

Testimony of
The New York State Coalition Against Domestic Violence
to the Joint Budget Hearing of the Senate Social Services Committee
and the Senate Women's Issues Committee
Regarding Human Services Programs for Domestic Violence Survivors

Testimony Presented by Joan Gerhardt,
Director of Public Policy and Advocacy
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The New York State Coalition Against Domestic Violence (NYSCADV) serves as the information clearinghouse, primary point of contact and resource center on domestic violence (DV) for the State of New York. Established more than 45 years ago, NYSCADV is a statewide non-profit membership organization representing New York's residential and non-residential domestic violence programs.

According to the most recent data collected by the National Network to End Domestic Violence, New York's DV programs serve the needs of more than 9,000 victims/day. This represents a 38% increase from the year before. More troubling, on any given day, nearly 1,000 DV victims and children do not receive the help they are seeking due to a lack of resources and staff.

Although thousands of victims rely on the care our provider network administers each year, funding has not kept pace. DV service providers do not receive the funding they need to provide survivor-centered, trauma-informed services for DV victims. They have faced years of cuts or flat funding with increasing administrative burdens, and DV staff have historically been left out of salary increases and Human Services cost-of-living adjustments (COLAs). Programs have had to lay off staff, cut programming and obtain interest-bearing loans or lines of credit just to have enough revenue to keep their doors open.

New York policymakers have spent years talking about crime while shredding the safety net for many of the most vulnerable victims of crime.

Several factors are occurring simultaneously to create this serious, unsustainable situation:

- Current funding has not kept pace with the demand for DV services, a demand that remains the highest in the country;
- New York relies almost exclusively on federal funding streams to support DV services. The State has no mechanism in place to ensure the stability of funding for DV services when these federal funding streams fluctuate;
- New York's per diem reimbursement model is based on a "heads in beds" approach where residential programs only receive funding when DV survivors are in shelter. DV service providers (DVSPs) lose thousands of dollars a year in reimbursements under the current system;
- New York has failed to provide DV advocates and staff with living wages, causing an exodus from the DV advocacy community;

- New York requires DVSPs to compete against one another in competitive procurements for much of their funding, rather than providing stable, foundational funding;
- New York has five state agencies – OCFS, OTDA, OVS, DCJS and OPDV – responsible for contracting with DVSPs. All have different contract periods, different contract terms and different reporting and auditing requirements, requiring extensive time and resources for administration; and,
- New York’s state agencies are not complying with New York’s requirements for prompt contracting with nonprofits by failing to execute contracts on time or have funding available at the start of the contract period and delaying reimbursement for penny errors or questions about incidental purchases.

New York can and must do better by:

- (1) Ensuring living wages for DV advocates and staff;
- (2) Sufficiently covering the shortfall in Victims of Crime Act (VOCA) funding;
- (3) Ensuring the long-term sustainability of victim services by enacting the Victim Services Stabilization Act;
- (4) Prohibiting competitive procurement for DV services;
- (5) Creating accountability for the State’s contracting process;
- (6) Restructuring the current per diem reimbursement funding model;
- (7) Using state resources to match federal funding streams; and,
- (8) Resurrecting New York’s prevention efforts to end DV before it occurs.

Section 1: Ensure Living Wages for DV Advocates and Staff

DV advocates and staff who work under contracts with New York State should have a living wage floor of \$21 an hour, and wages should be adjusted upward annually through a COLA. It is imperative that DV advocates be included in the COLA every year; these frontline workers have never received one and their ability to retain qualified staff is at a critical juncture.

Section 2: Fully Cover VOCA Federal Funding Shortfalls for Victim Services Providers

DV programs rely on a myriad of federal funding streams to support services for DV victims. VOCA is the largest of these funding sources, enabling thousands of New Yorkers to access shelter, housing, legal assistance, counseling and more.

New York’s federal VOCA grant has declined \$121.6 million in the past five years, losing approximately 60% of its value. In response, the state Office of Victim Services (OVS) terminated contracts with legal services providers working with crime victims, forcing attorneys from the necessary work they do. OVS also combined three separate contracts (e.g., victim services, case management services and legal services) into one Request for Proposals resulting in different types of sub-grantees competing against one another for funding. Many providers not previously contracted with OVS as VOCA sub-grantees applied for this round of funding, necessitating the Agency to distribute available funding to a larger group of providers.

The FY’23 and FY’24 state budgets included a combined total of \$28.8 million for victim services. However, this covered less than one-quarter of the shortfall and didn’t stop OVS from cutting \$12 million to nearly 90 legacy service providers. Now, OVS is warning our providers that it may not fulfill the final year of existing contracts. Clearly, more funding is needed to stabilize this critical network of safety net service providers. Without immediate intervention, the sustainability of New York’s victim services remains in jeopardy and services will not be available or accessible.

Section 3: Ensure the Long-term Sustainability of Victim Services by Enacting the Victim Services Stabilization Act

New York’s victim service providers must receive long-term, foundational funding to ensure they remain fully staffed and fiscally solvent at all times. Modeled after a new law in Maryland, the Victim Services Stabilization Act would secure this network of providers by ensuring state funds are administered in a unified process with

federal VOCA funds. The legislation would require the Governor to include an annual Executive Budget appropriation that, together with the amount received in the prior year's VOCA grant, totals an aggregate \$199 million* for the victim service programs funded with VOCA sub-grants. For example, in 2023, New York received \$77.8 million in federal VOCA Victim Assistance funding. This legislation would require the Governor to include a \$121.2 million appropriation for victim services in the FY'25 Executive Budget, for a combined state/federal total of \$199 million. This funding, which would include an annual inflationary increase, would be used to supplement, but not supplant, money that the programs receive from other sources, and could be used as a match for federal VOCA funds.

* *The level of New York's VOCA grant in 2018 before it began a five-year downward trend.*

Section 4: Prohibit Competitive Procurements for DV Services

Most DV funding is awarded via competitive procurement, a process that causes significant upheaval and instability among this critical network, without improving the quality or accessibility of services. Instead, DV service providers should receive the majority of their funding via foundational grants that are adjusted annually for inflation.

NYSCADV recommends the following language be added in the State Budget wherever DV funding is appropriated: "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."

Section 5: Creating Accountability for the State's Contracting Process

New York's contracting processes push DV agencies to the financial brink, forcing many to cut programming, lay off staff, rely on lines of credit or obtain interest-bearing loans to keep their doors open and staff paid. State agencies require these non-profits to front the funding to implement a program, and then wait months to provide reimbursement. The Prompt Contracting and Interest Payments for Not-for-Profit Organizations (Article 11-B of the State Public Finance Law) is robust, yet state agencies are not held accountable when they fail to abide by its provisions.

At a minimum, state agencies should be required to fully execute contracts with nonprofits 30 days before the start of a contract period and funding should be available at the start of the contract period. The state should return to a monthly drawdown/payment process, rather than quarterly. And the restriction on submitting subsequent vouchers until an initial voucher is paid must be immediately eliminated. If the state fails to meet its deadlines for executing contracts, state agencies should be required to notify non-profits of their ability to obtain advance payments, interest payments, and/or short-term revolving loans, and should provide such payments when requested.

Section 6: Restructure the Current Per Diem Reimbursement Model for Funding DV Shelter

New York's method for funding DV shelters was established more than 35 years ago and was designed to create safe space for DV victims leaving abusive households. Today, however, more and more DV survivors do not want to enter emergency shelter and instead are seeking non-residential assistance and services, such as counseling, legal advocacy and immigration services. According to the latest national research, on any given day, nearly 3,500 adult and child victims receive non-residential supportive services from New York's provider network.¹

DV residential programs are reimbursed by the state for each night a DV survivor resides in a facility, based on rates set by the state Office for Children and Family Services (OCFS). These per diem reimbursements are provided to DV programs by county Departments of Social Services after a DV

¹ National Network to End Domestic Violence (2023). 17th Annual Domestic Violence Counts Report. Washington, DC.

survivor's stay in shelter. DV programs may request reimbursement in the subsequent fiscal quarter following the survivor's stay. It typically takes months after a claim is made for a provider to receive reimbursement.

The reimbursement model requires DV residential programs to spend significant time chasing down payments, as counties engage in lengthy disputes over which is fiscally responsible for the shelter stay. Providers remain unpaid during such disputes, despite having already provided services to the survivor and incurring costs. DV advocates report that it could take as long as two years to be reimbursed. As a result, DV programs often make the difficult decision to stop pursuing reimbursement as the increasing staff time involved would make the financial loss even worse than simply writing off the uncollectible 'bad debt' with the counties. This 'bad debt' can be tens of thousands of dollars per program per year.

In addition, the current system can be significantly impacted by external factors or events that cause DV survivors to avoid entering shelter, such as significant weather events, public health emergencies and government activities targeting marginalized populations. For example, during the Pandemic, occupancy rates in many DV shelters plummeted, declining as much as 55% for some programs. Nearly all DV providers reported a need to cut programming, services or staff due to the reduction in reimbursement revenue. Others reported the need to rely on reserves or lines of credit (from \$10,000-\$75,000). Still others used short-term federal pandemic relief funds to stay solvent but were very concerned the funding would run out or expire.²

In addition to the pandemic-related barriers DV survivors faced when entering shelter, DV programs also were required by local health departments to keep a certain number of beds open for isolation and quarantine purposes. In May 2020, thirty DV residential programs reported having to keep a total of 141 beds open each night for such compliance. Using an average of OCFS' 2020-2021 NYC³ and 2021 Rest of State DV per diem flat rates⁴ for shelters with 20 beds or less (or \$124.20), this amounted to a loss of \$17,512.20 in revenues across the system each day the isolation and quarantine protocols were in place.

Further, New York's current system is not survivor-centered because DV programs are not permitted to "hold a bed" for survivors who must temporarily leave shelter for a court appearance in another county, to travel out of state for a funeral, to obtain medical services, or for a child's court-ordered visit with a parent living in another community. Providers often decide to hold a bed available in these cases, foregoing reimbursement.

Other challenges of the current per diem reimbursement model include:

- Smaller, more rural DV programs with sporadic occupancy rates have a difficult time estimating reimbursement revenue under the current system, resulting in an inconsistent revenue stream that wreaks havoc on operational budgets.
- Counties often deny reimbursements for technical reasons, such as a survivor's refusal to fill out paperwork; discrepancies with sign-in sheets or other monitoring requirements; or a survivor's shelter stay doesn't meet the criteria for how OCFS defines a bed night. In these cases, DV programs incur the costs of the shelter stay, but are not reimbursed. DV programs report losing tens of thousands of dollars each year due to these denials.
- The per diem rate set by OCFS for DV shelter is far below what other related services and programs in New York receive. For example, if a youth stays in a 20-bed DV shelter for a night,

² NYSCADV Survey to DV Service Providers, November 2020.

³ OCFS Administrative Directive titled "New York City Domestic Violence State Aid Rates for July 1, 2020 through June 30, 2021," dated June 2, 2021.

⁴ OCFS Administrative Directive titled "Rest-of-State Domestic Violence State Aid Rates for January 1, 2021, Through December 31, 2021," dated October 25, 2021.

the DV program operating the shelter receives \$142.69 if the shelter is located in New York City, or \$124.85 if the shelter is located outside of New York City. Conversely, if that same youth stays in a group residence, group home or boarding home supervised by OCFS, the supporting program receives approximately \$500. If the youth is placed in a secure residential facility, reimbursement rates are more than \$2,000 per night.

New York should restructure this payment model by providing DV residential programs with foundational funding to operate emergency shelters. Such funding would be based on a per diem that is comparable to other OCFS-set per diems, and 100% occupancy for the full contract year. These funds should be flexible and unrestricted and should include annual adjustments for inflation. DV programs would contract directly with OCFS for the funding, rather than local counties, and funding would be available to them on a monthly draw-down basis.

Section 7: Use State Resources to Match Federal Funding Streams

New York relies almost exclusively on federal funding to support DV services. These federal funding streams require a match, which is the non-federal share of the project costs that a grantee must contribute. Initially intended to ensure communities are invested in the programs they receive funding for, match requirements create insurmountable burdens for nonprofit organizations, particularly those in rural and under-served communities, because they do not consider a community's population size, wealth or tax base. Some states are now using state revenues to cover match requirements for nonprofits seeking federal funding grants. New York should do the same.

Section 8: Resurrecting New York's Prevention Efforts to End DV Before It Occurs

Primary prevention efforts aim to stop DV before it starts. Connected communities experience less DV, and advocates can play a pivotal role in building communities across our state that are connected. Advocates know best how to partner with other local organizations to bolster support for victims. This work includes creating opportunities for community members to build trust with each other; increase access to quality, affordable housing, education, employment, healthcare, healthy food, and safe spaces for play and recreation; and ensure environments and relationships support overall health and wellness. Primary prevention efforts also counter the societal attitudes and beliefs that allow domestic violence to happen — harassment, bullying, oppression, inequality, and power over others.

DV service providers across the country are implementing innovative programming to reach more survivors and provide a greater variety of services. States are creating new housing opportunities, funding mobile vans to reach survivors where they live, strengthening community offender/abusive partner accountability and restorative justice programs, and developing partnerships with organizations providing language accessibility. Yet these best practices and innovations in the field are out-of-reach for New York's DV service providers who do not have enough funding to establish, let alone maintain, modern, cutting-edge services.

In addition, New York does not allocate specific funding for DV programs that provide critical services for DV victims in a manner that affirms their culture. According to information provided by the U.S. Department of Justice, Office on Violence Against Women, DV advocates report that survivors are more inclined to seek services from organizations that are familiar with their culture, language and background. These organizations are more likely to understand the complex, multi-layered challenges and obstacles that victims in their communities face when attempting to access services and are better equipped to form essential relationships relevant to the diverse and unique needs of the victims. Several programs in New York provide culturally-specific services to victims. However, these programs tend not to have significant grant writing resources. Further, New York State tends to prioritize the number of clients a program serves as a mechanism for distributing federal funding. Because culturally-specific DV providers offer services to a targeted group of individuals, these programs typically lose out to larger DV programs in the state's allocation formulas.

Smaller DV programs operating in upstate, rural, or marginalized communities are similarly disadvantaged by the state's methodology for distributing federal funding (e.g., number of clients served) and do not have the staff needed to respond to multiple grant opportunities.

New York should establish a \$10 million funding stream so ground-breaking prevention initiatives can be supported at the community, grassroots level. Augmenting prevention-related services will save the State millions of dollars in intervention costs each year.