



Legislation Text

File #: Res 0239-2004, **Version:** *

Res. No. 239

Resolution calling upon the New York State Congressional Delegation to oppose President Bush's proposal to authorize a "superwaiver" from the rules of many federal assistance programs, including public housing, as embodied in House of Representatives bill H.R. 4 and to oppose its inclusion within Senate bill S.1443, which would reauthorize the Temporary Assistance for Needy Families program.

By Council Members Lopez, Gerson, James, Liu, Martinez, Palma, Perkins and Yassky

Whereas, The Federal welfare state block grant program known as Temporary Assistance for Needy Families (TANF) is set to expire on March 31, 2004; and

Whereas, Both the United States Senate and House of Representatives must agree to reauthorizing legislation by this date in order to keep the TANF program afloat; and

Whereas, The House of Representatives passed H.R. 4 of 2004 to reauthorize the TANF program; and

Whereas, Section 601 of H.R. 4 is a provision for "state and local flexibility," which is known as "superwaiver authority," because it would give state governors and federal administering agencies unfettered authority to waive many important rules that benefit low-income families, including the elderly and the disabled; and

Whereas, The superwaiver provision in H.R. 4 would allow states and local public housing agencies to submit a combined application for waivers from federal statutory and regulatory requirements for various programs that assist low-income families if such states combine two or more "qualified programs" into a "demonstration project" with the intent on meeting the stated "purpose" of "supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery;" and

Whereas, The federal programs that states could get waivers from under H.R. 4 include, TANF itself, the Social Security Act, Workforce Investment Act, Family Support Act, employment and training services under the Wagner-Peyser Act, Adult Education and Family Literacy Act, Child Care and Development Block Grant, the McKinney-Vento Homeless Assistance Act, the Food Stamp Act and all federal public housing under the United States Housing Act of 1937, except with respect to Section 8 rental assistance and housing for the elderly and disabled under Section 7 of such Act; and

Whereas, Superwaiver authority would provide an incentive for state governors to persuade local public housing authority (PHA) heads to agree to apply for a combined waiver and to use federal public housing dollars as a substitute for state and local subsidies; and

Whereas, The prospects for obtaining a combined superwaiver waiver would be great because the aforementioned stated purpose in the House version is vague and because many recipients of the above mentioned programs also reside in public housing; and

Whereas, The requirements for obtaining the House version of the superwaiver fail to incorporate a public process, such as requirements for public notice and public hearings, except that if a state and a PHA submit a combined application, the proposal must be included within such PHA's Agency Plan, which must undergo a limited form of public input; and

Whereas, New York State currently provides some debt service for the New York City Housing Authority (NYCHA) and has, in the past, provided financial assistance for NYCHA's operating budget; and

Whereas, States and PHAs such as NYCHA could, under the House superwaiver provision, apply for and receive a waiver from all requirements, such as the "basic targeting requirement" under 24 CFR 960.202, which obligates PHAs to ensure that 40% of the families admitted from waiting lists are "extremely low income," defined as families who earn no more than 30% of median income, or approximately \$15,000 for a family of two in New York City, thereby allowing states and PHAs to shift resources to service families with much higher incomes; and

Whereas, Senate bill S. 1443 does not currently include the House version of the superwaiver, however it remains possible that it could be inserted before the full Senate considers the bill; and

Whereas, According to the Center on Budget and Policy Priorities, the Senate Finance Committee had included a similar superwaiver provision in its prior TANF reauthorization legislation that was proposed by its Chairman, Senator Charles Grassley, and would permit a ten-state experiment of the House version; however, this provision has been scaled down to include only three federal programs, including TANF, the child care block grant and the Social Services Block Grant; and

Whereas, Senate bill S. 1443 does not currently include the Senate Finance Committee's version of the superwaiver, either; and

Whereas, An affordable housing crisis currently exists in New York City and in many other cities across the nation; and

Whereas, A superwaiver provision, such as the one embodied in H.R. 4, could have a devastating effect on the thousands of low-income families who currently receive federal housing assistance in New York City; and

Whereas, During budget deficits, superwaiver authority would provide states with a greater incentive to shift funding from specified programs to other assistance programs as long as the project meets the aforementioned vague stated purpose; and

Whereas, Many national organizations, such as the National Low Income Housing Coalition, Association of Community Organizations for Reform Now (ACORN), Bread for the World, Center on Budget and Policy Priorities, Children's Defense Fund, Coalition on Human Needs, Association for the Help of Retarded Children (AHRC), American Association of Retired Persons, NOW Legal Defense and Educational Fund and the Volunteers of America are all against the House version of the superwaiver, now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Congressional Delegation to oppose President Bush's proposal to authorize a "superwaiver" from the rules of many federal

assistance programs, including public housing, as embodied in House of Representatives bill H.R. 4 and to oppose its inclusion within Senate bill S. 1443, which would reauthorize the Temporary Assistance for Needy Families program.

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