



ORIGINAL: 2224

Emma T. Lucas, Ph.D, LSW  
President

Rebecca S. Myers, LSW  
Executive Director  
exec@nasw-pa.org

RECEIVED  
INDEPENDENT REGULATORY REVIEW COMMISSION  
AUG 5 10:17 AM '02

August 5, 2002

BY FAX: (717) 783-2664  
Independent Regulatory Review Commission  
333 Market Street  
Harrisburg, PA 17120

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

**We are writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC.** While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. **Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.**

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*The timeout regulations are inappropriately narrow.* Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

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**PENNSYLVANIA CHAPTER**

National Association of Social Workers

1337 North Front Street • Harrisburg, PA 17102-2629 • (717) 232-4125 • (800) 272-6279 • FAX (717) 232-4140  
www.nasw-pa.org

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***The regulations fail to outline procedures for completing assessments in accordance with state and federal law.*** Assessment Regulation, §§123.22, 161.1.

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**Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.**

Sincerely,

**Rebecca S. Myers, LSW  
Executive Director**

**cc: Secretary Feather Houstoun  
Department of Public Welfare  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120**



**Homeless Advocacy Project**  
 A legal aid project of the Philadelphia Bar Association

ORIGINAL: 2224

2002 AUG -5 7:12: 24

INDEPENDENT REGULATORY REVIEW COMMISSION

1424 Chestnut Street  
 Philadelphia, PA 19102  
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 (800) 837-2872  
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 Email: [marsha@philalegal.org](mailto:marsha@philalegal.org)  
[www.libertynet.org/~hap](http://www.libertynet.org/~hap)

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**Office Assistant**

Margianne P. Smith

August 5, 2002

BY FAX: (717) 783-2664

Independent Regulatory Review Commission

33 Market Street

Harrisburg, PA 17120

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*"...helping to break the cycle of poverty and homelessness."*

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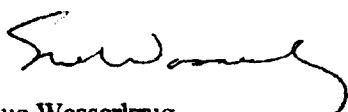
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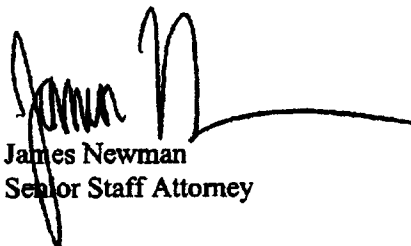
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Sincerely,



Sue Wasserkrug  
Staff Attorney for  
Children and Families



James Newman  
Senior Staff Attorney

cc: Secretary Feather Houston  
Department of Public Welfare  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120

## HOMELESS ADVOCACY PROJECT

1424 Chestnut Street  
Philadelphia, PA 19102  
(215) 523-9595  
Fax: (215) 981-3866

### FAX TRANSMITTAL SHEET

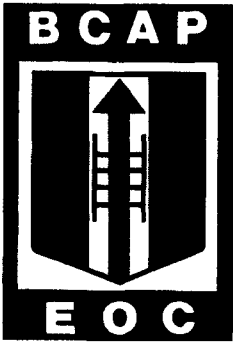
**To:** Independent Regulatory Review Commission    **Date:** August 5, 2002  
**Fax #:** 717-783-2664    **Pages:** 4, including this cover sheet.  
**From:** Sue Wasserkrug and James Newman  
**Re:** DPW Proposed TANF Regulations

Please see attached. Thank you.

PHILA LEGAL ASSISTANCE  
215-981-3866  
AUG 5 2002

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# Berks Community Action Program

P.O. Box 22

Reading, Pennsylvania 19603-0022

2002 AUG -7 AM 8:31

**EMBARGOED MATERIAL**

INDEPENDENT REGULATORY COMMISSION

Telephone:  
(610) 376-6571

August 5, 2002

William F. Richardson  
Executive Director

Independent Regulatory Review Commission  
33 Market Street  
Harrisburg, PA 17120

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Sincerely,



William F. Richardson  
Executive Director

cc: Secretary Feather Houston

Typed  
9 am 8/7

---

# INDEPENDENT REGULATORY REVIEW COMMISSION

**To:** Feather Houstoun  
**Agency:** Department of Public Welfare  
**Phone:** 7-2600  
**Fax:** 2-2062

**From:** Kristine M. Shomper  
Administrative Officer  
**Company:** Independent Regulatory Review  
Commission  
**Phone:** (717) 783-5419 or (717) 783-5417  
**Fax:** (717) 783-2664

**Date:** August 7, 2002  
**# of Pages:** 5

RE: Department of Public Welfare's Regulation #14-472 (IRRC #2224)

## URGENT!

Section 5(j) of the Regulatory Review Act (71P.S. §745.5(j)) requires us to forward to you any documents we receive, during the 48-hour blackout preceding our public meeting, within 24 hours of our receipt. **Please distribute this material to the appropriate regulatory staff as soon as possible.**



CITY OF PHILADELPHIA  
CITY COUNCIL

ANGEL L. ORTIZ  
Room 590 City Hall  
Philadelphia, Pennsylvania 19107  
(215) 686-3420-3421  
Fax: (215) 686-1930

August 5, 2002

COUNCILMAN-AT-LARGE

BY FAX: (717) 783-2664

ORIGINAL: 2224

Independent Regulatory Review Commission  
33 Market Street  
Harrisburg, PA 17120

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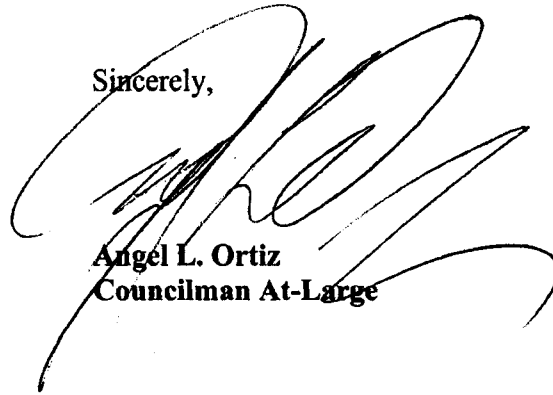
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Thank you for considering these comments. I hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'A. Ortiz', is written over the typed name and title.

**Angel L. Ortiz**  
**Councilman At-Large**

cc: Secretary Feather Houston  
Department of Public Welfare  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120



Original: 2224

*"Helping People Help Themselves"*113 East Main Street  
Norristown, PA 19401  
(610) 277-6363  
Fax: (610) 277-7399  
Fax: (610) 277-2123

---

*MONTGOMERY COUNTY COMMUNITY ACTION DEVELOPMENT COMMISSION*BY FAX: (717) 783-2664  
Independent Regulatory Review Commission  
33 Market Street  
Harrisburg, PA 17120

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cc: Secretary Feather Houston  
Department of Public Welfare  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120

6/10/02 11:14:06  
HEALTH AND WELFARE  
COMMISSIONER

MONTGOMERY COUNTY COMMUNITY ACTION  
DEVELOPMENT COMMISSION

C A D C O M

113 EAST MAIN STREET  
NORRISTOWN, PA 19401  
PHONE (610) 277-6363  
FAX (610) 277-2123

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
<i>Independent Regulatory Review</i>	<i>Rose Wilson</i>
COMPANY:	DATE:
<i>Commission</i>	<i>8-2-2002</i>
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
<i>717-783-2664</i>	<i>3</i>
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

610-277-2123  
MONTGOMERY COUNTY  
COMMUNITY ACTION  
DEVELOPMENT  
COMMISSION

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2002 AUG -5 PM 3:40

REVIEW COMMISSION

BY FAX: (717) 783-2664  
Independent Regulatory Review Commission  
33 Market Street  
Harrisburg, PA 17120

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC

**We are writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC.** While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. **Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.**

***The regulations are not clear about what counts toward the 60 month time limit.*** DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §§141.41(d).

***The timeout regulations are inappropriately narrow.*** Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §§281 1.

***The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading.*** The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §§151 41(d)(1).

***The regulations fail to outline procedures for completing assessments in accordance with state and federal law.*** Assessment Regulation, §§§123 22, 161 1.

***The regulations minimize the need for appropriate child care.*** The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child

Care Regulation, §§165.2

**The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search.** Initial Job Search Regulation, §§165.31.

**The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy.** Education Exemptions Regulation, §§165.22(c)

**The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances.** Special Allowances Regulation, §§165.41(a)

**The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act.** Verification Regulation, §§165.22(a)(1).

**The regulations create a new and unduly harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions.** Paid Work Experience Regulation, §§165.31(c)(7)

**The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act.** Limitation of Training Regulation, §§165.31

**The regulations fail to set adequate standards for performance of compliance review.** They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individual's work schedule. Compliance Review Regulation, §§165.51(e)

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,



Danielle Rosenzweig

cc: Secretary Feather Houston  
Department of Public Welfare  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120



1424 Chestnut Street, Philadelphia, PA 19102-2505  
Phone: 215.981.3700  
Web Address: www.clsphila.org

2002-08-05 PM 3:40

RECEIVED COMMUNITY LEGAL SERVICES, INC.

### FAX TRANSMITTAL COVER SHEET

FAX NUMBER: 215.981.0436

DATE: 8/5/02

TO: IRRC

FAX NUMBER: 717-783-2664

ORGANIZATION: \_\_\_\_\_

FROM: D. ROSENZWEIG

DIRECT DIAL: 215-981-3780

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 3

MESSAGE: \_\_\_\_\_

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Original: 2224

**IRRC**

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**From:** Richard Weishaupt [RWeishaupt@clsphila.org]  
**Sent:** Thursday, July 25, 2002 4:18 PM  
**To:** IRRC  
**Subject:** position paper regarding tolling or withdrawal



TANF bullet points  
in Word wit...

Attached is our revised paper regarding tolling and/or withdrawal,  
which we  
have also sent to the Dept. in hopes of persuading them to make revisions.  
Thank you for your patience.

Richard P. Weishaupt  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
Phone:215.981.3773  
Fax:215.981.0436

## Issues Remaining in the DPW TANF regulations

Despite considerable improvement and responsiveness to the concerns of commentators, there are a number of issues raised by the DPW regulations currently before the IRRC. One must bear in mind that a number of the regulations were written in response to comments, but were never seen in draft form prior to their submission as final form regulations. This, then, is the first time that any members of the public have had the opportunity to comment on the actual wording of these regulations. Other regulations were revised, not in response to public comment, but on DPW's own initiative. These changes have also not been subject to public comment. In addition, there are sections of the regulations where it appears that there may have been drafting errors, or where the wording of the final form regulations do not accurately reflect DPW policy as we understand it. We are therefore hopeful that these regulations can be revised so as to be acceptable to all concerned in a relatively short period of time, through withdrawal and resubmission or through tolling.

**Time limit regulations, 141.41(d):** the draft for the first time sets out standards for the time out program and for computation of the 60 months. This in itself violates the IRRC instructions and the Department's representation of how it wished to proceed. The IRRC letter of December 20, 2001 said that the Department said it would publish these *proposed* regulations as soon as possible. Instead, DPW has published these "time out" regulations as if they were final form omitted regulations, denying the public the opportunity to comment.

Moreover, the regulations reject our suggestion for a brief enumeration of the four exceptions to the five-year time limit, a question also raised by the IRRC. For example, the regulations omit short term, emergency nonassistance (which was anticipated), and more significantly, since there should be no substantive disagreement, fail to make it clear that existing DPW programs do not count toward the 60 months limit because they are nonassistance programs. For example, services funded with federal TANF dollars and stipends offered by special programs such as JRARRE are currently ignored in the calculation of the 60-month time limit, but the proposed regulations do not exempt them from the 60-month computation. Similarly, the regulation fails to name the other exceptions: hardship, state-funded programs, and DV, all of which it had been urged to list by the IRRC.

**Time out regulations, 281.1:** the time out program regulations, which are only published for the first time in these final regulations, do not allow enough flexibility in that they limit the Department to only the five enumerated time outs currently in effect and do not describe the unifying principle, namely, that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. It is important to add this provision should the Department wish to expand the number of time outs in the future. Such a provision would preserve flexibility by allowing for other programs in addition to the five time out programs already listed.

In addition, one of the rationales for the time out programs is to reward those doing more than the minimum, thus the requirements are set at the federal participation targets (i.e., 30 hours for single parents, 55 hours for two parent families), rather than merely requiring the individual to exceed the 20 hours prescribed as the work requirement in Act 35. However, under the regulation DPW has published for the first time, the time out requirement for single parents with

children under 6 is set at 30 hours, even though federal law considers those parents to be fully participating when the parent is working for 20 hours per week. This is, of course, a recognition of the difficulty parents of young children experience when trying to seek and accept employment. The time out regulations should acknowledge that parents with young children can get a time out if their work effort exceeds 20 hours, not the 30 hours required of parents of older children. Had these regulations been published as proposed, such suggestions could already have been weighed responded to by DPW; instead the time out regulations appeared for the first time as final in this draft.

In the important area of Domestic Violence, the new time out regulations define “victim of domestic violence” as an individual who has been subjected to domestic violence, as defined in 187.22. However, DPW has already agreed that domestic violence may include threats of future domestic violence, so that the definition should read, “An individual who **is or** has been subjected to domestic violence **or who is at risk of further domestic violence**, as defined by 187.22.” (Suggested language in **bold**.) We suspect that this deviation is unintentional, but a change should be made nonetheless.

Another problem with the regulations is the limit of the domestic violence time out to 12 months in a lifetime. We have not previously raised this concern even though it existed in unpublished DPW policy, but it is now more serious, given that DPW has, for the first time, announced its intent to put it in regulatory form. While one would hope that such a one-year time out for domestic violence would be adequate in most cases, there certainly will be exceptional cases that should be dealt with on a case-by-case basis, where more than 12 months in a lifetime will be necessary.

**Temporary absence of a child, 151.41(d)(1):** in the first proposal commentators objected to two provisions of this regulation providing for eligibility for TANF while a child was temporarily residing elsewhere, so that a parent could maintain a permanent household. While one concern with the regulation has been resolved two serious issues remain. First, DPW insists that parents who fail to report that a child’s temporary status has changed will be sanctioned by being disqualified for 30 days. Several commentators initially objected to this on the grounds that it was not authorized by statute. In response, DPW now insists that it has the general rule making power to invent new sanctions for perceived transgressions, even though the Legislature has previously been viewed as the only source of such punishment. Such a usurpation of authority is illegal and sets a dangerous precedent.

Second, perhaps inadvertently, the regulations say that when a “child is living at a school to which the relative has to turn over control of the child, the RELATIVE will not be eligible for TANF.” This is wrong, since the relative may have other children living with her and therefore still be eligible for TANF; what the regulation undoubtedly should say is that the relative is ineligible insofar as she is relying on the relationship with the absent child to qualify for TANF.

**Assessment, 165.1 & 123.22:** despite the clear mandate of state and federal law, the regulations still do not make it clear when and how an individual is to be assessed. Federal law

is clear that these assessments must be done promptly in every case. We would add that the IRRC requested that the Department explain its *procedures* for doing assessments. The regulations do not do so.

**Appropriate child care, 165.2:** in order to make it clear that parents will be required to work only where there is appropriate child care, a requirement of federal law, DPW has added a definition of appropriate care and usually, but not always, made reference to appropriate care in other regulations. However, aside from not making consistent reference to “appropriate” care (see 165.21(c)(4) and 165.25(2), where the term “appropriate” is left out, despite IRRC instruction), the new definition is inadequate in that all it says is that “appropriate care” is care that meets the requirements of applicable state regulations, or in the case of informal care, does not need to comply with any standards. Nowhere does it say in this definition that the care must be appropriate to the individual child and his or her needs, or that it meet any safety or health requirements that are in excess of the state regulations -- a key point for informal care, since there are no state standards. Additionally, this section replaces a good cause section that excused those who could not find “adequate child care for children who need close supervision, particularly [during] other than normal daylight hours.” As such, while we welcome the attempt to define “appropriate,” the actual definition, which was never before published, is wanting, contrary to the instruction of the IRRC to develop such a definition consistent with federal regulations, 45 C.F.R. 261.56(b)(2)(ii).

**Initial job search, 165.31:** while acknowledging that state law, 62 Purdon’s Stat. 405.1(a.2)(3) limits initial job search to a period not to exceed 8 weeks (and federal law also limits the counting of work search as a work activity to no more than 8 weeks), DPW insists that it may require individuals to participate “contractor-directed job search” of 8 weeks *plus* 90-120 days. This is clearly inconsistent with federal and state law. This too is a new provision to the regulations.

**Education exemptions, 165.22(c):** DPW has added language to allow individuals to meet work requirements through education when they have begun an educational program and are nearing completion of the program and therefore have good cause for finishing the educational program. However, contrary to existing policy, DPW added a provision limiting good cause to no more than 6 months. There will be circumstances where it may be appropriate to go beyond 6 months. The regulation needlessly imposes inflexibility where none needs exist, since ultimately it will be DPW who decides what will constitute “good cause.”

Similarly, current DPW policy allows individuals to finish their secondary education, even if it extends beyond age 22, where there is good cause. The regulations inexplicably omit this policy.

**Special allowances, 165.41(a):** DPW has changed “is eligible to receive” special allowances to “may receive” special allowances, thus leaving it to the discretion of the caseworker to decide. This is an invitation to arbitrary and inconsistent decision making. This language was changed in the Child Care Works regulations, 165.46(a)(1), and should be done here as well.

**Verification of eligibility for people with disabilities, 165.22(a)(1):** solely on its own, DPW amended its proposed regulation, which kept the language that DPW workers “will” assist those having difficulty obtaining verification to say that workers “may” assist such individuals. Such unsolicited change is inappropriate and will lead to abuse of people with disabilities.

**Six month limit on Paid Work Experience, 165.31(c)(7):** although the proposed regulations were silent on this subject, DPW has inserted language that limits eligibility for paid work experience to 6 months in a lifetime, with an exception only for American’s with Disabilities Act compliance. This previously unpublished policy has proven controversial and DPW entered into negotiations that ended with DPW agreeing to allow individuals to establish good cause for exceeding 6 months. Some individuals may have good cause for leaving early when they obtain employment, become ill or have a family member who needs attention. Other individuals may have been deprived of a complete package of services and therefore would benefit from a full program repeated from the beginning. Despite these agreements, DPW has not seen fit to adopt them; they should do so.

**Limitation on training, 165.31:** the regulations place a 12-month limit on training, although they allow exceptions where there is good cause. According to the preamble, this good cause could include disability or inability to speak English, however the good cause regulations do not make this at all clear. We continue to see the need for a more general good cause exception as well as recognition that the ADA and Title VI, which, among other things, prohibits discrimination based on national origin, both require specific mention.

**Compliance Review, 165.51:** DPW has made a number of changes in response to objections that the proposed regulation was not required by statute and was unreasonable in doing away with important procedural protections.

First, the very first section of this regulation contains a typographical error that makes it hard to understand:

“A COMPLIANCE REVIEW WILL BE CONDUCTED WHEN INFORMATION INDICATES THAT A RECIPIENT MAY BE OUT OF COMPLIANCE [with?] RESET PARTICIPATION requirements.” (Capitalization in original.) Obviously this sentence is missing the preposition “with” or some similar word.

Second, subsection (e) adds a special provision for individuals with disabilities, which we had urged, however, the new language only allows special treatment where the “caseworker knows that the individual has a disability” a much more difficult standard to meet than the language in subsection (c) where it instructs the caseworker to consider the facts presented by the recipient and the facts already known by the Department. The disparity in the wording will lead many to conclude that there are different standards for the two subsections. Moreover, nothing in this special section mentions the Americans with Disabilities Act and the obligation of the agency to make reasonable accommodation, even though that is one of the lynchpins of the ADA.

Finally, we note that the IRRC suggested in what is now subsection (b) that, in addition to taking into account an individual’s work schedule, etc., the regulation state what the



caseworker is supposed to do, i.e., avoid scheduling conflicts.

Thursday, July 25, 2002



ANGEL L. ORTIZ  
Room 590 City Hall  
Philadelphia, Pennsylvania 19107  
(215) 686-3420-3421  
Fax: (215) 686-1930

COUNCILMAN-AT-LARGE

BY FAX: (717) 783-2664

Independent Regulatory Review Commission  
33 Market Street  
Harrisburg, PA 17120

ORIGINAL: 2224  
CITY OF PHILADELPHIA  
CITY COUNCIL

August 5, 2002

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Member  
Appropriations  
Streets & Services  
Licenses & Inspections  
Labor & Civil Service  
Transportation & Public Utilities

Re: DPW Proposed TANF Regulations

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**I am writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC. While I appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. Therefore, I urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns as outlined by Sophia Memon, staff attorney at Community Legal Services, Inc.:**

***The regulations are not clear about what counts toward the 60 month time limit.*** DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

***The timeout regulations are inappropriately narrow.*** Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this.

The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

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regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

***The regulations fail to outline procedures for completing assessments in accordance with state and federal law.*** Assessment Regulation, §§123.22, 161.1.

***The regulations minimize the need for appropriate child care.*** The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

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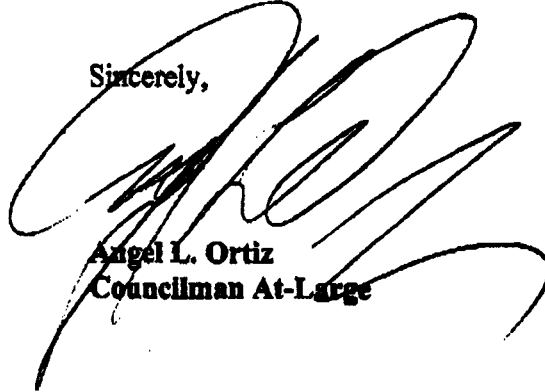
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**Thank you for considering these comments. I hope that you will make sure these problems are remedied before approving final regulations.**

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'A. Ortiz', is written over the typed name and title.

**Angel L. Ortiz  
Councilman At-Large**

cc: **Secretary Feather Houston  
Department of Public Welfare  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120**

# FAX

Office of Councilman Angel L. Ortiz  
City Hall, Room 590  
Philadelphia, PA 19107

Date 8/5/02  
Number of pages including cover sheet 4

To: IRRC

From: Councilman Ortiz

Phone \_\_\_\_\_  
Fax Phone (717) 783-2664  
CC: \_\_\_\_\_

Phone 215.686.3420  
Fax Phone 215.686.1930

REMARKS			
<input type="checkbox"/> Urgent	<input type="checkbox"/> For your review	<input type="checkbox"/> Reply ASAP	<input type="checkbox"/> Please comment

# PHILADELPHIA UNEMPLOYMENT PROJECT

1201 Chestnut Street - Room 702

Philadelphia, PA 19107

(215) 557-0822

FAX (215) 557-6981

e-mail to: pupvic@libertynet.org

or

philaup@aol.com

Original: 2224

August 2, 2002

Independent Regulatory Review Commission  
33 Market Street  
Harrisburg, PA, 17120

Dear Members of the IRRC:

**I am writing on behalf of welfare recipients in Philadelphia who wish to echo the concerns raised by Community Legal Services and others across the state who would like to urge changes to DPW's TANF final form regulations which are currently before the IRRC.**

While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment.

Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

Some specific concerns:

***The regulations are not clear about what counts toward the 60 month time limit.*** DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

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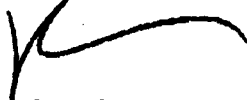
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Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,



Ray Murphy  
Organizer

cc: Secretary Feather Houstoun



# PHILADELPHIA UNEMPLOYMENT PROJECT

1201 Chestnut Street - Room 702

Philadelphia, PA 19107

(215) 557-0822

FAX (215) 557-6981

e-mail: philaup@aol.com



Date 8/2/02

## FAX TRANSMITTAL SHEET

To: Independent Reg Review Commission  
(Name)

\_\_\_\_\_  
(Organization)

717 783 2669  
(Fax Number)

From: RAY MURPHY  
(Name)

Philadelphia Unemployment Project  
Fax: (215) 557-6981

Number of pages including cover sheet: 4

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

PHILADELPHIA UNEMPLOYMENT PROJECT  
INDEPENDENT REG REVIEW COMMISSION  
AUG 02 2002 16:16:23

Original: 2224  
BY FAX: (717) 783-2664  
Independent Regulatory Review Commission  
33 Market Street  
Harrisburg, PA 17120

2002-08-02 14:59

Re: DPW Proposed TANF Regulations

Dear Members of the IRRC:

We are writing to urge changes to DPW's TANF final form regulations which are currently before the IRRC. While we appreciate that DPW has made important changes in response to public comments, there continue to be significant problems which need to be addressed prior to approval of these regulations. Some of the problems appear to be the result of unintentional drafting errors; other problems have arisen because DPW has included new provisions which it drafted in response to public comments, but which it acknowledges were never issued in draft form before submission as final form regulations. These regulations and other revisions made on DPW's own initiative have not yet been subject to public comment. Therefore, we urge you to disapprove the regulations in their current form, so that they can be revised and resubmitted to address the following concerns.

**The regulations are not clear about what counts toward the 60 month time limit.** DPW has failed to distinguish "nonassistance" and enumerate other exceptions to the 60 month time limit such as hardship, support services and stipends. Time Limit Regulation, §141.41(d).

**The timeout regulations are inappropriately narrow.** Instead, they should explain generally that TANF cash assistance programs funded with state dollars do not count toward the 60 month limit. Also, parents with children under 6 are considered to be fully participating with ten fewer hours per week or work and their requirements for time out should be adapted to reflect this. The available time out duration for domestic violence should not be limited to 12 months where an individual's circumstances call for a longer term. Also, the definition of "victim of domestic violence" does not reflect settled DPW policy to include threats of future violence. Time Out Regulation, §281.1.

**The regulations concerning temporary absence of a child create unlawful sanctioning authority and are misleading.** The creation of new sanctioning power for failure to report a change in the temporary status of the absence of a child from the TANF household has not been authorized by the Legislature and all language pertaining to it should be removed from the regulations. Further, the regulations state that when a child is removed to a school that exercises control of the child, the relative "will not be eligible for TANF." This regulation fails to anticipate that the relative may be TANF eligible where another child remains in the home, and it must be corrected. Temporary Absence of a Child Regulation, §151.41(d)(1).

**The regulations fail to outline procedures for completing assessments in accordance with state and federal law.** Assessment Regulation, §§123.22, 161.1.

**The regulations minimize the need for appropriate child care.** The regulations fail to make consistent reference to "appropriate" child care, fail to require care appropriate to the individual child and his or her needs, fail to mention safety or health requirements that may apply to informal providers, and inappropriately omit the good cause exception for those unable to find "adequate child care for children who need close supervision, particularly [during] other than normal daylight hours." Appropriate Child Care Regulation, §165.2.

**The regulations unlawfully give DPW the discretion to require 90-120 days in addition to an 8-week job search.** Initial Job Search Regulation, §165.31.

**The regulations limit good cause for educational activities to 6 months and omit language allowing for continuing secondary education beyond age 22 in contravention of existing policy.** Education Exemptions Regulation, §165.22(c).

**The regulations fail to set standards for issuance of special allowances and allow caseworkers unfettered discretion where it changed "is eligible to receive" special allowances to "may receive" special allowances.** Special Allowances Regulation, §165.41(a).

***The regulations fail to require caseworkers to assist people with disabilities in obtaining verification in violation of the Americans with Disabilities Act. Verification Regulation, §165.22(a)(1)***

***The regulations create a new and undue harsh limit on eligibility for paid work experience to 6 months and fails to establish good cause exceptions. Paid Work Experience Regulation, §185.31 (c)(7).***

***The regulations limit training to 12 month without a general good cause exception and without specific mention of the Americans with Disabilities Act and Title VI of the Civil Rights Act. Limitation of Training Regulation §165.31***

***The regulations fail to set adequate standards for performance of compliance review. They unlawfully require special treatment of people with disabilities only where the caseworker knows that the individual has a disability, rather than requiring "reasonable accommodation" by a caseworker who considers facts presented by the recipient and known to DPW. Further, the regulations fails to instruct the caseworker to avoid scheduling conflicts when taking into account an individuals work schedule. Compliance Review Regulation, §165.51(e).***

Thank you for considering these comments. We hope that you will make sure these problems are remedied before approving final regulations.

Sincerely,

A handwritten signature in cursive script that reads "Belle Gilson". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

cc: Secretary Feather Houston  
Department of Public Welfare  
Room 431, Health and Welfare Building  
Harrisburg, PA 17120