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Senate of Pennsylvania

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REPLY TO:
 HARRISBURG
 PHILADELPHIA

May 31, 2001

By Facsimile 717 783 2664

Independent Regulatory Review Commission
 333 Market Street
 Harrisburg, PA 17120

Re: DPW Regulations #14-447
 Implementation of TANF – Act 35

Dear Members of the IRRC:

Several significant problems with Department of Public Welfare Regulations #14-447, recently submitted for your approval, have been brought to my attention. Many of the regulations run counter to policies outlined in DPW's own TANF state plan as well as in the state welfare reform law, Act 35 of 1996. Although DPW took nearly five years to issue the regulations, the process is now continuing with an abbreviated comment period despite the complexity and importance of the regulations. With these concerns in mind, I ask that you extend the period for public comment, and not approve the regulations as submitted.

Under the proposed regulations, families eligible for Pennsylvania's General Assistance program will be barred from receiving assistance if they have used up their 60 months of federally-funded TANF assistance. This is contrary to Act 35, which does not impose time limits on the receipt of General Assistance. Under state law, families may continue to receive General Assistance as long as they continue to meet the criteria for such assistance. Children and the disabled are two groups who meet Pennsylvania General Assistance criteria and yet would see their General Assistance benefits end when their TANF ended under DPW's proposed regulations.

As submitted by DPW, the regulations do not provide for exemptions to the 60-month TANF time limit. Federal law allows states to exempt up to 20% of TANF recipients from this time limit, and provides for special exemptions for victims of domestic violence. While DPW has

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announced plans to provide exemptions through "Overtime" programs and the new "Time-Out" program, these regulations seem to disallow the implementation of such programs.

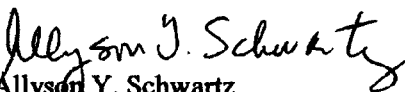
Many Pennsylvanians in need of assistance are homeless or have limited English proficiency. When these individuals' hardships are the result of, or compounded by, a disability, additional assistance may be available. However, providing verification of the disability can be a very difficult prospect for such individuals. With the elimination of the "reasonably available" documents protection currently in place under Pennsylvania law, the costs and difficulties involved with providing verification of a disability will be prohibitive for many needy and eligible individuals. The regulations also eliminate the requirement that the welfare office must help people secure the needed verification, making it even more difficult for disabled individuals to receive aid.

I am concerned by the elimination of protections currently in place to protect against inappropriate sanctions of families. In addition, the new regulations ignore modifications DPW made to its work program, consistent with Act 35, to expand access to education and training. Access to education and training is essential for aid recipients to succeed in the workforce.

Also troubling is the failure of the proposed regulations to protect survivors of domestic violence, counter to the policies recommended by the DPW-appointed Domestic Violence Task Force and previously adopted by DPW. The task force's recommendations included not limiting a "good cause" waiver of the child support enforcement cooperation requirement by an "expiration date," and instead maintaining the waiver as long as necessary to protect the safety of a woman and her children. The elimination of this protection unnecessarily and unacceptably puts Pennsylvania's women and families at risk.

In light of the serious failings of the proposed regulations, I respectfully request that you do not approve these regulations until adequate time has been provided for public input and the noted and other problems have been corrected.

Yours truly,


Allyson Y. Schwartz
State Senate - 4th District