

**Testimony Of The New York State Coalition Against Domestic Violence
To The Joint Budget Hearing Of The Senate Finance Committee
And Assembly Ways And Means Committee
Regarding Human Services**

**Testimony Presented by Joan Gerhardt
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February 13, 2022**

The New York State Coalition Against Domestic Violence (NYSCADV) was established more than 40 years ago as a statewide non-profit membership organization comprised of local domestic violence service providers and allied organizations that are committed to preventing and ending domestic violence. In New York, there are nearly 100 residential and non-residential domestic violence programs which operate at approximately 250 locations around the State.

NYSCADV is recognized by the U.S. Department of Health and Human Services and the U.S. Department of Justice as the information clearinghouse, primary point of contact and resource center on domestic violence for the State of New York. Among our roles and responsibilities, we provide education, training and technical assistance to domestic violence service providers; and support the development of policies, protocols and procedures to enhance domestic violence intervention and prevention.

Every year, more than 50,000 victims of domestic violence rely on domestic violence advocacy services to enhance their safety, recover from trauma, find housing and employment, and access legal services. Yet the far-ranging impact of rising costs on flat or reduced funding to the network of advocacy services statewide has significantly increased barriers for survivors seeking services. Providers are laying off staff, facing difficulties retaining other staff, and are making difficult decisions regarding the number of clients they can serve.

At the same time, demand for services is incredibly high. In fact, **New York has the highest demand for domestic violence services in the nation¹**, and while state officials are focused on record high crime rates², the response to meeting the needs of crime victims has been sorely lacking.

Since the pandemic began in March 2020, domestic violence incidents have escalated dramatically. More than 195,000 domestic violence orders of protection were issued in New York State in 2021, an 18% increase from 2020. Calls to the New York State hotline increased by

¹ National Network to End Domestic Violence (2022). 17th Annual Domestic Violence Counts Report. Washington, DC.

² NYC Police Department CompStat report, Volume 29 Number 49, covering 12/5/2022 through 12/11/2022. Data records a 24.5% increase in overall major crime for year to date compared to the same period last year, including a 27.5% increase in robberies, a 29.4% increase in grand larceny incidents and a 5.5% increase in rape reports.

https://www1.nyc.gov/assets/nypd/downloads/pdf/crime_statistics/cs-en-us-city.pdf

nearly 34% since the start of the pandemic.³ According to DCJS data, the number of violent crime incidents reported to police statewide increased from 70,708 in 2020 to 76,229 in 2021, a 7.8% increase.⁴ Now is not the time to be cutting services and supports for crime victims or for the essential workers who provide domestic violence services.

NYSCADV urges the Legislature to support the needs of domestic violence survivors and their families, as well as the not-for-profit and community-based advocacy organizations that support them, by implementing the following recommendations:

1. Support DV staff recruitment and retention efforts by increasing minimum wage by \$3/hour and providing a 5.4% Cost of Living Adjustment (COLA) to all staff at OCFS-licensed DV programs;
2. Increase the Temporary Assistance for Needy Families (TANF) appropriation for non-residential domestic violence services to \$6 million (ATL Budget for OTDA);
3. Increase the Governor's \$14.4 million earmark from general funds to the Criminal Justice Improvement Account to \$26.1 million to cover significant Victim of Crime Act (VOCA) cuts to non-profit victim assistance providers (PPGG Part CC). The additional \$11.7 million should be available only to legacy victim service providers that are receiving less funding in 2022-2025 than under prior contracts; and,
4. Add organizational viability language for all state-administered federal grants used to support DV services

Budget Request #1: Support DV Staff Recruitment and Retention Efforts by Increasing Minimum Wage By \$3/hour and Providing a 5.4% COLA to All Staff at OCFS-Licensed DV Programs

DV providers are dedicated and passionate professionals. Their work is challenging and requires specialized preparation and training to do invaluable work serving survivors throughout New York. It can also be grueling and traumatic. DV advocates meet DV survivors where they are – at the police station, in court, in a medical facility – to provide critical, life-stabilizing services. At the start of the pandemic, New York recognized the critical role domestic violence advocates serve by including them in its pool of essential, frontline workers.

Despite the challenges of this work, far too many DV advocates do not earn a living wage, with limited benefits, due to the outdated requirements of agency contracts with New York State. Most do not earn enough to afford a two-bedroom rental, according to an assessment by the National Low Income Housing Coalition.⁵

Disappointingly, New York did not include DV advocates in the pool of human service workers who received additional salary, bonuses or COLA adjustments in the FY'22-'23 State Budget. For example, last year:

³ Governor Kathy Hochul, "Governor Hochul Signs Legislative Package Strengthening Protections and Support for Survivors of Domestic Violence as Part of Domestic Violence Awareness Month," Press Release, October 18, 2022, <https://www.governor.ny.gov/news/governor-hochul-signs-legislative-package-strengthening-protections-and-support-survivors>

⁴ New York State Division of Criminal Justice Services June 2022, Criminal Justice Statistics, accessed December 1, 2022, <https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>

⁵ National Low Income Housing Coalition. Out of Reach: The High Cost of Housing Report. www.nlihc.org

- New York committed \$7.7 billion over the next four years to increase the minimum wage for home care workers by \$3/hour. **DV advocates were not included.**
- New York committed \$500 million for a 5.4% COLA increase for human services workers. **DV advocates were not included.**
New York committed \$1.2 billion for bonuses for healthcare and mental health workers. **DV advocates were not included.**

In this year's Executive Budget, the Governor proposed a 2.5% COLA increase for human service providers of services⁶ – some who perform similar duties as DV advocates and some who have contracts for the provision of services with OCFS, as DV service providers do.

For example, this year's 2.5% COLA proposal applies to, among others:

- OCFS-licensed foster care facilities, emergency foster homes, foster family boarding homes and therapeutic foster homes, transitional supervised settings for older youth and supportive housing for young adults leaving foster care. **DV service providers provide similar residential shelter and housing for New Yorkers experiencing domestic violence.**
- OCFS-licensed providers of supportive services to young adults leaving or having recently left foster care. **DV service providers are required by OCFS regulations to provide supportive services to any individual experiencing domestic violence who is over the age of 16 (NYCRR Part 452.2(s)).**
- OMH-licensed outpatient programs, including supported single room occupancy, supported housing community services, congregate care settings, youth and children community residences, case management services, advocacy/support services and homeless services. **DV service providers are required by OCFS regulations to provide similar residential and non-residential support services to DV survivors and their families.**
- SOFA-licensed service providers that provide community services for the elderly, in-home services and supplemental nutrition assistance program. **DV service providers are required by OCFS regulations to provide similar support services to DV survivors, including the elderly and regardless of where such survivors live. Many DV survivors avail themselves of New York's SNAP program with the assistance of DV advocates during the application process.**

The Governor's proposal requires state agencies and contract providers whose staff are receiving the COLA to certify the funding is used to "first promote the recruitment and retention of non-executive direct care staff, non-executive direct support professionals, [and] non-executive clinical staff." **Staff holding similar positions at OCFS-licensed DV service providers have never received a COLA.**

The failure to include DV advocates in these measures has had a disastrous impact on the ability of DV programs to retain and recruit employees, the very goal of each of these initiatives. According to a 2022 survey conducted by NYSCADV and the New York State Coalition Against

⁶ Health and Mental Health Budget Bill S4007/A3007, Part DD

Sexual Assault (NYSCASA) of DV and sexual assault programs across the state⁷, 90% of respondents reported experiencing staff turnover in 2021. In total, respondents reported 547 voluntary staff departures in 2020 and 645 voluntary staff departures in 2022. Compounding the issue, New York has failed to increase funding for DV services in any significant manner for years. In fact, as discussed below, many long-standing DV agencies received much less funding under OVS' 2022 VOCA procurement than they did in earlier contracts.

This is unsustainable. DV service providers cannot provide the same level of services with fewer staff and decreasing resources. We are already seeing the impacts in the field. According to the annual DV Counts survey, 951 DV survivors who sought services on one day in September 2022 could not obtain such services. This is a 24% increase from the year prior. These requests were for emergency shelter, housing, transportation, childcare, legal representation and other support needs. Approximately 65% of these unmet requests were for housing and emergency shelter.

We urge the Legislature to support DV staff recruitment and retention efforts by increasing minimum wage by \$3/hour and providing a 5.4% Cost of Living Adjustment (COLA) to all staff at OCFS-licensed DV programs.

Budget Request #2: Increase TANF Set Aside for Non-Residential Domestic Violence Services to \$6 Million

Domestic violence survivors' requests for non-residential supportive services such as information and referral, counseling, legal advocacy and financial empowerment assistance, increase every year. According to a recent survey of domestic violence service provision in New York, on just one day in September 2022, nearly 3,500 adult and child victims sought non-residential DV services – 38% of all requests received on that day and 1,000 more than in 2021.⁸

Non-residential DV services in New York are funded in part with a dedicated stream of TANF funding. Last year, the Legislature slightly increased the level of dedicated TANF funding for non-residential DV services by \$200,000, to \$3.2 million. While we appreciated this incremental increase, it was not sufficient to cover the very high demand for non-residential domestic violence services across the state. Unfortunately, the Governor's FY'23-'24 decreases this set aside back to \$3 million, the same level as when it was first proposed more than 20 years ago in the FY'00-'01 budget.

According to the Center on Budget and Policy Priorities, as of 2020, "New York has accumulated \$897 million in unspent TANF block grant funds, equal to 37% of its block grant."⁹ Increasing New York's TANF set-aside for non-residential DV services by \$3 million represents 0.67% of these unspent funds.

Further, NYS spent only 1% of its total TANF grant and matching funds – \$44 million – on programs related to health, mental health, substance abuse, disability services, housing

⁷ New York State Coalition Against Domestic Violence and New York State Coalition Against Sexual Assault. Sexual Assault & Domestic Violence Programs Salary and Benefits Survey. October 3, 2022.

⁸ National Network to End Domestic Violence (2022). 17th Annual Domestic Violence Counts Report. Washington, DC. and National Network to End Domestic Violence (2021). 16th Annual Domestic Violence Counts Report. Washington, DC.

⁹ Center on Budget and Policy Priorities, 'State Fact Sheets: How States Spend Funds Under the TANF Block Grant', https://www.cbpp.org/sites/default/files/atoms/files/tanf_spending_ny.pdf, (accessed February 2, 2023).

counseling, family support, and DV. The fact is, these are federal dollars that New York State has in its coffers, but appears unwilling to use to support its most vulnerable citizens.

Finally, when adjusted for inflation, the \$3 million appropriation first set in 2000 would have to be \$5 million today to provide the same level of supports and services for victims.

We urge the Legislature to increase to \$6 million the federal TANF set-aside for non-residential DV services to address inflation and high demand for such services.

Budget Request #3: Increase the Governor's \$14.4 million earmark from general funds to the Criminal Justice Improvement Account to \$26.1 million to cover significant VOCA cuts to non-profit victim assistance providers (PPGG Part CC). The additional \$11.7 million should be available only to legacy victim service providers that are receiving less funding in 2022-2025 than under prior contracts.

Domestic violence service providers rely on a myriad of federal funding streams to support life-changing services for victims of abuse and crime. VOCA is the largest of these funding sources, enabling hundreds of thousands of New Yorkers to access services including shelter, housing, legal assistance, counseling and more. Without VOCA funds, many victim service programs would cease to exist, leaving victims of domestic violence, sexual violence, child abuse and child sexual abuse with nowhere to turn.

New York's federal VOCA grant has declined \$115.7 million from 2018 to 2022. While deposits into the federal Crime Victims Fund, which fuels state VOCA grants, are slowly increasing as a result of the 2022 VOCA Fix legislation, the Fund's restoration has been taking longer than anticipated.

Due to this financial predicament, in 2021, the state Office of Victim Services (OVS), New York's administrator of VOCA funding, cancelled the final year of some existing contracts and threatened to cut grants to providers by 10%-15% in its next procurement. Knowing the impact such cuts would have on the provision of services for crime victims, the advocacy community rallied and pushed for relief. Thankfully, the Governor and Legislature moved \$14.4 million from general revenues to OVS' Criminal Justice Improvement Account in last year's budget, and the Governor committed to similar earmarks in the FY'23-'24 and FY'24-'25 budget. We respectfully request the Legislature carry forward this year's \$14.4 million earmark, which appears in the Executive Budget PPGG Bill, Part CC, Page 116, lines 8-9.

To our surprise, however, when OVS awarded its next round of three-year grants to New York's crime victim service providers last summer, nearly 90 legacy programs received devastating cuts – some as much as 30%. For example, three DV providers in Westchester County were cut a combined total of \$818,574, or \$2.46 million over the three-year contract term. And they are not alone. Based on our analysis of the awards, 87 grantees were cut a combined total of \$11.7 million each year of the three-year contracts, for a total of \$353.1 million over the three-year term of the contracts. With the heightened demand for victim services, New York must invest in its crime victim service network to ensure New Yorkers receive critical, life-stabilizing assistance.

We urge the Legislature to earmark \$11.7 million to supplement funding to those victim service providers that received less funding in 2022-2025 than under prior OVS contracts. This, combined with carrying forward the \$14.4 million transfer, would result in a \$26.1 million transfer to OVS.

Budget Request #4: Add Organizational Viability Language for All State-Administered Federal Grants Used to Support DV Services

With the high demand for DV services, New York State should be continuously investing in OCFS-licensed DV agencies to provide critical services for DV survivors and their families. Unfortunately, that doesn't happen in New York. Instead, most funding for DV services in New York is awarded via competitive procurement, a process that causes significant upheaval and instability among this network of critical service providers. Every few years, DV service providers are forced to hire or fire staff, causing ripples throughout the survivor community. A long-standing, experienced program might be funded to assist survivors on one day, and then not the next, leaving survivors without access to critical services.

To ensure the continuity, accessibility and sustainability of DV services, core funding to domestic violence service providers should not be made through a competitive grant process. Instead, the State should include "organizational viability" language in the State's budget for domestic violence services, such as:

"To ensure organizational viability, agency administration may be supported subject to review and approval of the commissioners of state agencies administering funding for domestic violence services. Notwithstanding any provision of law to the contrary, commissioners of such state agencies shall be authorized to continue contracts with community-based, nonprofit organizations providing residential or non-residential domestic violence services, without any additional requirements that such contracts be subject to competitive bidding or a request for proposals process."

Thank you for your consideration of these requests.