CABRERA: And so I, I'm
15 just curious as to everything that you mentioned, um,
16 just previously here in the last couple of minutes,
17 does that transcend into the Asian community at the
18 same levels, for example, and the Latino X community?

19 COMMISSIONER MOSTOFI: Yeah, it just
20 looks different. It's a great question, and it just
21 looks different. So the Asian American Federation
22 has been a great leader on this. They've held in
23 partnership with us and ones in which we joined
24 multiple community and I think media round tables,
25 having, ah, not only inviting press that, um,

1
2 represent different Asian community outlets, but also
3 ensuring that there are providers that speak
4 different languages presenting on the issue there.

5 Um, we have, because we've seen an increased concern,
6 particularly amongst Asian populations, made sure
7 that we've actually translated our materials in more
8 languages, um, and are, if something isn't available,
9 if people visit [nyc.gov/public charge](http://nyc.gov/public-charge) and see
10 something missing or would like something translated
11 into a different language just let us know so that we
12 can ensure that we're doing that. Um, we also
13 engaged broadly with different providers, ah, press
14 outlets and providers ourselves in ensuring that
15 we're sharing this information out and when we do the
16 on the ground community engagement, of course, that's
17 where we're looking at sort of the diversity across
18 all five boroughs in different communities.

19 COUNCIL MEMBER CABRERA: Thank you so
20 much. I'm looking forward to having an offline
21 conversation and Mr. Chair, thank you for allowing
22 this vast amount of time.

23 CHAIRPERSON MENCHACA: Well, this is
24 important, and I have some follow-ups on your bill.

1 I think what's important here is that we clarify the
2 step process...

3
4 COMMISSIONER MOSTOFI: Yeah.

5 CHAIRPERSON MENCHACA: Between the
6 community, nonprofit, ActionNYC, and HRA, and I think
7 how I'm understanding it, and this is where I want
8 clarity from, from the admin, is that we're not
9 asking HRA to do any legal advice whatsoever. What
10 we're saying is there is going to be a moment after,
11 ah, a New Yorker goes to a nonprofit that then refers
12 them to ActionNYC and a lawyer will review the case.
13 They're going to have to make some decisions. Some
14 of them will be needing to modify, they make
15 modifications on their benefits. At that point this
16 is where the bill becomes incredibly important to
17 build out a unit within HRA to handle that flow of
18 cases so that the nonprofit can then speak to someone
19 dedicated, trained, and being able to with, ah,
20 competence and training engage that modification and
21 that process, and I think that's where we're
22 dedicated, and look, this has been an ongoing
23 conversation in general. We're not just talking
24 about immigrants. We're trying to make HRA even
25 better. It's the largest organization of its kind.

1
2 It's an incredible organization. It feeds and does
3 so much to the communities that we represent and, and
4 so that's what's we're trying to talk about. And so
5 I'm not sure that we, we got that flow and so I want
6 you to maybe respond to that. This is not about
7 legal service, ah, legal services at the HRA front.

8 COMMISSIONER MOSTOFI: Sure.

9 CHAIRPERSON MENCHACA: This is about
10 after someone has already spoken to a lawyer.
11 They're going to have to, they may have to modify
12 something at HRA. That's where this bill comes in.
13 That unit makes that happen with focus.

14 ADMINISTRATOR BONILLA: So I have to say
15 that that work already takes place.

16 CHAIRPERSON MENCHACA: Well tell us about
17 it. I had...

18 ADMINISTRATOR BONILLA: So absolutely.
19 So there are a number of ways that someone can
20 disenroll from our benefits. Ah, if you are on
21 Access HRA you could actually do it right on Access
22 HRA and say that you no longer want those benefits.

23 CHAIRPERSON MENCHACA: You're saying
24 online?

2 ADMINISTRATOR BONILLA: You could do it
3 online through Access HRA if you're disenrolling from
4 SNAP benefits. Ah, if you want to come in because
5 even though we tell many people there's no need to
6 come in, they want to come in. They want to speak to
7 someone who is, has some level of authority over
8 their case in their mind. Our offices are open.
9 People come in. They let us know they want to
10 disenroll. If you want to do it by mail that also
11 takes place. So there are many avenues currently
12 where the public at large can disenroll. Um, I
13 appreciate the intent of this bill and try to make
14 sure that we're hyper focused on this community. We
15 honestly believe that we are. And disenrolling, that
16 is the easiest thing. The hard thing here is sending
17 the message that the majority of people that are on
18 SNAP are probably never going to be affected by this
19 bill, right? So that's what I would hope that we
20 together can partner to make sure that we're sending
21 that message.

22 CHAIRPERSON MENCHACA: Well, and we're
23 sending that message. We're definitely sending that
24 message clearly. Commissioner, do you want to
25 respond before I?

2 COMMISSIONER MOSTOFI: Yeah, I guess
3 also, um, the scenario that you're describing maybe
4 isn't also clear or crystalized for us, ah, maybe
5 that that's something that we can continue to have a
6 conversation around offline?

7 CHAIRPERSON MENCHACA: Yeah, let's get
8 this, let's get this clear.

9 COMMISSIONER MOSTOFI: Yeah.

10 CHAIRPERSON MENCHACA: Going to get this
11 clear now.

12 COMMISSIONER MOSTOFI: We can certainly
13 try. But, again, in terms of like what, what is
14 going to impact your immigration case if you're
15 talking about the enumerated benefits, you're talking
16 about primarily in terms of the changed SNAP, right?
17 And so as Administrator Bonilla described, the
18 modification is that you're choosing not to recertify
19 or you're choosing to disenroll, and I think what we,
20 what we know is there's a lot of entry points and
21 ability for people to choose to not recertify or to
22 disenroll from one of these benefits. That already
23 exists. It exists in person and it exists online and
24 our hyper focus is to make sure that if you have
25 questions or you raise questions about the impact on

1
2 immigrant status that we're directing you the other
3 way, which doesn't seem to be what you guys are
4 focused on here.

5 CHAIRPERSON MENCHACA: No, 'cause
6 everyone is getting sent to the robust legal services
7 provider infrastructure that we've been building over
8 many, many years now and I guess what we're trying to
9 get to is, is that moment where HRA, well, and does
10 HRA provide a guide to community, ah, service
11 organizations on how to do what we're talking about,
12 disenrolling and engaging in a modification of
13 benefits. Does that exist?

14 ADMINISTRATOR BONILLA: It's a
15 conversation that we have with our providers in the
16 event that a client no longer wants our benefits,
17 these are the enumerated ways that they can contact
18 us to close their benefits. Ah, the other thing that
19 I would not want to do, especially in this climate,
20 is to have an office specifically for immigrants.
21 That is not how we look at our services [crosstalk].

22 CHAIRPERSON MENCHACA: I don't think
23 that's what we're doing, right? I don't know.
24 Council Member Cabrera?

1
2 COUNCIL MEMBER CABRERA: Absolutely not.
3 And part of the issue here, Mr. Chairman, ah, is
4 that, as I understand it, is digitized, right? You go
5 to an HRA center, it's digitized and it's in
6 English. Ah, what we're hoping is, ah, one-to-one
7 contact, ah, with a person who is culturally
8 sensitive, ah, who would be able to speak the
9 language, and have the environment where people, you
10 know, feel safe, which is the, I think that's the
11 branding. We're not looking for that branding you're
12 talking about [chuckles]. This type of branding I
13 think will be very welcoming and, ah, and I think
14 productive. Mr. Chairman, thank you.

15 CHAIRPERSON MENCHACA: Thank you. Ah,
16 we'll keep talking.

17 ADMINISTRATOR BONILLA: Sure.

18 CHAIRPERSON MENCHACA: I think we made
19 our points clear. Ah, does ActionNYC need additional
20 resources such as funding, staff, interpretation, or
21 equipment?

22 COMMISSIONER MOSTOFI: Um, we are
23 monitoring ActionNYC, as I said, at this moment in
24 time we're not outside of concern in terms of the
25 hotline. What we did do, and this has been in

1 anticipation of this and in response to what we were
2 seeing in terms of callers and being efficient in
3 terms of triaging was we added, ah, immigration
4 counselors to the hotline, so it's not just people
5 who can, um, incredibly assist in making appointments
6 and helping figure out if that's what you need, but
7 also helping to answer some of your questions
8 immediately without taking an appointment if you
9 don't need one. So that's huge and that's already in
10 place and we've been growing that capacity. Um, the
11 additional thing is, ah, we worked closely with the
12 Robin Hood Foundation and now Legal Aid Society and
13 New York Legal Assistance Group in thinking through
14 what might be a spike that we see at this particular
15 juncture where there's an awful lot of initial
16 questions and maybe immediately after a rule, if it
17 ever goes into effect, um, and just making sure that,
18 again, if there's an urgency in a particular matter,
19 a particular case, ah, that we can address it in a
20 timely fashion and so there is increased capacity now
21 with the support of the Robin Hood Foundation with
22 those providers for us to be able to triage that. So
23 we feel good with what we have set up now. But we're
24 going to continue to monitor it and ensure that we're
25

1
2 addressing the needs and that there isn't an
3 outstanding one.

4 CHAIRPERSON MENCHACA: OK. And we'll be
5 in open conversations about that, just so that we can
6 ensure that we can be supportive of that.

7 COMMISSIONER MOSTOFI: Great.

8 CHAIRPERSON MENCHACA: Ah, this kind of
9 begs a series of questions around ActionNYC and the
10 process itself. You're adding kind of pieces to make
11 it better, and so we have a series of questions that
12 kind of get us on record about how it works. And if
13 someone calls the hotline, ActionNYC hotline, with a
14 question about public charge, are they immediately
15 connected to someone or must they leave a voice mail?

16 COMMISSIONER MOSTOFI: If they call
17 during the operating hours they're connected with
18 somebody.

19 CHAIRPERSON MENCHACA: Immediately
20 connected to someone?

21 COMMISSIONER MOSTOFI: Yes.

22 CHAIRPERSON MENCHACA: OK, and if they
23 must leave a voicemail for some reason, like calling
24 outside the hours, how long do they wait to speak to
25 someone?

2 COMMISSIONER MOSTOFI: They're advised if
3 they call to call back during the hours.

4 CHAIRPERSON MENCHACA: So no voicemail...

5 COMMISSIONER MOSTOFI: No.

6 CHAIRPERSON MENCHACA: Callback.

7 COMMISSIONER MOSTOFI: Yes.

8 CHAIRPERSON MENCHACA: And that happens
9 in English, in Spanish, and all languages? How does
10 that...

11 COMMISSIONER MOSTOFI: In multiple
12 languages.

13 CHAIRPERSON MENCHACA: How many
14 languages?

15 COMMISSIONER MOSTOFI: I think it's
16 three, but I want to confirm and get back to you.

17 CHAIRPERSON MENCHACA: OK, get back to us
18 on that.

19 COMMISSIONER MOSTOFI: Yeah.

20 CHAIRPERSON MENCHACA: Um, is the person
21 they speak to prepared to do a preliminary screening
22 related to public charge at that moment of that first
23 call?

24 COMMISSIONER MOSTOFI: That's where we
25 have the immigration counselors used.

2 CHAIRPERSON MENCHACA: That's where they
3 come in.

4 COMMISSIONER MOSTOFI: It's a public
5 charge flag. They can come in and do that screening.

6 CHAIRPERSON MENCHACA: After they say
7 public charge?

8 COMMISSIONER MOSTOFI: Yeah, I mean,
9 they're going to ask the person why they, you know,
10 what do they need, and if it's, if they're just
11 offering that they need an immigrant appointment,
12 right, we're not going to question them, we're going
13 to give them that appointment. But if they are
14 indicating to us that there's a public benefits
15 question or public charge-specific question we'll
16 ensure that they can get that screening on the phone.

17 CHAIRPERSON MENCHACA: So an attorney is
18 connected immediately after either they say I need an
19 attorney, great, we'll set you up with one, or a
20 screening of sort happens and they say, you know, I
21 think you need to talk to a lawyer.

22 COMMISSIONER MOSTOFI: Yeah.

23 CHAIRPERSON MENCHACA: Let's connect you.

24 COMMISSIONER MOSTOFI: And the counselor
25 is available then to be able to speak with them.

1 COMMITTEE ON IMMIGRATION 73
2 CHAIRPERSON MENCHACA: So it's
3 essentially immediately after that first call and a
4 connection has been around public charge.

5 COMMISSIONER MOSTOFI: Yup.

6 CHAIRPERSON MENCHACA: OK. How long does
7 it typically take from the initial call to connect
8 with an attorney, to get connected to an attorney?

9 COMMISSIONER MOSTOFI: It depends. Um,
10 it depends on, you know, people are asked, ah, try to
11 identify the urgency of a particular matter or if
12 it's, um, you know, if I want to go in my borough,
13 um, or I'm willing to travel, so it depends on, ah, a
14 number of things. If people are, you know, happy
15 kind of waiting because they want to go to the
16 provider that's immediately in their community they
17 might wait a few extra weeks. If they want to go to,
18 ah, something more immediate, even if our hotline
19 doesn't immediately have the availability but there's
20 urgency we work with the provider to get the person
21 fit in right away.

22 CHAIRPERSON MENCHACA: So I'm looking for
23 a timeline and range of time. So I get the options
24 here, so.

2 COMMISSIONER MOSTOFI: It depends, yeah,
3 is my best answer, but I...

4 CHAIRPERSON MENCHACA: What is your data,
5 is there like typically, um, people are asking for a
6 borough and it takes this amount of time?

7 COMMISSIONER MOSTOFI: We release new
8 appointments every week.

9 CHAIRPERSON MENCHACA: OK.

10 COMMISSIONER MOSTOFI: Right, so...

11 CHAIRPERSON MENCHACA: There's no data,
12 so this is all kind of like this is the process, I
13 kind of want information.

14 COMMISSIONER MOSTOFI: We have, no, no,
15 no, we do. We have some data and we can share it
16 with you. But what I'm trying to say is if you tell
17 me if I want an appointment...

18 CHAIRPERSON MENCHACA: No, I think it
19 depends.

20 COMMISSIONER MOSTOFI: In Brooklyn,
21 right, it might look different than if ...

22 CHAIRPERSON MENCHACA: Totally. But I
23 still after these questions have no idea whether it
24 takes a month in the borough and two months outside,
25

1
2 like I have no sense of that range. That's what I'm
3 looking for.

4 COMMISSIONER MOSTOFI: And we can get
5 back to you in terms of the ranges.

6 CHAIRPERSON MENCHACA: Awesome. Thank
7 you. Is there any reporting after a connection is
8 made with an attorney to track the status of that
9 individual's case, and if yes please state in which
10 publicly report, this information, is available in,
11 if there is one.

12 COMMISSIONER MOSTOFI: Um, we don't track
13 the status of the individual who called our, um,
14 providers have systems in which they're inputting,
15 ah, first sort of what happens with each caller,
16 right, so an appointment was made or information was
17 given, etc. Ah, and then the service provider for
18 whom the transfer, the appointment was made is the
19 one that has the case and is tracking the specificity
20 of the individual appointment.

21 CHAIRPERSON MENCHACA: OK. Ah, no
22 tracking, but your providers have a sense of that?

23 COMMISSIONER MOSTOFI: We're tracking why
24 people are calling and if an appointment was made,
25

2 but not the detailed of your name, right? So that's
3 not being, ah, tracked. That gets tracked when...

4 CHAIRPERSON MENCHACA: Does ONA do that?

5 COMMISSIONER MOSTOFI: ...the case gets
6 opened up for you at a particular provider's
7 location.

8 CHAIRPERSON MENCHACA: Yeah, knowing
9 that, that gives us some data, which is, which is
10 important.

11 COMMISSIONER MOSTOFI: Yup, yup.

12 CHAIRPERSON MENCHACA: It's the tracking
13 and the status and ensuring [inaudible] someone's
14 going to close the case.

15 COMMISSIONER MOSTOFI: Yup.

16 CHAIRPERSON MENCHACA: Um, is there
17 anybody else that does that, like ONA or any hotlines
18 that kind of track the status?

19 COMMISSIONER MOSTOFI: That...

20 CHAIRPERSON MENCHACA: Well, Catholic
21 Charities is going to be [inaudible]

22 COMMISSIONER MOSTOFI: Catholic Charities
23 is here.

24 CHAIRPERSON MENCHACA: So I'll talk to
25 them, I'll talk to them.

2 CHAIRPERSON MENCHACA: So I'm sure you
3 can ask them specific ONA questions.

4 CHAIRPERSON MENCHACA: We will, we will
5 ask them. Sorry about that.

6 COMMISSIONER MOSTOFI: Sure, no.

7 CHAIRPERSON MENCHACA: I have one more
8 set of questions, but I want to bring you back to,
9 ah, our Council Member Levin, who has a preconsidered
10 reso. Questions.

11 COUNCIL MEMBER LEVIN: Thank you, Mr.
12 Chair. Thank you, Commissioner, Administrator. I
13 just wanted to talk for a second about, um, ah, kind
14 of how you're going to continue to evaluate, um, ah,
15 the impact of what the public charge rule could have.
16 Um, so first off, in terms of economic impact to the
17 city, um, have we done an assessment or you've done
18 an assessment around what you think the direct
19 economic impact will be and then the indirect
20 economic impact will be? And you could speak to that

21 COMMISSIONER MOSTOFI: Sure. Yeah, thank
22 you for the question. Um, so, ah, when the NPRM or
23 the proposed rule was issued last fall we did conduct
24 an analysis in partnership with our Office for
25 Economic Opportunity and our colleagues at DSS to

1
2 look at impact, and I would note that the final rule
3 which was just published less than a month ago is
4 over 800 pages. There's a lot of open questions
5 around its application...

6 COUNCIL MEMBER LEVIN: Right.

7 COMMISSIONER MOSTOFI: ...and what it will
8 actually look like in practice, um, and so we don't
9 have updated numbers yet. But at that time we
10 estimated that hundreds of thousands of New Yorkers
11 could be impacted, with particular emphasis on the
12 chilling effect of New Yorkers who might think
13 they're impacted or have fear or confusion and choose
14 to withdraw. We not only looked at people but also
15 economic activity and we estimated that at least 420
16 million dollars in economic losses to New York City
17 could be seen.

18 COUNCIL MEMBER LEVIN: Annually, or?

19 COMMISSIONER MOSTOFI: Yes, annually, um,
20 and, ah, again this was based on the proposed rule
21 and some preliminary analysis that we looked at.
22 Notably, we did present, um, on our findings to the
23 federal government's OMB office.

24 COUNCIL MEMBER LEVIN: Um, I should
25 probably know this, but do we have a sense of what

1 percentage of our overall city's economy that is? I
2 can look that up.

3
4 COMMISSIONER MOSTOFI: Um, oh, gosh, I'm
5 really not the economics person in the room. Um, it
6 is, I don't think it's a huge percentage of the
7 city's overall economy. What I would say, though...

8 COUNCIL MEMBER LEVIN: Even if it, even
9 it's a half a percent or a percent.

10 COMMISSIONER MOSTOFI: Yeah.

11 COUNCIL MEMBER LEVIN: That's serous.

12 COMMISSIONER MOSTOFI: Yeah, yeah. We
13 based this analysis on estimates of, of how many,
14 what percentage of people might choose to forego, for
15 example, SNAP assistance.

16 COUNCIL MEMBER LEVIN: Um-hmm.

17 COMMISSIONER MOSTOFI: So it's, again,
18 narrow and even despite it being that narrow you're
19 talking about not just the, ah, direct cost of the
20 SNAP benefit itself, but the economic multiplier in
21 our small businesses and our grocery stores and our
22 communities, right?

23 COUNCIL MEMBER LEVIN: Of course.

24 COMMISSIONER MOSTOFI: And all of that
25 has, has an impact, right? It matters both in terms

1
2 of individual families, but also the economic
3 activity of the city.

4 COUNCIL MEMBER LEVIN: Um-hmm. Um, ah,
5 how, how are we creating, um, now the structure of
6 monitoring, ah, what kind of impact this will have
7 over at HRA or DSS, in terms of how we're kind of
8 week to week and as granular as possible, whether
9 it's through, um, community board level or, ah, zip
10 code, or however we're looking to, um, ah, delineate
11 that. But how are we kind of creating the structure
12 the monitor this and make sure that we are, um, able
13 to respond as quickly as possible where there's a
14 need?

15 ADMINISTRATOR BONILLA: Sure. So we are
16 currently reassign the analysis that we had released
17 in June to see if there has been any change in our
18 numbers. Um, I have to say that one of the
19 challenges is that while we had a percentage that
20 was, that we thought was alarmingly high it wouldn't
21 be necessarily seen in the larger portion of the 1.5
22 million people that we serve, ah, so we are refining
23 those, those analysis as we speak.

24 COUNCIL MEMBER LEVIN: Um-hmm, OK.

25 COMMISSIONER MOSTOFI: But, yeah...

2 COUNCIL MEMBER LEVIN: But in terms of
3 like a framework...

4 COMMISSIONER MOSTOFI: Sure.

5 COUNCIL MEMBER LEVIN: For how you're
6 going to be tracking like, you know, week to week or
7 month to month.

8 COMMISSIONER MOSTOFI: Yeah, I'll start a
9 little bit in saying overarchingly this is
10 complicated and for good reason, um, in that we as a
11 city as a whole, um, it's important and critical to
12 us that we're not, ah, you know, we're not needlessly
13 asking people questions around immigration or
14 immigration status when they're choosing to engage
15 with our agencies and/or choosing to forego the use
16 of a benefit. So the way that we're able to look at
17 this and to track it is as we've done for over a
18 year, is monitoring overall caseloads and then
19 working really directly with frontline staff to get
20 anecdotal information as well as the community
21 providers and members that we have been working with,
22 so that we can make adjustments as necessary, either
23 with, ah, increased resources or services or, ah,
24 ensuring that communities have the right information
25 through outreach and community engagement. The

1 preliminary way that we monitored this, ah, after we
2 did the preliminary analysis in monitoring this we
3 let a little bit of time go and then DSS did an
4 overarching look at their whole caseload to be able
5 to try and isolate what was happening and the best
6 way to do that was to look at the noncitizen versus
7 the citizen population, and that is where you saw our
8 immediate sort of release in showing that there was
9 about 25,000 individuals that we saw, ah, foregoing
10 the utilization of SNAP benefits that may otherwise
11 have continued to or been able to continue utilizing
12 them. So that is an example of how we have been
13 monitoring and how our intention in terms of kind of
14 moving forward what we're doing. MOOIA works in
15 coordination with the key impacted agencies on the
16 monitoring and have regular check-ins and calls to
17 see, ah, kind of how, what people are hearing and/or
18 seeing and if there are ways that we can better
19 understand the caseloads.

21 COUNCIL MEMBER LEVIN: Have we given, and
22 I'm sorry if this was asked before, but have we given
23 thought to how we will engage, um, various media in
24 impacted communities, whether it's the radio, subway,
25

1
2 um, print media, online media, um, and then, you
3 know, how we can make that in different languages.

4 CHAIRPERSON MENCHACA: I think Council
5 Member Cabrera asked that earlier.

6 COUNCIL MEMBER LEVIN: Oh, I apologize.

7 COMMISSIONER MOSTOFI: He did. I will
8 just add one thing that I didn't speak to you
9 earlier, which is after we saw the SNAP data we did
10 do a series of targeted ads in community and ethnic
11 media in different languages, um, to see if that was
12 a way that we could more immediately, ah, address
13 maybe concerns or confusion and direct people to good
14 information and so, again, that's something that
15 we're continuing to look at in terms of ways to be
16 effective and to be immediately responsive, as we see
17 impacts.

18 COUNCIL MEMBER LEVIN: Thank you very
19 much, and I appreciate all the work you're all doing
20 on this, and we'll have to continue to work together
21 to fight this really outrageous infringement on
22 Americans' rights. This is really, it's a very
23 distressing development for us as a country and I
24 think it's right that we as a city stand up with
25

2 clarity, um, and solidarity with our brothers and
3 sisters.

4 COMMISSIONER MOSTOFI: Thank you.

5 COUNCIL MEMBER LEVIN: Thank you. Thank
6 you, Mr. Chair.

7 CHAIRPERSON MENCHACA: Thank you, Council
8 Member Levin. Ah, please explain the trainings in
9 your testimony that you talked about public charge
10 rule that you've conducted from August 2019 to the
11 present. Who conducted the trainings? How were they
12 conducted, over the phone, in person, which agencies
13 were included in the training?

14 COMMISSIONER MOSTOFI: The agency
15 trainings specifically?

16 CHAIRPERSON MENCHACA: Yeah, the
17 agencies, yeah, all of the trainings. You were
18 expansive. You referred to kind of mitigation and
19 planning with city agencies and partners. Can you
20 just describe exactly what those trainings were, ah,
21 in person, on the phone, how many employees were
22 trained, how were they selected for the training, was
23 the training voluntary, that kind of stuff, and I'll
24 come in with more.

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2 COMMISSIONER MOSTOFI: Sure, I'll start
3 at a high level and then have my sister agency speak
4 to the agency-specific level.

5 CHAIRPERSON MENCHACA: Great.

6 COMMISSIONER MOSTOFI: So high level, we
7 formed a working group, um, over a year ago
8 [chuckles], ah, that was led by MOOIA but in
9 partnership with DSS and H&H, HPD, NYCHA, and others
10 who would be more immediately impacted. Ah,
11 trainings that were conducted included sort of the
12 initial analysis of the rule, the proposed rule at
13 the time and now the final rule, um, what the initial
14 analysis looked like, what the changes were in terms
15 of immigration practice, um, and what resources would
16 be available, ah, to the agencies to be able to
17 support New Yorkers as they had questions or were
18 coming through. We worked with the core group of
19 agencies to talk through the specific agency
20 resources and share best practices amongst each other
21 in terms of, ah, messages shared out, training as
22 delivered to staff, materials developed, etc. We
23 worked with a much broader, larger pool of agencies
24 to share the top line information, the resources,
25 toolkits, and more. We've done that both in the

1
2 proposed stage and now in the final stage, including
3 agency memos that have talking points and kind of an
4 FAQ.

5 CHAIRPERSON MENCHACA: MOOIA conducted
6 all this?

7 COMMISSIONER MOSTOFI: Yeah, yes, in
8 partnership with the sister agencies, with our kind
9 of core group, if you will, I'm flanked by two of
10 them [laughs]. But why don't you guys speak to...

11 CHAIRPERSON MENCHACA: Well, I'm still on
12 top level, ah, was this like an email memo that was
13 sent out? Was this a phone call? How was that
14 conducted?

15 COMMISSIONER MOSTOFI: The trainings and
16 briefings, regular calls took place, um, and, ah, we
17 did also in-person, um, briefings. We then shared
18 via email materials and then a broader agency memo
19 that was more specific and then individual agencies
20 either took from that and developed their own
21 materials or shared that out broadly to the right
22 staff amongst them. But I'll let these guys...

23 CHAIRPERSON MENCHACA: Well can you, can
24 you pull out exactly what happened after August 2019?
25 So it's, this is like the last year. Is there

1 anything that you can point to that, that happened
2 after 2019, and that will be for everyone else,
3 because I think we got a lot of that through the last
4 hearing.

5
6 COMMISSIONER MOSTOFI: Sure.

7 CHAIRPERSON MENCHACA: So let's just
8 focus on August, post August 2019.

9 COMMISSIONER MOSTOFI: Sure. We did an
10 immediate email that indicated that the final rule
11 had been issued and then scheduled, I believe it was,
12 two days later a call with a large group of agencies
13 and in the interim the smaller group of agencies that
14 I noted, so the small working group being the core
15 impacted agencies like DSS and H&H, who we were daily
16 working with from the beginning of the publication of
17 the rule and doing a shared analysis of, um, and then
18 developing the broader training and briefing for all
19 of our sister agencies, which, as I said, took place
20 a couple of days later. I think it was the Wednesday
21 or Thursday of the same week that the rule was
22 published. Um, from there we disseminated a follow-
23 up email, um, and, ah, links to resources as we had
24 them available. We had been updating our
25 nyc.gov/publiccharge page with immediate information

1
2 and updated flyers as we were developing them and
3 having them translated, um, and so that was
4 immediately shared out, um, and then collaboratively
5 we worked on a larger agency memo, um, that was, that
6 was shared, ah, I think a few days after that, it has
7 since been shared [laughs] maybe a week later when
8 further analysis of the rule itself, um, occurred
9 and, ah, we had more of the response, including the
10 resources, the digital toolkit, etc., in place for
11 all of the agencies to be able to pull from and
12 utilize. So that kind of top lines since the
13 proposed rule in mid August and I'll let these guys
14 talk to specific agency responses.

15 CHAIRPERSON MENCHACA: Before they go.

16 COMMISSIONER MOSTOFI: Oh, sorry. Still
17 on me, great.

18 CHAIRPERSON MENCHACA: You're still on,
19 really quick. Ah, was there a sense of how many
20 people got touched and in what ways? So was there
21 like a, you know, these many people read emails,
22 these many people got phone calls, is there a sense
23 of how, how robust...

24

25

2 COMMISSIONER MOSTOFI: And you're, you're
3 just talking about agencies, right? You're not
4 talking about stakeholders broadly?

5 CHAIRPERSON MENCHACA: Outside of city
6 agencies?

7 COMMISSIONER MOSTOFI: Yeah.

8 CHAIRPERSON MENCHACA: No, just city
9 agencies.

10 COMMISSIONER MOSTOFI: Just the city
11 agencies.

12 CHAIRPERSON MENCHACA: Just focus on city
13 agencies.

14 COMMISSIONER MOSTOFI: We can share, I
15 don't remember the number of agencies that called
16 into the briefing, but we can share that...

17 CHAIRPERSON MENCHACA: Great.

18 COMMISSIONER MOSTOFI: ...with you and the
19 number that were invited to that, um, and then we
20 don't have how many opened the email, but, um, I will
21 say the agencies have been really remarkable in that
22 they've been hugely engaged on this, even the ones
23 that are not immediately or directly impacted but
24 understand how critical this is, have asked for one-
25 on-one conversations. I'm just talking top line.

1
2 That doesn't include the daily sort of back-and-
3 forth, the one-on-one conversations, the sharing of
4 best practices, um, that we've been doing, not only
5 last year but since the final rule was published in
6 August with agencies from DIFDA to Mayor's Office,
7 Physical Disability, to DSS and H&H and DOE and
8 others. So it's a large list. We can share the
9 number of agencies that have been participating.

10 CHAIRPERSON MENCHACA: Great. And we
11 want, we want to share that same sentiment of
12 appreciation, and just like the information data.
13 And then finally before your sister agencies go and
14 speak to this question, are there any trainings that
15 are scheduled before October 15? Are there anything,
16 is there anything on the calendar right now that you
17 have prepped and ready to go? And what is that?

18 COMMISSIONER MOSTOFI: Sure. Um, we
19 don't have anything scheduled yet, ah, sort of from
20 MOOIA on kind of the top lines for agencies. A
21 number of agencies, I think I spoke to this, have
22 trainings scheduled that are working with our team to
23 help develop, um, so I don't have those dates, but
24 I'll let these guys speak to them, if they have them,
25 and, ah, we are looking at October 15 and thinking

1 through all the pieces that we want to make sure are
2 in place if the rule is to go into effect at that
3 time. We believe that this is, ah, a rule that has
4 many legal issues in it and have legally challenged
5 it.
6

7 CHAIRPERSON MENCHACA: I agree.

8 COMMISSIONER MOSTOFI: And believe that,
9 ah, we are hopeful that there could be a delay in
10 that 15th date. We also talked to Catholic Charities
11 and our [inaudible] partners about, um, possibly
12 doing a second, ah, phone bank closer to the date,
13 depending on sort of what we see, um, transpire. So
14 yes we are, our eyes are on the 15th and we're
15 thinking through everything that needs to be in
16 place, um, before that date and when we need to make
17 the decisions on that if there is isn't an immediate
18 delay in implementation.

19 CHAIRPERSON MENCHACA: Wonderful. Now
20 our sister agencies.

21 ADMINISTRATOR BONILLA: So at HRA we were
22 in touch with MOOIA as soon as we knew that the rule
23 was published. Ah, usually what happens is that our
24 legal teams huddle up to get an interpretation of
25 like what is the impact. The same week, ah, that the

1 rule was published Commissioner Banks sent out an
2 agency-wide email to HRA, DSS, DHS, that hits about
3 17,000 employees across our three branches. Ah, we
4 follow up, normally from the HRA side we will follow
5 up, ah, with conversations and multiple emails to our
6 providers to make sure that they also know what's
7 going on. The main message for us is that nothing
8 has changed, that we're open for business, that we
9 should continue to speak to clients and allow them to
10 apply, and that in the event that a client is feeling
11 uneasy about applications, an application for
12 benefits because it could affect their immigration
13 status that they should turn, advise them to go to
14 ActionNYC.

16 CHAIRPERSON MENCHACA: And I guess my
17 only asking for clarifying is, is the specific
18 concept around training? So this is kind of info,
19 which is great.

20 ADMINISTRATOR BONILLA: Yup.

21 CHAIRPERSON MENCHACA: And maybe that's
22 what you want to consider as training, but is there
23 any training that happened after August 2019?

24 ADMINISTRATOR BONILLA: Absolutely. So
25 that is our immediate response.

2 CHAIRPERSON MENCHACA: OK.

3 ADMINISTRATOR BONILLA: What follows up
4 with that is that we have already agency trainings
5 that happen on a daily basis because of all of the
6 changes in...

7 CHAIRPERSON MENCHACA: And this is public
8 charge trainings?

9 ADMINISTRATOR BONILLA: These are normal
10 trainings, normal course of events, ah, for changes
11 on forms from the state, a number of things. So what
12 we've done is we've infused the public charge topic
13 into those trainings. Ah, our team from Oriya has
14 also gone out to speak to staff to also talk about
15 the impact of this, of this rule on our services.
16 But it's already things that we have scheduled and we
17 include public charge into that schedule.

18 CHAIRPERSON MENCHACA: Can you share that
19 with us, too? What's interesting for us is trying to
20 understand how we get to the goal. I think we're
21 trying to do this in multiple ways and want to
22 understand is, is, ah, frontline and how you define
23 frontline. Were any of these people that you just
24 referred frontline staff? How were they trained?
25 Because we definitely have a, we're seeing some

1
2 divide here in how we can kind of conquer the
3 ultimate question about getting everyone trained and
4 with some oversight.

5 ADMINISTRATOR BONILLA: Sure.

6 CHAIRPERSON MENCHACA: And so if there's
7 anything that you can kind of point to with, um, who
8 they, who got trained, were they frontline staff, and
9 are these trainings for all your frontline staff that
10 you're talking about?

11 ADMINISTRATOR BONILLA: So these
12 trainings are for all frontline staff. We identify
13 frontline staff as client-facing staff. So these are
14 the staff that would interact with clients when they
15 apply for these benefits. Ah, we also make sure that
16 we have briefings for the directors of our centers
17 and the folks that are the supervisors of the staff.

18 CHAIRPERSON MENCHACA: So frontline for
19 us is client-facing for you and that's the same thing
20 essentially that we're, OK, and we can come back to
21 that question. OK. Mr. Keeley. Post August 2019,
22 if you could just focus on that. Thank you.

23 CHRIS KEELEY: Right. So after the final
24 rule was released when the first week, it may have
25 even within the first 24 hours, I think, um, Dr.

1 Mitch Katz, our CEO and president, released an all-
2 staff email that goes out to somewhere between 35,000
3 and 40,000 Health and Hospitals staff. In that he
4 restated our commitment. Nothing has changed yet.
5 The doors are open. This does not, the key messages
6 were this does not impact all New Yorkers. This does
7 not impact all immigrant New Yorkers. This does not
8 impact all patients of Health and Hospitals. We
9 really tried to from the very beginning underscore
10 that message of this sounds and is intentionally
11 being sold as much scarier than it is. This is a
12 very, this is a horrific policy. It's, it's an
13 inhumane policy. But it's not as broad as it's being
14 packaged and sold to be. And so what our core
15 messages to our staff are, what our core messages
16 that we're trying to get out to our patients is, is
17 take a breath. We don't know if this impacts you.
18 What we want to do is make sure that you get
19 connected with the resources that you need. Those
20 are the legal resource, legal service resources. We
21 have them available on site at all of our hospitals,
22 a number of our community clinics, our post-acute
23 care, you know, nursing homes. We have them

1 available, um, ah, upwards of 30 clinics per week in
2 partnership with our friends [crosstalk] health.

3
4 CHAIRPERSON MENCHACA: Let me pause you
5 there and ask if you can focus on training.

6 CHRIS KEELEY: Sure.

7 CHAIRPERSON MENCHACA: Any specific
8 training, so this is all still kind of information
9 that people are getting and reading. I'm, I'm really
10 looking for trainings that have happened since August
11 2019.

12 CHRIS KEELEY: Yeah. So when we're
13 looking at the trainings is the key, as you're
14 saying, they are frontline staff. We want, as I
15 said, sort of the broad universe of our staff to be
16 top line familiar with just the terminology of public
17 charge. But there's particular frontline staff that
18 we expect are going to be getting those questions
19 most routinely. So we think about social workers.
20 We think about financial counselors. Those are care
21 managers. Those are the most common that we're
22 looking to do trainings on and so the, the folks that
23 help to support and manage the financial counselors
24 across our system, of which there are hundreds, um,

2 we've done trainings for nearly all of them at this
3 point, I would expect, if not all of them.

4 CHAIRPERSON MENCHACA: Since, since
5 August 2019?

6 CHRIS KEELEY: Since August, yes.

7 CHAIRPERSON MENCHACA: Everyone got
8 trained?

9 CHRIS KEELEY: And it's largely in the
10 same way that HRA was describing sort of using
11 existing training opportunities and what we've done
12 is included, um, included specific messaging around
13 public charge and it is the same message others are
14 describing. It is not impacting everyone. If a
15 patient has a request or a concern around public
16 charge get them connected with the legal resources so
17 they can better understand if they're impacted, and
18 if so what might be the best choice for them.

19 CHAIRPERSON MENCHACA: OK. Thank you.
20 Council Member...

21 CHRIS KEELEY: And there's, there's
22 plenty more, if you'd like to hear it.

23 CHAIRPERSON MENCHACA: Yeah, we, I'm
24 going to follow up on all that you just said in terms
25 of the, ah, the staff that were trained. It sounds

1
2 like you do have a frontline staff definition so we
3 kind of what to get to that as well 'cause I think
4 that's sort of bills refer to, and so I want to make
5 sure that we're understanding in what those are and
6 what they're not as well, and so that's going to be
7 important for follow-up. Ah, I think most, I think a
8 lot of the bills kind of refer to that. Council
9 Member Chin.

10 COUNCIL MEMBER CHIN: Thank you, Chair.

11 I wanted to, you know, ask about Council Member
12 Rivera's bill that requires the DOE to disseminate
13 accurate information on this public charge. So in
14 this past year have any kind of, um, outreach to DOE?
15 I just heard earlier that DOE was part of the agency
16 group. So has any kind of outreach done to them to
17 get information out to parents, teachers, and
18 students?

19 COMMISSIONER MOSTOFI: Ah, yes, um, and
20 in general we work with the DOE on dissemination of
21 sort of broad messaging around immigration and
22 immigration policy, and have tried to refine and
23 strengthen that over the course of this year. Um, I
24 don't recall off the top of my head everything that
25 they did following the proposed rule, but similar to,

1
2 ah, my sister agencies here there was messaging, as I
3 recall from the chancellor and messages that were
4 just, ah, and flyers that were disseminated across
5 the schools, um, so that people had immediate access
6 to what, what is public charge, if they're getting
7 asked questions and how to direct parents or
8 students. Um, we're working with DOE now at
9 development of new materials, um, given the final
10 rule for dissemination as well.

11 COUNCIL MEMBER CHIN: So there were
12 initial information that went out?

13 COMMISSIONER MOSTOFI: Yes.

14 COUNCIL MEMBER CHIN: So from that was
15 there any kind of, um, did you kind of track? Like
16 are there questions that came from parents, teachers
17 because of the information that was sent out?

18 COMMISSIONER MOSTOFI: We didn't, it
19 certainly didn't come to us in terms of a huge spike
20 or increase of questions around public benefits
21 utilization. I think part of that is, of course,
22 because the messaging directs people to contact the
23 immigration legal services providers, so our hotline
24 as the immediate source for getting the advice, and
25 so that's where we've been more focused in looking

1
2 at, ah, call, callers, call volume, and then the
3 issue if public charge is raised. Um, but we haven't
4 heard necessarily from DOE or from specific schools
5 or principals of increased, ah, questions around this
6 specifically.

7 COUNCIL MEMBER CHIN: So in this next
8 round are, could you work with DOE to find out, I
9 mean, find out to really pay some attention to see if
10 there are getting increase or question, you know,
11 from individual schools, and also because oftentimes
12 I think a lot of us is immigrant, the students,
13 especially middle school...

14 COMMISSIONER MOSTOFI: Sure.

15 COUNCIL MEMBER CHIN: And even younger
16 students acts as the translator for their parents and
17 they probably are the one that's going to HRA to help
18 their parents apply for benefits.

19 COMMISSIONER MOSTOFI: Yup.

20 COUNCIL MEMBER CHIN: So it's really
21 important to get to the student...

22 COMMISSIONER MOSTOFI: Yup.

23 COUNCIL MEMBER CHIN: And also with DOE,
24 it's like, also the community education council, um,
25 that represent different school district.

2 COMMISSIONER MOSTOFI: Yup, right.

3 COUNCIL MEMBER CHIN: They should really,
4 you know, have information. So you're talking about
5 from K-3 all the way to 12th grade.

6 COMMISSIONER MOSTOFI: Right, right.

7 COUNCIL MEMBER CHIN: That, that
8 information need to get out to them.

9 COMMISSIONER MOSTOFI: Yes, thank you for
10 that. We agree [laughs].

11 COUNCIL MEMBER CHIN: We just want to
12 make sure DOE does their part because, you know, they
13 have over a million student. The other question I
14 want to ask is that I know you were talking about the
15 top tier agency and MOOIA is really taking the lead
16 on it, which is great. So are there a, is there a
17 deputy mayor that is really kind of overseeing, um,
18 this coordination, this effort? Has it rise up to
19 that level?

20 COMMISSIONER MOSTOFI: Um, it has risen
21 to that level. There's not a single deputy mayor.
22 Um, I think that speaks to the, ah, significance and
23 importance of this issue and how cross-cutting it is
24 across our agencies. We actually convened all of the
25 deputy mayor's over a year ago in advance of the

1
2 proposed rule to ensure that they were briefed, their
3 key staff at City Hall were briefed. They understood
4 what this was, if it were to come down, and what our
5 request was as MOOIA in activating their shops and
6 helping to coordinate, ah, agencies, ah, across the
7 administration. So all of the deputy mayor shops
8 have been involved as a part of the working group,
9 have been briefed and informed, and they're
10 continuously active, um, as needed. I'd say the key
11 two deputy mayors that have been the most engaged and
12 the most involved include Deputy Mayor Thompson and
13 previously Deputy Mayor Polacio and her team.

14 COUNCIL MEMBER CHIN: Great. Thank you,
15 Chair.

16 COMMISSIONER MOSTOFI: Thank you.

17 CHAIRPERSON MENCHACA: Thank you, Council
18 Member Chin. And on DOE, has MOOIA done anything
19 relating to public forums with parents? Today is, I
20 think, the first day of school for kids.

21 COMMISSIONER MOSTOFI: It is.

22 CHAIRPERSON MENCHACA: If anybody has
23 kids, um, I hope today was good. Ah, this week,
24 right?

25 COUNCIL MEMBER CHIN: Thursday.

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2 CHAIRPERSON MENCHACA: Thursday is the
3 first, um, and good luck.

4 COMMISSIONER MOSTOFI: I don't know why
5 it's Thursdays, but yeah [laughs].

6 CHAIRPERSON MENCHACA: Yeah, right. It's
7 the, it's the short week. But the work that MOOIA is
8 doing around parent engagement, is there anything
9 that you can kind of point to, post 2019, August
10 2019.

11 COMMISSIONER MOSTOFI: Sure. Sure.
12 There's two places of ongoing work that we do, um,
13 three, really, places of ongoing network that we do
14 with parent engagement in which we, um, in the same
15 way they sort of talk about infusing public charge
16 into the work, we've done so there as well. Um, one
17 is actually through ActionNYC and with our partners
18 at Make the Road and Catholic Charities, um, in
19 providing immigration legal clinics to the schools,
20 particularly ones where there's populations that
21 would most benefit in having, ah, immigration legal
22 services come to the school and be provided so we do
23 that every year, um, with both returning to schools
24 and also entering new schools, and if there are
25 schools that we don't work with or that you're

1 interested in us working with please share that with
2 us so that we can engage properly, um, there and so
3 obviously that's one important venue, and there's a
4 whole, um, ah, initiative led by Make the Road and
5 some of our providers in doing outreach and
6 engagement with the school very intimately in advance
7 of those clinics and sharing information and getting
8 information out, so that's one avenue. Another is
9 that we do, ah, help facilitate both kind of city
10 focused or centered ones and some community focused
11 and centered ones, know your rights forums within the
12 schools, um, and work closely with, um, community
13 providers and also schools themselves in having, in
14 facilitating that. Often the parent coordinators are
15 some of the best partners in making those happen and
16 ensuring that parents are aware of them and having
17 the community come and get the information and share
18 it, and we've been successful both in doing them in
19 schools, but also, and as I said, including, ah, not
20 just public charge but shifts in immigration policy
21 that have happened or enforcement patterns to get
22 good information out more broadly and using those
23 opportunities as a way to do so, um, and then finally
24 working with DOE in sharing information with
25

1 principals, with, ah, schools more broadly, um, and
2 kind of hyper focusing if there's specific areas or
3 needs that can arise.
4

5 CHAIRPERSON MENCHACA: NYCHA.

6 COMMISSIONER MOSTOFI: Yes.

7 CHAIRPERSON MENCHACA: My bill would kind
8 of encompass NYCHA.

9 COMMISSIONER MOSTOFI: Yeah.

10 CHAIRPERSON MENCHACA: I haven't heard
11 NYCHA, or maybe you have, or let's put that front and
12 center. Is NYCHA...

13 COMMISSIONER MOSTOFI: Have I heard of
14 NYCHA, is that what you [laughs]?

15 CHAIRPERSON MENCHACA: Ah, no, I meant
16 more in this conversation, we're talking about DOE a
17 lot. We talked about HRA and the hospitals. I'm
18 talking now, let's bring NYCHA to the front end and
19 talk a little bit about the trainings around public
20 charge conducted and the level of cooperation with
21 NYCHA.

22 COMMISSIONER MOSTOFI: Sure. So, ah,
23 NYCHA and HPD have been a part of sort of that core
24 group of agencies because of the specific benefits
25 that they administer that would be impacted. So, um,

1
2 as agencies they've been, ah, not only engaged but a
3 part of sort of the core group in terms of analyzing
4 and understanding impact and then ensuring that
5 they're, ah, their staff is receiving good and
6 accurate information and resources. So NYCHA is a
7 part of that group.

8 CHAIRPERSON MENCHACA: What's the level
9 of cooperation there?

10 COMMISSIONER MOSTOFI: Um, at the agency
11 level they've been great.

12 CHAIRPERSON MENCHACA: OK.

13 COMMISSIONER MOSTOFI: They've been
14 hugely cooperative, um, and, um, we have also trained
15 our public engagement unit, who does housing support,
16 um, and tenant support advocacy, ah, engagement and
17 outreach on public charge, so they are aware of it
18 and able to support as they're doing individual cases
19 as well.

20 CHAIRPERSON MENCHACA: OK. I'm winding
21 down here. Ah, state.

22 COMMISSIONER MOSTOFI: Yes.

23 CHAIRPERSON MENCHACA: What's your
24 collaboration and conducted information sharing with
25 the State of New York and that's an open question.

1
2 Are you working with the state at all, with the
3 governor's office, with anyone of those agencies on
4 anything relating to public charge?

5 COMMISSIONER MOSTOFI: Yes. Um, we're
6 working with a lot of the agencies. I think
7 critically we are partnered with the state in our
8 litigation, um, and so working very closely across
9 all city and state agencies through litigation to
10 ensure that we understand ah, ah, not only what is
11 happening at the local level, but the state level
12 that as a whole we are jointly, ah, presenting the
13 impact on our communities and our residents and we're
14 working very closely together to do so. We've also
15 been in regular conversation with our state
16 counterparts around impact, ah, and monitoring to
17 make sure that we're sharing information in that
18 regard. We've worked closely with ONA, both in terms
19 of hotline partnership and referrals and also through
20 things like the phone bank, and so I think certainly
21 I feel very good that there's a, there's a strong
22 partnership and that there's an open line of
23 communication and dialogue, but I'll these guys add.

24 ADMINISTRATOR BONILLA: So, ah, from an
25 HRA perspective our oversights are OTD, OCFS, and

1
2 DOH, and we work very closely with them, ah, to
3 ensure that we're providing coordinated information
4 to our staff to administer these benefits. We're in
5 constant conversation. My understanding is that at
6 the state level, just like these gathered to see what
7 the impact is, our state partners are doing the same.

8 CHRIS KEELEY: In Health and Hospitals we
9 were coordinating with the state Department of Health
10 in particular, because one of the primary impacts
11 that's connected to health is obviously Medicaid
12 being one of the enumerated benefits under the public
13 charge rule, so we wanted to understand and make sure
14 that we were fully aligned on the understanding with
15 them around some of the nuances that are behind that,
16 and it's been a very collaborative and productive
17 conversation with them.

18 CHAIRPERSON MENCHACA: That's really good
19 to hear, and I know we're trying to do that also on
20 census and some other things, and so things are
21 looking good. So here's my final question, and
22 really a thought, because we have two more panels,
23 one here from the advocates, especially in response
24 to what we just heard today as we finalize the
25 strategy. There's a real difference here between

1
2 information sharing, sending an email out to all your
3 partners, and then training that we're trying to
4 codify by law. And that's what's going to be at the
5 crux of these continued negotiations with the bills.
6 They all kind of speak to it very differently. And
7 one of the, one of the, ah, my bill actually, refers
8 to a definition around appropriate employees, what
9 we're calling frontline staff, what you're calling
10 client-facing, ah, there's still a discrepancy in
11 understanding what that means and what I want to know
12 as a kind of final departing question that will be
13 continued in conversation and negotiation is if I'm
14 someone who is going to an HRA facility and I speak
15 to someone there, just kind of walk in and the first
16 person that I speak to, is that a client-facing
17 employee? Ah, because that's what you're using.
18 We're using what we're going to reconfigure
19 appropriate employee, but what we want are front-
20 facing. Anyone who walks into any one of these
21 facilities should be able to be trained and
22 understand how to, how to send someone where they
23 need to be sent, and talk to the appropriate person.
24 And we're all saying the same thing, talk to a
25 lawyer, talk to a lawyer, call a lawyer, call a

2 lawyer, call a lawyer today right now, call a lawyer,
3 and we gave you two phone numbers to call.

4 COMMISSIONER MOSTOFI: Sure.

5 CHAIRPERSON MENCHACA: And so I think
6 that's, I don't think the person I'm going to walk
7 into HRA who is going to greet me at the door is a
8 client-facing person. Unless that's true then we're
9 good, and if not then I want to know what's the
10 difference there.

11 ADMINISTRATOR BONILLA: So the first
12 person that you're going to greet many times is going
13 to be our HRA police, right? And in all things having
14 to do with benefits...

15 CHAIRPERSON MENCHACA: I don't think
16 that's a client face, maybe, maybe there, is that a
17 client-facing...

18 ADMINISTRATOR BONILLA: We would consider
19 them part of our customer service toolkit, right? So
20 if a person...

21 CHAIRPERSON MENCHACA: But I didn't hear
22 client-facing.

23 ADMINISTRATOR BONILLA: They would be
24 considered client-facing.

2 CHAIRPERSON MENCHACA: They would be
3 considered client-facing? OK.

4 ADMINISTRATOR BONILLA: Ah, yes, they
5 would be client, they would, work with the public.

6 CHAIRPERSON MENCHACA: This is really
7 important.

8 ADMINISTRATOR BONILLA: They would
9 normally, and I just want to put this into context of
10 delivering services from a public assistance
11 perspective, right? If I walked in and I said I need
12 to apply for SNAP I would be directed to a customer
13 service person, who is also a client-facing person.
14 Right? If I decide to wait and not apply online, but
15 I'm going to wait for a caseworker or an eligibility
16 specialist, that person is also a client-facing
17 person. So from the moment you walk in the door all
18 of those folks are part of our, part of our client-
19 facing community. Right?

20 CHAIRPERSON MENCHACA: Right.

21 ADMINISTRATOR BONILLA: What I want to be
22 clear about is that I wouldn't want our HRA police
23 giving out immigration advice or saying even...

24 CHAIRPERSON MENCHACA: Neither would I.

25 ADMINISTRATOR BONILLA: Right? OK, good.

2 CHAIRPERSON MENCHACA: Oh my God, no way.

3 ADMINISTRATOR BONILLA: Right.

4 CHAIRPERSON MENCHACA: But that's not
5 what we're asking to do.

6 ADMINISTRATOR BONILLA: Yeah, so
7 that's...

8 CHAIRPERSON MENCHACA: And that's,
9 that's, I want you to be clear about that.

10 ADMINISTRATOR BONILLA: Yeah.

11 CHAIRPERSON MENCHACA: That's not what
12 we're asking them to do, but we want to make sure
13 that they're trained so they can send them to the
14 right place, to talk to someone at ActionNYC or call
15 the ONA hotline and be able to do that work.

16 ADMINISTRATOR BONILLA: So that person
17 would normally send them to our customer service
18 staff, so that we can get a real clear understanding
19 as to why that person walked in, right? Most people
20 don't walk in and tell someone in uniform I have
21 questions about my immigration status. They usually
22 walk in and say where can I go and get a ticket so
23 that I can apply for benefits. That first person you
24 see in customer service would be that first, the

25

1 first client-facing person that could provide you
2 with the information of you should call the hotline.

3 CHAIRPERSON MENCHACA: OK. And I guess,
4 but we want, I think we're still not seeing at eye
5 here, and we're going to continue negotiations. But
6 we want all the customer service people to be trained
7 to be able to triage people to the right place.

8 ADMINISTRATOR BONILLA: So part of that
9 customer service line of defense that I talked about,
10 right, so not the HRA police, but that next person
11 that someone would see, which is usually part of our
12 customer service group, those people are trained.
13 They're trained in the same way that I described our
14 eligibility specialists would be trained, right?

15 CHAIRPERSON MENCHACA: And we don't want
16 any of them giving legal advice.

17 ADMINISTRATOR BONILLA: Correct.

18 CHAIRPERSON MENCHACA: But we want to
19 send, we want to train them to be able to go to
20 ActionNYC...

21 ADMINISTRATOR BONILLA: And they are.

22 CHAIRPERSON MENCHACA: And get to, and I
23 think that's what our bills are saying.

24 ADMINISTRATOR BONILLA: Yes.
25

2 CHAIRPERSON MENCHACA: So we all agree
3 that, that, and this is why we want to legislate
4 this, that we can, we can have a system that we can
5 bring oversight to, to ensure that we know who is
6 going to get trained, what they're going to get
7 trained on, we're using the right words, customer
8 service staff versus client-facing staff, etc., and
9 we'll continue the negotiations. I've taken a lot of
10 your time and I'm saying thank you and really
11 appreciate the work. I want the last note to be that
12 we are incredibly confident because we have been
13 building an incredible and robust system of access to
14 every New Yorker, and this is only to try to
15 understand the final strategy, because we have
16 multiple bills here and that's in a lot of ways good
17 to have an open discussion with our partners, which
18 we're going to hear about and from next. Thank you
19 so much.

20 ADMINISTRATOR BONILLA: Thank you.

21 CHAIRPERSON MENCHACA: We'll get this
22 right, I know we will. OK. Thank you for your
23 incredible patience here. This is like summer,
24 trying to get through the summer ahead. Ah, Ms.
25 Calhoun, New York Immigration Coalition. Rebecca

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2 Novik, Legal Aid Society. Serika Succena, New York
3 City Bar Association. And then Carolyn Cowan from
4 the Chinese American Planning Council. You're here,
5 please come up. I want to hear from you. And we
6 want to have a clock on the testimony, and as you get
7 settled in, thank you again Consumer.

8 UNIDENTIFIED: How much time do you want
9 on the clock?

10 CHAIRPERSON MENCHACA: Three minutes.

11 UNIDENTIFIED: Thank you.

12 CHAIRPERSON MENCHACA: We're going to
13 give three minutes on the clock. I know you have
14 testimony and we're going to read the testimony. But
15 we all went through an incredible amount of detailed
16 discussion and what I'm, I want to ask you all to
17 respond to anything that you kind of heard from the
18 testimony and Q&A in terms of the bills, ah, in terms
19 of strategy, and if there's anything that you can
20 kind of point to that reflects flags that you need us
21 to understand. We're negotiating four different
22 pieces of legislation here that are going to inform
23 the strategy and I'm hoping that we can kind of focus
24 on that. I think we're all clear that public charge
25 is horrible, that we're asking everyone to talk to a

1
2 lawyer, and so I really want to kind of move through
3 what I know is a collective understanding and hit us
4 with questions, concerns, flags, and recommendations
5 about bills, especially if they're not going to work
6 for you all after now that you've kind of heard a
7 little bit more about it. I want to hear about that,
8 too, or how they are actually going to help you have
9 what you need so that you can get what you want from
10 the agencies so that you can continue to provide
11 services, ah, and policy making. Ah, Ms. Calhoun.

12 CLAUDIA CALHOUN: Ah, Council Member
13 Menchaca and the entire immigration committee, thank
14 you so much for having us here today. My name is
15 Claudia Calhoun. I'm the senior director of
16 immigrant integration policy at the New York
17 Immigration Coalition. We serve more than 200
18 immigrant-serving organizations across the state.
19 Um, I think it's great to jump in and just talk about
20 the, the opportunities and things we wanted to flag
21 in reference to the four pieces of legislation. I
22 definitely want to thank Council Members Cabrera and
23 Moya, Menchaca, Levin, and Rivera for introducing
24 legislation to, um, help advance the city's response.
25 You know, I think I'll skip forward to the things we

1
2 wanted to say about the bills. I think the first
3 thing, just to talk a little bit about the benefits
4 modification unit and office. I think that, we
5 believe that there's probably some function that
6 having a single hotline where people can call to ask
7 public benefits, that could be very helpful. And if
8 it was as, um, managed correctly and there was good
9 flow of information and some of the training
10 questions were addressed it probably could augment
11 the ActionNYC and Catholic Charities function,
12 because public benefits are its own area of expertise
13 and can be very complex and there could be
14 coordination between the three. We don't endorse the
15 idea of a unit. I don't, I think that the issues
16 that were raised about HRA, about customer service,
17 about warmth, about accessibility, about trust, those
18 are very real, um, we're delighted to work on those
19 issues with the council and with HRA and DSS. But I
20 don't think setting up a unit, as it's been
21 described, is actually going to be very effective in
22 addressing that. I think it's a much broader,
23 systemic thing and you won't be able to shoehorn the
24 kind of tone and warmth through the creation of a
25 unit. Um, we want whatever HRA does to, um,

1
2 encourage people to stay in benefits they're eligible
3 for. I was really heartened by the response I heard
4 from, um, both from HRA and from MOOIA about that. I
5 think that's really important, that we're on the same
6 page about that. Um, so for the, so we look forward
7 to working more on that. The piece for the
8 legislation requiring distribution of information on
9 local emergency feeding programs. I would like more
10 clarity on what information is going to be mandated
11 to be distributed, whether it's referral to EFAP, but
12 I want to take this opportunity to say that is what
13 is much more important than the information that's
14 being given out is the resources the EFAP providers
15 have and we, NYC does not work deeply in nutrition or
16 food security, but what we've heard from EFAP
17 providers is that without additional resources, um,
18 and without additional food supplies there's no
19 increasing capacity, and so you don't want to create
20 a situation where we do a really great job of
21 referring everyone to EFAP in a way that they can
22 access and then that system is overwhelmed. I'll
23 just say really, so I think that monitoring of hunger
24 is really, really important to have represented in
25 the legislation and I think that, um, um, resources

1
2 is the FY 2021 budget, they're going to be really
3 important. In terms of the educational materials, I
4 think that it's great to send stuff out through the
5 DOE. I would just broaden that. I think that
6 there's, um, all the other agencies could be also
7 really useful and, and, we would like, we would love
8 to leverage that legislation as a way to mandate
9 coordinated large-scale flyer distribution, um, sort
10 of through a bunch of different agencies because we
11 know that sometimes that doesn't happen unless
12 there's a very clear mandate. And then finally in
13 terms of training I really appreciated the training
14 conversation. I, we came at it from a slightly
15 different direction. I think what we would recommend
16 is that all city employees determined to have an
17 outreach or benefits enrollment function, so benefits
18 outreach or benefits enrollment function would be
19 required to complete a baseline training. I suspect
20 the last bit of the conversation, um, about the HRA,
21 ah, police personnel, that that made me realize that
22 probably there will be different agency issues in
23 terms of who receives the training, um, so I think it
24 would be good to come up with a standard to go that
25 is statutory that holds, um, the, hits the right note

1
2 in terms of specificity around benefits but doesn't
3 necessarily tie the hands of agencies to create some
4 sort of protocol that's going to cause different
5 problems than we have now. So that's it. Thank you
6 so much for having me here today.

7 CHAIRPERSON MENCHACA: Thank you. Thank
8 you for that.

9 REBECCA ANTANOVIK: Thank you to
10 Chairperson Menchaca and the whole committee for your
11 leadership in fighting to preserve and enhance New
12 York City's extraordinary reputation as a beacon to
13 immigrants to across the globe. My name is Rebecca
14 Antanovik. I'm the director of the Help All Unit at
15 the Legal Aid Society. Um, also appreciate the
16 instruction to just sort of jump into what, um, is,
17 you know, what we can accomplish on the city level.
18 It, you know, is wonderful to see so many advocates,
19 so many, um, so many, ah, city representatives trying
20 so hard to do what we can, what we can from here. We
21 at Legal Aid have been working, um, our help all
22 unit, our immigration law unit, our law reform unit,
23 have been working together, um, to fight public
24 charge in a variety of different ways, including
25 filing litigation, um, last week, um, along with the

1
2 Center for Constitutional Rights and Paul Weiss and,
3 um, have been working in training and outreach and,
4 um, and advocacy for and advice for, for individual,
5 um, clients. We've worked with Make the Road and
6 Empire Justice Center to develop a screening tool
7 for, for advocates and it is, um, in, you know, it
8 really is great to see what the council is doing in,
9 in trying to make efforts on the city level. Um,
10 just to speak specifically about the, um, the
11 legislation, we, um, we also have concerns about, um,
12 Council Member Cabrera's bill and the disenrollment
13 unit. I think a lot of our concerns have really
14 been, um, been raised already, but we are, you know,
15 we are concerned about the potential, um, chilling
16 effect of the creation of this, um, of this unit and
17 we, you know, like many others are just, are really
18 encouraging people to get to an attorney, to get to
19 the ActionNYC hotline. Um, we, um, you know we
20 support, ah, Council Member Menchaca's bill for, um,
21 for requiring training. Um, we do recommend that the
22 training include guidance for agency workers so they
23 don't inadvertently, um, chill clients from accessing
24 benefits by asking unnecessary questions about
25 immigration status, Social Security numbers. I think

1
2 those questions and that concern always comes from a
3 good place. But, um, one sentence that implies
4 something that someone picks up on can, can really
5 have a, um, a chilling effect. We strongly support
6 Council Member Moya's bill. We do want to sound a
7 note of caution about the way in which the inclusion
8 of information about the food programs could raise
9 additional concerns about public charge. We would
10 recommend that any information that is distributed by
11 mail or email include information about how emergency
12 food aid is not part of the public charge rule and
13 information again about how to connect to immigration
14 legal services.

15 CHAIRPERSON MENCHACA: You can keep
16 going. Yeah, let's finish the legislation comments.

17 REBECCA ANTANOVIK: OK, thank you. Um,
18 and, um, and just to make one note about Council
19 Member Rivera's bill, um, we, you know, strongly
20 support the, um, the provision of this, um,
21 information through the schools. We believe that it
22 is essential that these educational materials are
23 available in all the mandated languages to make sure
24 that non-English speaking students and parents have
25 access. Just to make one other brief comment, if I

1
2 may. We encourage the city to fund legal service
3 providers to, who specialize in public charge issues,
4 um, as has been mentioned today. One foundation is,
5 is funding some providers now, but we do believe that
6 the city should support these services for immigrant
7 New Yorkers, um, we of course are hoping that the
8 rule does not go into effect on October 15th, but if
9 that does happen, um, of course the need is just
10 going to continue to grow, and thank you very much
11 for your time.

12 CHAIRPERSON MENCHACA: Thank you.

13 SERIKA SUCCENA: Hi. I'm Serika Succena.
14 I'm here on behalf the Immigration Nationality Law
15 Committee at the New York City Bar Association. Um,
16 thank you for holding this very important hearing. I
17 want to underscore what my, ah, colleagues have been
18 saying in terms of the support of the bills. Um,
19 definitely, you know, underscore that, you know, that
20 the investment that the city has been making in
21 programs like ActionNYC, ah, and other citywide
22 outreach efforts continue, especially, you know, the
23 partnerships with community-based organizations as,
24 you know, there's so much information out there, but
25 what information is actually available in communities

1 is, is really where the emphasis I think should be.
2 But I think, you know, and as my colleagues are
3 mentioning in terms of having, creating that unit, I
4 understand sort of the, um, you know, the intention,
5 um, in creating that but I support my colleagues in
6 opposing the creation of it. Um, we've all been a
7 part of a lot of working groups and committees, just
8 to sort of, you know, um, deal with sort of the, the
9 gaps in sort of just how complicated this rule is,
10 um, and how, you know, sensitive it is for, for, for
11 an agency like DSS to have a unit like that. What I,
12 what I would to add to this is just, you know, um,
13 looking at the package that you've created, it's
14 really great. You're trying to get the information
15 out there, which is incredibly important. Ah,
16 especially where, you know, things like emergency
17 medical care could be, um, you know, there's already
18 a lot of myth, a lot of rumor, it's just accessing
19 these benefits, so it's really important to emphasize
20 that people should still get out and get medical,
21 emergency medical care and that it wouldn't come back
22 and hurt them. I think that's really important to
23 underscore and in those outreach efforts, um, last,
24 you know, I just, I think the outreach and the
25

1 awareness is incredible, um, but also I think that
2 the City Council should be considering the very real
3 gap in medical access that will be a result of this
4 new rule as it will impact low-income communities of
5 color. I know that there's been a lot talked about
6 as how, you know, this rule is not going to have a
7 broad effort, you know, broad impact and things like
8 that, but there's, and practically speaking for low-
9 income communities, um, it should, it should be
10 limited, but it's still going to be pretty, it's
11 still going to be, it's not, you know, I don't want
12 to come from a place of fear but there's going to be
13 a real impact and it's going to impact the actual
14 health care that people will be able to access, um,
15 and just they that they're going to be targeted
16 because they are sick and not able to, um, access,
17 you know, subsidized health care 'cause they're going
18 to be penalized specifically for that. At some point
19 there are going to be people making those calls, um,
20 that they're going to have to not do that or, you
21 know, with food stamps and the like. Um, and lastly
22 on the DOE, um, educational materials that will be
23 distributed, it's obviously great. I think what
24 needs to also be looked is like a public education
25

1
2 campaign, um, because a lot of flyers and things that
3 go home, you know, not all families will be able to,
4 you know, there is a literacy gap. There's a lot of
5 gaps in, in information and I think that, um, you
6 want to be able to get to people, ah, in many
7 different modes of contact and especially when it
8 comes to something as complicated as this it needs to
9 I think should be thought about in, in a larger way.
10 That's all.

11 CHAIRPERSON MENCHACA: Got it. So just
12 like to get a better sense or kind of clarifying
13 sense, a lot of concerns with Cabrera's bill and the,
14 um, education, would you support the rest
15 essentially?

16 SERIKA SUCCENA: Oh yeah, absolutely.

17 CHAIRPERSON MENCHACA: All the, OK,
18 great. And then, because we want to maybe do some
19 follow-ups on, on some of that, some of the things
20 that you just commented on. OK. Thank you.

21 CARLINE COWAN: Good afternoon. My name
22 is Carline Cowan. I'm the chief policy and public
23 affairs officer of the Chinese American Planning
24 Council. Thank you for the opportunity to testify
25 today. CPC serves over 60,000 Asian Americans

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2 immigrant and New Yorkers each year, the exact
3 communities that are already being impacted by this
4 rule. I think as we talk about how the council
5 responds and how the city responds is really
6 important to center the lived experiences of our
7 community members over the past two weeks, which have
8 been seniors asking to de-enroll from their SNAP
9 benefits even though they rely on them to put food on
10 the table, people asking about if they should stop
11 their prescriptions that they're taking for chronic
12 conditions because they're concerned about the
13 impact. People asking if they will be able to
14 petition their family members to come over if they're
15 still on public benefits. These are things we need
16 to be thinking about as we plan a citywide response.
17 We have been very grateful to the city, especially,
18 ah, MOOIA, HRA, and DOHMH for their response to this
19 and for how closely they've worked with advocates and
20 community organizations, as well as to the council
21 and particularly the Committee on Immigration for
22 your work on this. Ah, as members of New York
23 Immigration Coalition we support their stances on all
24 of these bills that have been proposed and to want to
25 uplift that messaging that they already shared in

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2 testimony. In addition, we think that there a couple
3 of things that we would like the council as well as
4 the city to consider in response and in moving
5 forward with these resolutions. Ah, the first is the
6 ActionNYC hotline or the ONA hotline to extend those
7 hours beyond 9 to 6. Many of our community members
8 cannot call during those hours and the chilling
9 effect and fear simply do not operate on a 9 to 5
10 schedule. It's really important that people be able
11 to access those hotlines when they need them.

12 CHAIRPERSON MENCHACA: On that note, is
13 there a, ah, consensus about what hours would work?
14 And if that's not a question that you can answer now,
15 that's an overarching question for the community to
16 give us, because this is the time we change it. This
17 is the time when we can push it. Um, so that's just
18 a question to hold.

19 CARLINE COWAN: In an ideal world it
20 would be open 24/7.

21 CHAIRPERSON MENCHACA: Amen.

22 CARLINE COWAN: [laughs]

23 CHAIRPERSON MENCHACA: I'm with you on
24 that. Which is why I wanted to ask about
25 resources...

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2 CARLINE COWAN: But I'm happy to follow
3 up with more suggestions.

4 CHAIRPERSON MENCHACA: And, that's right,
5 but in a world where we have resources that we can't
6 get to immediately, and I think a 24-hour hotline can
7 be one answer, it would be good to get a sense about
8 where we could prioritize the timeline for, um, and
9 in response to your request.

10 CARLINE COWAN: Council Member?

11 CHAIRPERSON MENCHACA: I'm sorry, keep
12 going, keep going.

13 CARLINE COWAN: Of course. Ah, the
14 second one is the importance of language access. Now
15 obviously there has been a lot done on the city side
16 as well as the council side to provide translated
17 materials, to have those ready quickly. But there is
18 still a lot more that needs to be done. I went on
19 the city public charge website, ah, while sitting in
20 the hearing and the only information that's available
21 in Chinese is a one-page flyer that refers back to
22 the website in English for more information. We need
23 to continue doing that outreach and working with
24 community-based partners that have that language
25 capacity and have the knowledge of how, ah, community

1
2 members need to hear this messaging in order to
3 actually provide information in language. We have
4 seen with the hotlines when the community members
5 have called, ah, either 311 or ActionNYC that they
6 wait to find an interpreter, and sometimes someone
7 calls in Cantonese and gets sent to a Mandarin or a
8 Japanese interpreter, um, and that often our staff
9 are filling the gaps for interpretation for HRA, for
10 311, um, and for other city agencies. This is
11 obviously an ongoing issue beyond public charge that
12 I know that you've been working on closely. Um,
13 additionally we really urge the City Council as well
14 as city agencies to partner closely with community-
15 based organizations that are working with community
16 members that are being impacted by this every day,
17 and the particular reason I say that is because four
18 community members, particularly limited English-
19 proficient ones that have a lot of fear of a hostile
20 federal government, there is no distinction between
21 that federal government and a sanctuary city like New
22 York City. So if something comes with a government
23 seal it's not seen as safe. It's seen as dangerous.
24 We've had community members come into our centers
25 because they had something that had a government seal

1
2 and they are having a panic attack that it's
3 something from ICE because they can't read the
4 language it's in and it turns out to be a simple
5 school notice. So it's really important that the
6 city partner with community-based organizations that
7 can say no, sources like 311, like ActionNYC, like
8 the ONA hotline are safe and you can trust them.
9 Beyond that, we think it's really important that the
10 city fund legal services providers that do this work,
11 but beyond that community-based organizations that
12 can refer to those legal services providers. In
13 times like these we see brokers or [inaudible] taking
14 advantage of community members' fear and we've seen
15 an increase in them over the last couple of months in
16 Flushing and Sunset Park in particular. It's really
17 important that community-based organizations be able
18 to do outreach, know your rights, as well as intake
19 and referral to these legal services providers that
20 are working so hard with such a huge caseload. Happy
21 to answer questions.

22 CHAIRPERSON MENCHACA: Yeah. Are there
23 any comments you have on the bills that were
24 discussed today? I think the unit has been a topic of
25 conversation. Ah, I think you've kind of pointed to

1 training as good, ah, and working with the Department
2 of Education. So is there anything that you want to
3 say on each of the bills?
4

5 CARLINE COWAN: We completely agree with
6 what New York Immigration Coalition shared, where we
7 have some concerns about the benefits de-enrollment
8 unit. Um, but beyond that we support the bills with
9 some of the concerns echoed.

10 CHAIRPERSON MENCHACA: OK. Thank you for
11 that. So I have some questions in general for this
12 panel and I think, do we have one more panel? We
13 have one more panel. And this is really in terms of
14 the training that my bill speaks to in terms of
15 really creating, one, a kind of focused understanding
16 about who gets trained where so there might be some
17 changes per agency. We don't want to create more
18 problems, um, than, than we have right now. But that
19 there's a difference between sending out an email to
20 your staff and doing some training, that there's a
21 quality difference in how you bring someone up to
22 speed in terms of understanding not just public
23 charge but how to disseminate that information in
24 real time to a person. Which is why we're really
25 focused on the training piece. Ah, and maybe this is

1
2 more of a comment I'm trying to make here and I think
3 you support it. So let's just move on to the next
4 question. The Cabrera bill creates a unit and what
5 I'm trying to understand from all of you is that
6 we're holding both the, the kind of council members'
7 question about an agency that may not be prepared to
8 take this one because of structural issues that are
9 massive and this unit would only kind of create a
10 chilling effect for creating something. So I want you
11 to kind of go a step further and really kind of
12 dictate to us what exactly would cause a chilling
13 effect with a unit like this within HRA that can be
14 focused on language access, that can be focused on
15 training people, that can have a direct line for the
16 service providers that often have issues with
17 benefits, either getting on benefits because they get
18 routed from a Cantonese speaker to Mandarin speaking
19 person. Like there needs to be, so if we, if the
20 unit is not the answer then what, what is the answer
21 that we can provide oversight? Because we think that
22 the status quo might not get us where we want to get
23 to. And so we want, we really need your help to kind
24 of think through that. And if you don't have any
25 immediate answers now, that's great, but we're in the

1
2 middle of negotiating with some rapid, ah, time lines
3 so that we can get things ready for October in case
4 this happens.

5 UNIDENTIFIED: OK, I think there's a, I
6 can start. These are great questions. I think that,
7 um, one challenge with the unit would be, I think
8 that the point that was made about having an office
9 or unit that solely focused on, um, immigrants is of
10 a concern, so it's sort of like, um, specifically
11 stigmatizing. I think, when you're talking about a
12 unit I also think from a logistical perspective what
13 does that mean in practice? You know, HRA is
14 dispersed across how many ever, how many ever
15 different offices. So would there be one spot?
16 Would there be one office where people would go to?
17 That seems like that also could create just
18 challenges in terms of access to those, to those
19 services. I think what would be much more suited to
20 the, um, scope of the challenge in terms of people
21 within the group of people who have gotten
22 appropriate guidance that they might want to think
23 about disenrolling from some, um, benefit. You,
24 those individuals need to be able to get the same
25 quality of service in terms of that disenrollment at

1 any office. And creating one place where they go for
2 that level of service is, um, going to create, could
3 create more barriers, um, than a unit can, than one
4 single place can actually address. Um, I think the
5 other piece of it is, is that by creating an office,
6 the vast majority of people affected by the role are
7 affected by it in an indirect way as opposed to, you
8 know, a direct narrow way. And so we want HRA, we
9 don't want HRA and we don't want the council to
10 believe that by addressing the needs of the narrow
11 group we have also addressed the needs of the broader
12 group, um, which is of course the harder, you know,
13 the group of people that is not necessarily affected
14 but is terrified. Um, and then I think the last
15 thing, I think, I didn't get to mention but one thing
16 that is a really practical thing that will be
17 especially important, um, and it would be to go
18 through this with HRA and walk through exactly what
19 happens, is disenrollment documentation and
20 documentation of what people both have been judged to
21 be eligible for and what they actually were enrolled
22 in, um, and we remain, we are concerned about how
23 that's going to work in practice for people who are
24 like, well I'm going to be working on my green card
25

1
2 application in a year and I'm going to go off of
3 these benefits, so I'm going to need a letter from
4 HRA saying that this benefit ended on this date and I
5 was eligible for this other benefit but I didn't
6 actually ever take it and so I think that in your
7 negotiations with HRA sort of understanding really
8 clearly how that works in practice is, um, could be
9 really critical in doing what Council Member Cabrera
10 would like to see happen. And then the other thing
11 is I do think some sort of, um, some sort of
12 mechanism by which people get stuck they can elevate
13 those concerns and that's where a help line, an HRA
14 help line on benefits, on public charge benefits
15 could be helpful. Again, with the caveat that it
16 would need to be coordinate with, ah, the Catholic
17 Charities and 311.

18 CHAIRPERSON MENCHACA: Super helpful.
19 Any other one, any other comments on this?

20 UNIDENTIFIED: Um, I had one note that,
21 um, that I realize wasn't, I don't think it was
22 discussed today, which is also, um, that I would just
23 encourage you to include in your conversations which
24 is that for Medicaid most people are on the exchange
25 and so disenrollment is not through HRA. And so I

1
2 would, and so that coordination with the state, um,
3 would, would be I think crucial in any conversations
4 happening about disenrollments. This is something
5 that advocates have discussed with, um, with the
6 state and have had good conversations. I think that
7 things do actually tend to work fairly well in terms
8 of disenrollments from the state. The other thing is
9 I feel, I feel weird even bringing this up because
10 honestly with the final, with the final rule there is
11 such a tiny sliver of people actually impacted on
12 Medicaid, ah, because of the, the interaction of who
13 is actually impacted and who was carved out of
14 Medicaid. From the health perspective we're so much
15 more worried about the chilling effect. Um, but
16 obviously for certain people they are going to need
17 to, to disenrollment. So I would just put that note
18 in there. I think Claudia covered a lot of the, the
19 logistical and other concerns really well.

20 CHAIRPERSON MENCHACA: Thank you.

21 UNIDENTIFIED: Um, just actually to, I
22 think this was mentioned earlier when the city, when
23 the administration was testifying, but the Office of
24 Refugee and Immigrant, like the is ORAIA and I think,
25 um, you know, they are, specialize in this and I

1
2 guess to me I wasn't understanding what this other
3 unit, like how would it be different and what its
4 purpose would be, um, but to say that they, you know,
5 they, that, to me my understanding was that service
6 already exists in terms of having a unit or an office
7 that provides that level of expertise and has the
8 capability to train and provide those trainings, um,
9 and I know that that, you know, I think she was
10 mentioning that earlier, but maybe didn't name the
11 office. But, yeah.

12 UNIDENTIFIED: So my concern about this
13 bill is largely how community members would interact
14 with the information should this office become a
15 reality, how they would interact with this office.
16 Yes, I absolutely think there should be dedicated
17 staff and funding at HRA to be responding to public
18 charge, but the reality of it is if there is a unit
19 that is focused on de-enrollment my fear would
20 frankly be that a lot of community members would hear
21 that information and interpret it as we need to
22 disenrollment from benefits because HRA is
23 specifically creating resources around doing that,
24 rather than understand that HRA is, is trying to
25 create specific support around this. I also agree

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2 that a very narrow portion of the community members
3 that we're seeing around this are actually going to
4 need to be able to do that, technically speaking, but
5 should be able to do it at any office that they go to
6 and a lot of times CPC staff are actually going with
7 them to those offices to serve as translators and
8 support them through that process. Um, I think that
9 while people need to be able to de-enroll in a timely
10 manner if they need to, and it's very important that
11 they're able to get documentation on it, a lot of
12 resources, ah, for city agencies should be focused on
13 outreach, on education, on making sure that people
14 are not de-enrolling if they don't need to, and then
15 those that actually do need to make that decision
16 with an immigration attorney have the ability to do
17 so quickly at any location, um, so I echo a lot of
18 what was said.

19 CHAIRPERSON MENCHACA: Thank you. Thank
20 you for that. I have one question about, can anyone
21 comment on the guide for providers in the Cabrera
22 bill? There's a piece in the bill that talks about a
23 guide. It may have gone unnoticed. Well, we can
24 follow up with you. Ah, we want to kind of, 'cause
25 there's a couple of pieces in it and one of them is a

1
2 unit, another is a guide. It was one of the
3 questions that we asked earlier. Does HRA have a
4 guide for providers that they understand exactly what
5 the process is and whatnot. So, this is tricky.
6 This is clearly tricky, but we are hearing you and I
7 hope that you feel confident that we are listening to
8 that, ah, sentiment and, ah, concern. And is there
9 anybody here from MOOIA or from HRA? HRA, MOOIA? OK,
10 MOOIA? Thank you for being here. They're here and
11 they're listening as well. Thank you.

12 UNIDENTIFIED: Can I just add quickly on
13 the guide? I'm sorry, I don't...

14 CHAIRPERSON MENCHACA: On the guide?

15 UNIDENTIFIED: I certainly don't want to
16 speak for the others, but we did look at that part.
17 I do think that it's really important that a guide is
18 put out, and the one thing that I would say about it
19 is that there's a lot of, of excellent resources,
20 particularly legal aids process that was mentioned
21 already and just to make sure that guidance that is
22 put out, um, is, is similar so that people are
23 getting guidance whether they come to a legal service
24 provider, a community-based organization or a city
25 agency that is consistent with each other.

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CHAIRPERSON MENCHACA: Ah, right, got it.

This is content-based, or comment, this is a comment based on content.

UNIDENTIFIED: And the other thing I would say about it is having put together the NYIC's materials is that, it, um, doing a good job of putting something in writing on this particular topic in such a way that it either remains evergreen or that you can update it is really, really quite complicated.

CHAIRPERSON MENCHACA: Yeah, right.

UNIDENTIFIED: And so to the degree that there's a, there's an urgency around creating, um, written materials either about content or about resources or places to go, um, I think it would be strategic to think about whether, to just to prioritize this very carefully and think about them in, like, there are a lot, there are a lot, there's a lot of information about how people can find legal services out there. There's a lot of information about how people can find benefits, and so anything that you would want to create from scratch, that it just look at all of those things.

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2 CHAIRPERSON MENCHACA: Agreed. Do you
3 want to add?

4 UNIDENTIFIED: Yeah, I would agree with
5 that. And, um, and I, you know, just express a
6 concern about having any, any written document the
7 topic of which is about disenrolling, um, you know,
8 in just in terms of, just in terms of the, the
9 chilling effect, you know, I echo everyone's concerns
10 about the accuracy and, and, and consistency and, um,
11 and, um, you know, really we're looking at the
12 potential scale of the chilling effect being, being
13 so much greater than the scale of the people actually
14 impacted that, um, that anything that kind of tilts
15 the balance of the information out there towards this
16 is how you disenroll makes me concerned.

17 CHAIRPERSON MENCHACA: And we hear that
18 loud and clearly, and I think what, what it does is
19 drive the point home that this, there will be no
20 evergreen because this is going to change and the
21 training of, of people and allowing them to have the
22 right ways to communicate to triage folks to lawyers,
23 which is probably where most of the talking should be
24 happening, in front of a lawyer, and getting people
25 there as quickly as possible is the name of the game

1 here. And that's not going to be enough to send
2 emails out, um, it's going to have to be paired with
3 training of right people that will have that kind of
4 interaction with a New Yorker, being it at a
5 nonprofit or walking into centers everywhere and I'm
6 hearing that loudly as well. OK, thank you.

8 UNIDENTIFIED: Thank you.

9 CHAIRPERSON MENCHACA: Our next and final
10 panel is Brooklyn Defender Services, Sonia Marquez,
11 Molly Koh, Volunteers of Legal Service, Rex Chen, ah,
12 Legal Services NYC, Yani Hernandez, [inaudible], I
13 think he might have already left. And then Catholic
14 Charities. OK. [pause] OK, we can start with you.
15 Thank you. Make sure the red light is on and then
16 pull the mic closer to you, and that's for a comment
17 for everybody, and then you're good. OK, thank you.

18 SONIA MARQUEZ: Thank you. My name is
19 Sonia Marquez. I'm a civil rights and immigrations
20 staff attorney at Brooklyn Defender Services. We
21 just wanted to thank the City Council for taking
22 leadership on this important issue. Um, one thing
23 we've heard a lot from the previous panel, um, from
24 the committee members, is the importance of
25 individualized legal advice, um, to sort of mitigate,

1 um, the widespread fear that this rule has caused.
2 At BDS, um, we're seeing that, um, firsthand.
3 Attorneys and our social workers are receiving an
4 increased number of calls from our clients, who
5 express fears about continue on the public benefits
6 or enrolling in public benefits, um, and they're
7 asking whether they should disenroll for the cases
8 that, that they have with us. In addition, we're
9 also seeing an increased request for know your rights
10 information from community organizations, um, to
11 disseminate accurate information. Um, as to the, as
12 to the proposals, we support the five bills and the
13 resolution, um, with similar concerns that the
14 previous panel express. Um, one concern that we, we
15 did have is where folks are being referred to legal
16 services or getting information through, let's say,
17 HRA when they go to enroll or disenroll, um, but they
18 already may already have a knowledgeable immigration
19 attorney. And just making sure that whatever advice
20 is given is sort of consistent and they're not sort
21 of being rerouted outside of where they can really
22 just know they should contact, um, someone who
23 already really knows, is knowledgeable about their
24 case.
25

2 CHAIRPERSON MENCHACA: Can I pause you
3 there?

4 SONIA MARQUEZ: Sure, go ahead.

5 CHAIRPERSON MENCHACA: And you're saying
6 there's a natural flow here of, of kind of best
7 outcomes that has a New Yorker engaged in a nonprofit
8 that then engages with a legal services provider,
9 where a lawyer has gone through the case and says OK,
10 here's what's going on, here's a modification to your
11 benefits, go to HRA. And then HRA says, oh, you
12 should go talk to a lawyer, and they're like I
13 already talked to a lawyer, maybe I should talk to
14 another lawyer, and they keep kind of doing this
15 loop. Is that, is that what you're referring to?

16 SONIA MARQUEZ: Exactly. Either where
17 there is, they're referred to a separate lawyer, then
18 they get inconsistent legal advice or we already made
19 the determination, you know what, this may be the
20 best course, and then they go to HRA, let's say and,
21 um, then they're sort of rerouted and did not really
22 understand fully what's going on.

23 CHAIRPERSON MENCHACA: So how do we solve
24 that?

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2 SONIA MARQUEZ: Um, I think one way could
3 just be, um, if there was a way that, um, social
4 workers or our attorneys could have a direct contact
5 with sort of HRA in that way so that they know that
6 this person who is going is being taken care of.

7 CHAIRPERSON MENCHACA: OK, OK, sorry,
8 keep going through some of the other bills.

9 SONIA MARQUEZ: Sure.

10 CHAIRPERSON MENCHACA: Sorry, I'm going
11 to come back to that.

12 SONIA MARQUEZ: OK, sure. Um, another
13 thing that, um, we wanted to mention was that BDS
14 also expects that legal service providers will see,
15 um, the consequences of the new weighted factors
16 analysis of the public charge rule. This will make
17 it even harder for low-income immigrants to apply for
18 and become lawful permanent residents. And for legal
19 service providers who serve primarily low-income
20 clients the rule out could really impact nearly all
21 of our family-based green card applications. This
22 analysis will make the applications more onerous to
23 prepare, um, and, as intended, it will also cause
24 increased denials. And that will, that will mean
25 that providers will have expend additional resources

1
2 in preparing the applications and appealing the
3 denials to USAS and representing clients in removal
4 proceedings once they're referred to ICE. Um, so
5 given also the impacts of the rule that we have seen
6 and that we expect, we ask the City Council to
7 consider and we echo the request made by the previous
8 panel, um, to consider additional funding for the
9 legal service providers, um, have that, have the
10 capacity to help mitigate and combat the impact of
11 this rule on years. Thank you.

12 MOLLY KOH: My name is Molly Koh. I'm a
13 senior staff attorney with the Immigration Project
14 and Volunteers Legal Service. Thank you for the
15 opportunity to speak here today. Um, VOLS is a small
16 nonprofit but we were founded 35 years ago, ah, with
17 the admission of leveraging and good will, resources
18 and talents of New York City's leading law firms, um,
19 through providing pro bono legal services to under-
20 resourced New Yorkers. Um, and I would echo
21 everything, you know, that has been said so far
22 about, um, how, ah, how important the messaging is
23 around the implementation of these bills, if they are
24 to become law. I was really pleased to hear the, the
25 way that the folks from HRA and MOOIA in particular

1 were talking about this because of the, um, you know
2 of all the people that we work with, all of the
3 undocumented, ah, parents of US citizens or young
4 people who are perhaps documented or have TPS, you
5 know, who have been coming to us at least on the
6 issue of disenrollment from public benefits, so few
7 of them are actually affected by this new regulation,
8 and so I do just caution against the, um, you know,
9 adding to the fear that this rule was designed to
10 create in these communities. Ah, regarding the issue
11 of training of DOE staff, we support that
12 wholeheartedly. VOLS has been partnering with New
13 York City public schools for approximately 20 years
14 to identify areas of civil legal need that affect the
15 educational outcomes for students and there is
16 absolutely a big difference between back then writing
17 a letter and, um, you know, now sending an email and
18 providing in-person training on a regular basis. Um,
19 our strongest partners in schools have been guidance
20 counselors, college advisors, social workers, the
21 parents coordinators have been fantastic, um, but
22 doing that training once is not sufficient generally
23 and so there should be some follow-up plan, um, even
24 when we do, you know, we can do a training at the
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2 start of the school year and with all the different
3 things that our educators are juggling, um, it's
4 helpful to have a way to maintain that communication
5 over the course of the school year. Um, regarding,
6 um, regarding the guide, I think this has been said
7 before. Regarding the guide, ah, as it relates to
8 the bill for HRA, you know, there are a lot of
9 fantastic resources out there already, um, you know,
10 I remember just personally many years ago as an
11 intern at the public advocate's office spending just
12 an incredible amount of time trying to design a guide
13 on the, you know, the intersection of immigration and
14 access to public benefits and so I just caution
15 against reinventing the wheel. Um, and then one
16 other thing that looking towards the future, we are
17 really concerned about the proposed, ah, federal
18 regulation as it relates to access to public housing
19 for people in, ah, and families with mixed
20 immigration status and so I'd be interested just to
21 have more conversations about the intersection of
22 that proposed regulation and, um, you know, the
23 trainings that are going to be happening for NYCHA
24 staff, ah, as they relate to the current regulation.

1
2 CHAIRPERSON MENCHACA: Ah, are you
3 involved in anything relating to this topic, ah, with
4 the administration? Have you been invited to be part
5 of conversations at all?

6 MOLLY KOH: To my knowledge, no.

7 CHAIRPERSON MENCHACA: OK. Great. So we
8 want to, we want to help bridge that gap, especially
9 with not just the knowledge but, and desire, but, um,
10 the kind of implementation part as well.

11 MOLLY KOH: That'd be great.

12 CHAIRPERSON MENCHACA: Thank you for
13 that.

14 MOLLY KOH: Thank you.

15 REX CHEN: Hi, I'm Rex Chen, the director
16 of immigration at Legal Services NYC. We have three
17 recommendations. First, I'll tell you a little bit
18 about Legal Services NYC. We're the largest civil
19 legal service provider in New York City and the
20 country, and we have, our advocates have provided
21 income, security, and stability for many of our
22 vulnerable clients and, in helping them get state and
23 federal benefits. Um, we have extensive experience
24 working on benefits. From 2016 to 2018 we helped
25 over 1900 people with SNAP enrollment and of those

1 400 of them were eligible noncitizens. In addition,
2 we helped over 4000 people with cash welfare issues,
3 such as TANF enrollment and 760 of them were eligible
4 noncitizens. So our team has a lot of experience in
5 this area and has seen, um, the impact that
6 everyone's been talking about. And we also help
7 hundreds of HIV-positive clients access benefits
8 every year. Um, so if I turn to the three
9 recommendations, um, one of them is that if New York
10 City proactively take steps to protect the identify
11 of ineligible noncitizens SNAP and Medicaid household
12 members, um, most people would be inclined more to
13 access the public benefits that they qualify for.
14 Right now the city's databases include information
15 about household members who decline the SNAP and
16 Medicaid benefits, and people are concerned about
17 giving that sensitive information during enrollment.
18 If people are afraid that TANF, Department of
19 Homeland Security, might at some point access the
20 databases to find out about which household members
21 declined the benefits, then they might just drop out
22 of the program instead of giving that information.
23 Um, so perhaps the city should try to take steps to
24 protect the identify of the household members who are
25

1 declining SNAP and Medicaid benefits. Um, a second
2 recommendation is that under the new public charge
3 rule people will be less willing to accept state or
4 local cash benefit programs for income maintenance.
5 And so it would be ideal to decouple certain
6 subsidies from state and local cash benefit programs
7 for income maintenance. Um, right now New York City
8 links its unique city and state housing subsidies
9 with state income maintenance programs. If the city
10 decouples them then people could still obtain those
11 housing subsidies even if they decide to decline all
12 state income maintenance programs. Um, a third
13 recommendation is in the same vein, the idea of, ah,
14 trying to distinguish certain benefits from income
15 maintenance programs and here, um, New York City
16 should decouple certain housing assistance, case
17 management, and health insurance based on HIV status
18 from ongoing income maintenance programs to allow
19 people to access it even if they decide to decline
20 all state income maintenance programs. Thank you.

22 CHAIRPERSON MENCHACA: Thank you. Very
23 interesting recommendations. And we'd like to follow
24 up with you on that after.

25 REX CHEN: Thanks.

1
2 [NAME UNCLEAR]: Hello. My name is [name
3 unclear]. I'm the director of immigration legal
4 services and of the immigration hotlines of Catholic
5 Charities. Thank you very much for the opportunity
6 to testify and thank you for your leadership and your
7 vision in supporting immigrant New Yorkers. Um,
8 almost everything that is to be said has been said.
9 I just wanted to make two points. In, um, our
10 opinion the two, ah, problems posed by a public
11 charge are one, that we've heard a lot about today
12 which is the chilling effect that it has on people
13 who are eligible for benefits and who would not be
14 affected by the rule from, um, enrolling in these
15 benefits or enrolling their children in these
16 benefits. That's certainly, um, of great concern.
17 Um, and I do want to emphasize the role that our
18 hotlines can play in, um, trying to address and to,
19 to provide, to correct the misinformation that's out
20 there. So far our hotlines, in terms of public
21 calls, concerning public charge, a lot of the calls
22 that we're getting are coming from legal permanent
23 residents who would not be affected by this. So it's
24 pretty clear that there is misinformation. It's not
25 clear what the cause of the misinformation.

1 CHAIRPERSON MENCHACA: Right. What's the
2 percentage? Is there a percentage that you have, ah,
3 in your, is it?
4

5 [NAME UNCLEAR]: Um, so we're just
6 looking at about 250 calls and about 150 of them were
7 from legal permanent residents.

8 CHAIRPERSON MENCHACA: Wow, OK.

9 [NAME UNCLEAR]: Um, plus at least
10 another 20 or so calls from US citizens and from
11 asylees and U visas.

12 CHAIRPERSON MENCHACA: Naturalized
13 citizens, or?

14 [NAME UNCLEAR]: Naturalized citizens.

15 CHAIRPERSON MENCHACA: OK.

16 [NAME UNCLEAR]: So if, these would be
17 people who would be not be affected.

18 CHAIRPERSON MENCHACA: Right.

19 [NAME UNCLEAR]: Um, and by comparison
20 the calls from people who could possibly be affected,
21 um, were about 60 or so. So, um, again the hotline
22 is a, an effective way people can call at any time,
23 well [laughs], between, during the hours of
24 operation, um, but this is information that, that,
25 you know, can be provided at any point. So it

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2 doesn't have to be now. It can be any time the
3 question arises, they can call us. And one of the
4 good things about calling either the city ActionNYC
5 hotline or the New York State hotline is that what we
6 try to do is link people, we don't try to answer all
7 their questions over the phone. There's really no
8 way to do that without looking at their papers or
9 asking them, um, in-depth questions. But we direct
10 them to legal service providers that can answer
11 through one-on-one consultations, and that's really
12 important because otherwise people would be inclined
13 to go to [notarios] or ask advice from their best
14 friend and this is not the time to do this. And this
15 brings me to my second point, ah, which my colleague
16 at BDS addressed, but that is the confluence of three
17 USCIS or Department of Homeland Security policies
18 right now. One is, ah, the fact that people who
19 apply for green cards, ah, and who are denied the
20 green card, if they are without status, which a lot
21 of them are, will be put in removal proceedings.
22 That's one policy. The second policy is that, um, if
23 applicants do not provide all of the supporting
24 documentation that's required by a particular
25 application they can be denied that, that benefit

1 without the opportunity to provide more evidence. So
2 in the past if somebody provided insufficient
3 documentation, ah, they would get something called a
4 request for evidence. That policy has been rolled
5 back by USCIS and now they can deny a benefit, ah, if
6 it's not, if the application is not properly
7 supported and prepared. So you take that policy and
8 you add onto it the fact that you, once you get
9 denied the benefit you can be put in proceedings, and
10 then you take the new public charge policy, which
11 because it makes it so much more complicated to apply
12 for something that, um, I think there's a statistic
13 from clinic that basically says out of one million
14 green cards that are granted on a yearly basis, um, I
15 believe 750,000 of them are family based and would be
16 affected by this rule. This, I've looked at the, um,
17 proposed form for public charge, ah, the I944, and
18 the, I'm sorry, the instructions. It is incredibly
19 onerous, even for somebody who is experienced as an
20 attorney. There is almost no way that someone who
21 may not have a high level of education or a good
22 command of English can make sense of it on their own,
23 and so if you add all of these things together it
24 makes it very important for people to get the proper
25

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2 advice before they apply and to get application
3 assistance. Even, um, you know, we're talking about
4 in our office applications that we're going to
5 prepare going forward should the rule take effect on
6 October 15 are going to require so much more work
7 than ever before. We're going to need to provide,
8 um, you know, not just the application, the
9 supporting documents, which again are very onerous,
10 but a, something close to a legal brief to explain
11 how the totality of circumstances works in our
12 clients' favor. And this is at a time where legal
13 service providers also have to represent
14 unaccompanied minor in proceedings and we have a lot
15 of work, this is on top of that. So to make a long
16 story short I think we need more funding for
17 something that was pretty much a straightforward type
18 of application before that will now be a complex, um,
19 application, and not just necessarily just for
20 application assistance. There will be many people
21 who probably will come to one of our agencies and
22 after sitting down with us will decide, and will be
23 right to decide, not to go forward because the risks
24 are too great. And that in itself, you know, sitting
25 down with someone, analyzing your situation, and

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2 making that informed decision, that is a service
3 that, that, um, agencies should be, um, funded to do,
4 to, just the consultation, that may not result in, in
5 an application. Thank you.

6 CHAIRPERSON MENCHACA: Thank you for
7 that, and really kind of connecting multiple dots to
8 the, the kind of process that's in front of, ah, New
9 Yorkers, and I think what, um, really I want to end
10 here because I know it's been a very long afternoon
11 of conversation, but we're trying to move as fast as
12 we can to set this up for success, and we really
13 appreciate the conversations about the, um,
14 specifically the chilling effects that could happen
15 with one of the bills, but really pointing to, ah,
16 things that are already out there in the world. We
17 don't have to reinvent the wheel. These are all
18 things I'm hearing from you in terms of how we can,
19 how we can get ready. Because we're building upon a
20 system that's already robust but can be overtaxed
21 with this next piece that will require more legal
22 services. Because those conversations that you're
23 kind of referring to happen in front of a lawyer and
24 we need more legal, um, and I'm the biggest supporter
25 of the legal services world, ah, you know that. But

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2 we need to understand how it all works in terms of
3 public charge as, as we understand it and what the
4 city can do. I love the ideas of decoupling. That's
5 interesting. I think those had come up before, but
6 never before have we had a reason to do that. We're
7 going to look into that to understand how it can
8 happen and if any one of you on this panel are here
9 want to help us understand that, please help us
10 understand that. Um, what I want, and maybe not a
11 question, because I think we've kind of hit
12 everything. For the ONA, ah, for the hotline, for
13 the Catholic Charities hotline, um, none of the
14 people that are on the hotline are giving legal
15 services, correct?

16 [NAME UNCLEAR]: They are not giving
17 legal advice, no.

18 CHAIRPERSON MENCHACA: And all of them
19 are giving information about how to get legal
20 services and to connecting people to legal services,
21 correct?

22 [NAME UNCLEAR]: Correct.

23 CHAIRPERSON MENCHACA: And do all those
24 people need training to do that work? Do you train
25 your folks that are on the hotline to do that work?

2 [NAME UNCLEAR]: Yes.

3 CHAIRPERSON MENCHACA: Is this something
4 that we think that anybody can do in terms of does it
5 require legal, legal advice, or a legal background to
6 be a hotline provider?

7 [NAME UNCLEAR]: So our hotline staff is
8 trained, um, on a monthly basis they get legal
9 updates. They don't have to get legal advice, and
10 actually that's a fine line to walk, to actually have
11 the information and provide it in a general sense and
12 not give advice. But they do understand all of these
13 pieces and how they work together, not just for
14 public charge but for anything else that they may get
15 questions on.

16 CHAIRPERSON MENCHACA: Got it.

17 [NAME UNCLEAR]: So it's not...

18 CHAIRPERSON MENCHACA: So just for
19 context.

20 [NAME UNCLEAR]: Just for context.

21 CHAIRPERSON MENCHACA: But then they can
22 say, OK, here's what you got to do.

23 [NAME UNCLEAR]: They can, they can catch
24 red flags, um, as they're having a conversation with
25 a caller and they can say, you know, this is, this

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2 could be of concern. We really strongly advise you
3 to talk to an immigration attorney before you travel
4 out of the country. It sounds like there may be some
5 issues that you need to discuss. So they're not...

6 CHAIRPERSON MENCHACA: And go talk to a
7 lawyer.

8 [NAME UNCLEAR]: Yes, go talk to a lawyer
9 and then all the referrals that we make are to
10 nonprofits, nonprofit legal services providers. If a
11 caller indicates that they can pay then we, um,
12 connect them with ALA or to some of the bar
13 associations to get referrals.

14 CHAIRPERSON MENCHACA: Right, right. And
15 I guess what I want to just point to is there's a
16 version of that that could exist and should exist in
17 frontline services of some sort that we can negotiate
18 with the administration so that people are
19 understanding how to triage and have context with a
20 continual, not just once, but continual training of
21 our, of our teams. Because the last thing we want to
22 do is give anybody, um, when the highest percentage
23 of people who are calling are actually not at all
24 impacted, and we all know that, most people are not
25 impacted, but that's the whole point of this thing is

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2 to impact with great fear all New Yorkers that might,
3 um, think they have. But to, to have people ready
4 when they are engaging city services, ah, and be able
5 to take them to the right place. And one of the
6 biggest barriers is language access, ah, and we've
7 just, this has been a continued issue with the
8 administration, language access is not where it needs
9 to be. Ah, the concept of a language bank, language
10 interpreter bank, has been floating around but hasn't
11 been routed so people can have access to an
12 interpreter when they're engaging city services. So
13 these are all ideas that we're trying to really kind
14 of pull together so that we can, we can offer as
15 policy makers and that's what we do at the council,
16 we create the policy and the administration executes
17 that policy. We want to make sure that they execute
18 the right policy and this is why you're so important
19 to this conversation. So we want to follow up with
20 some of these things, um, and if there's any last
21 comments you want to give on anything. Then with
22 that we're going to call this hearing to an end and
23 we want to continue engaging in these conversations.
24 We want to go fast. So, but we're going to take a
25 step back, digest, and then keep moving forward.

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Thank you all. And this hearing is now over.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 22, 2019