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**From:** Jewett, John H.  
**Sent:** Friday, September 18, 2009 8:53 AM  
**To:** IRRC; Cooper, Kathy; Gelnett, Wanda B.; Wilmarth, Fiona E.; Johnson, Leslie A. Lewis  
**Subject:** FW: CJP-CLS Comments on Regulation No. 14-517 - SPALs  
**Attachments:** CJP-CLS Comments on DPW Final Omitted reg 14-517 SPALs 9-17-09.pdf

Please file this email and its attachment as a "final comment" on #2784. Thanks!

**From:** Peter Zurflieh [mailto:PZurflieh@palegalaid.net]  
**Sent:** Thursday, September 17, 2009 5:24 PM  
**To:** ezogby@state.pa.us  
**Cc:** Jewett, John H.; lblanchett@state.pa.us; erichman@state.pa.us; bnoon@state.pa.us; tlay@state.pa.us; lhayes@clsphila.org; RWeishaupt@clsphila.org; mfroehlich@clsphila.org; Lnorton@palegalaid.net; eerickson@pasen.gov; mhansarick@pasen.gov; hughes@pasenate.com; cduncan@pasenate.com; foliver@pahouse.net; sbennett@pahouse.net; smitchell@pahouse.net; Nia Wilson; mbaker@pahousegop.com  
**Subject:** CJP-CLS Comments on Regulation No. 14-517 - SPALs

Dear Mr. Zogby

Attached please find comments from the Community Justice Project and Community Legal Services on DPW's final-omitted rule-making, No. 14-517, "Special Allowance for Supportive Services Requirements." We previously submitted comments on DPW's use of the final omitted process. (Those 9-04-09 comments are appended to the attached comments on the substance of the regulations.)

We are also sending these to the IRRC and the majority and minority chairs of the legislative oversight committees.

Thank you for consideration of these comments.

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Before the Independent Regulatory Reform Commission

Docket number 14-517

**Community Justice Project and Community Legal Services Comments on the Department of Public Welfare's Final-Omitted Rulemaking, No. 14-517, "Revisions to Special Allowance for Supportive Services Requirements"**  
(September 17, 2009)

On August 31, 2009, the Department of Public Welfare submitted to the Independent Regulatory Review Commission final-omitted rulemaking No. 14-517, entitled "Revisions to Special Allowances for Supportive Services Requirements." The Community Justice Project and Community Legal Services have strong objections to the filing of this rulemaking as final-omitted and have commented separately on this procedural concern.<sup>1</sup> The comments we are now submitting, on behalf of the thousands of low-income public assistance recipients whom we represent, go to the substance of the rulemaking itself.

Special Allowances for Supportive Services (known as "SPALs") are payments made by the Department of Public Welfare for practical supports -- such as transportation allowances, car repairs, books and supplies for training programs -- to enable TANF<sup>2</sup> and food stamp only<sup>3</sup> recipients to obtain jobs and participate in training programs and thus meet program work requirements. In most instances, payments for supportive services are made, not to the recipient, herself, but to the vendor/provider of the service or item needed.

Special allowances for supportive services have been an integral part of DPW's welfare-to-work programs for decades and have enabled countless thousands of adult TANF and food stamp recipients to work their way out of poverty through employment, job search, and job training programs that lead to employment. Despite a long history of successful results, DPW is on the brink of instituting, without prior public comment, radical changes to its supportive services policies and procedures that will inevitably deprive TANF and food stamp recipients of the supports they need to work or to participate in work-related activities, possibly causing them to be penalized with loss of cash assistance or food stamp benefits, and most importantly depriving them of the opportunity to achieve self-sufficiency. Imposing such barriers to self-sufficiency will probably increase costs in the long run, since people with incomes at 27% of the poverty level<sup>4</sup> will encounter serious financial barriers that will limit their ability to secure employment.

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<sup>1</sup> See, September 4, 2009 letter from Community Legal Services and the Community Justice Project to Robert A. Mulle, Esquire, Chief Deputy Attorney General. A copy of this letter was provided to the Independent Regulatory Review Commission, as well as the legislative oversight committees, and is attached hereto at Appendix 1.

<sup>2</sup> TANF stands for "Temporary Assistance for Needy Families," a federal block grant program that serves very low income families with dependent children. See 42 U.S.C. § 601 *et seq.*

<sup>3</sup> The term, "food stamp only" refers to households that receive food stamp benefits, but not cash assistance.

<sup>4</sup> The current TANF grant levels are at 27% of the federal government's poverty level in the most populous counties, however, many other counties have even lower grant levels, as a percentage of poverty.

## Community Justice Project and Community Legal Services

Generally speaking, adult TANF and food stamp only household members must meet their work requirements through working or participating in approved work-related activities.<sup>5</sup> Approvable activities include such things as unsubsidized employment, job search, subsidized employment, community service, English-as-a Second Language (ESL), job skills training, or postsecondary education. Without special allowances for supportive services, participation in required work or work-related activities will be virtually impossible for many program participants, especially those living in more rural areas. Families that qualify for these programs, especially those who receive TANF, live in desperate poverty and lack the means to pay expenses incident to their required participation in welfare-to-work activities.<sup>6</sup> Yet, failure to meet the work requirements of the TANF and food stamp programs has severe consequences, as non-compliance can lead to sanctions and loss of benefits.<sup>7</sup>

We object strongly to the Department's revisions to the special allowance for supportive services rulemaking and urge the Independent Regulatory Review Commission to disapprove regulatory package No.14-517. The following are the revisions about which we have the greatest concerns:

- ***A new requirement that a family exhaust its own resources before DPW will help with payment of supportive services.*** (Section 165.41(c)). This provision, the likes of which we have never before seen in any public benefits program in Pennsylvania, requires TANF and food stamp only households to completely exhaust the very meager amount of resources they are permitted under the law to have and still qualify for benefits, before they can qualify for a supportive services payment from DPW. There is no statutory basis for such a requirement in the Pennsylvania Welfare Code or in the federal Food Stamp Act and its federal implementing regulations. The result of this requirement will be to completely impoverish families as they are attempting to meet the Department's work requirements and end their reliance on public benefits. This requirement will force some TANF recipients to use money needed for rent and other subsistence needs to pay for transportation and other services needed so that they can comply with work requirements.
- ***Imposition for the first time ever of: (i) annual limits on special allowances for transportation expenses; and (2) life-time limits on special allowances for books, supplies, tools and equipment for school or training.*** (Chapter 165, Appendix A). These are short-sighted ideas that may save money on SPALs in the short-term, but will likely cost taxpayers a great deal more in welfare program expenditures. Because most of these limits are set unrealistically low, TANF and food stamp recipients who could have achieved self-sufficiency will have to drop out of education and training programs after reaching annual or life-time limits and not being able to afford to pay the costs of transportation, books, car repairs, etc. on their own. The \$2000 life-time limit on books and school supplies and the \$1500 annual limit on transportation costs could each require recipients to leave jobs or prevent them from completing education and training programs and gaining the skills needed to compete for jobs in today's very tight job market.

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<sup>5</sup> 62 P.S. § 405.1.

<sup>6</sup> TANF grants in Pennsylvania are less than 27% of the Federal Poverty Income Guidelines (FPIG). In order to qualify for food stamps in Pennsylvania a family's gross income must be at or below 160% of the FPIG, and its net income must be below 100% of FPIG.

<sup>7</sup> 62 P.S. § 432.3.

Community Justice Project and Community Legal Services

- **Elimination of adult care and child care for General Assistance recipients.**
- **Elimination of moving allowances.**
- **Requirement for verification of the need for a SPAL even when the need is “readily apparent.”**

We explain our objections to each of these revisions in greater detail below.

**1. Requirement that TANF and food stamp recipients exhaust their own resources before a SPAL will be granted.**

A. **This Requirement Represents a Radical Change in Supportive Services Policy that Should Not be Made through Final-Omitted Regulations**

The requirement that very low-income TANF and food stamp recipients exhaust their own allowable resources before a special allowance for a supportive service will be granted represents a radical change in direction from that taken by any administration over the past 25 years. DPW regulations have long recognized that because of their extreme poverty, TANF and food stamp only clients should **not** be required to use their own resources to pay for supports they need in order to pursue their approved plans for self-sufficiency and comply with DPW work requirements. Here is what the current regulation says:

(c) A special allowance for supportive services is made only to the extent that the item or service is not available from another public source at **no cost to the individual . . .**

55 Pa. Code §165.41(c)(emphasis added).

The final omitted regulation revises the above regulation as follows:

(c) A special allowance for supportive services is made only to the extent that the item or service is not available from another public or non-profit source [~~at no cost to the individual, does not interfere with parental choice as specified in §§ 165.46(a)(5) and 168.11 (b) (relating to types of special allowances for supportive services, and general requirements),~~] and cannot be met by educational assistance. **Based on a participant's additional available resources, the Department may request the participant contribute toward the cost of the item or service.**

Final omitted regulation 55 Pa. Code §165.41(c) (Strike-out and emphasis added to highlight changes)

Because this proposed regulation specifically lists two types of resources, i.e., those available from “another public or non-profit source,” and “educational assistance,” that must be used before DPW will grant special allowances and now for the first time proposes use of the “participant’s additional available resources,” with no limitation on amount or source, we think this new text can only mean that absolutely anything the recipient has on hand – TANF funds she has deposited in the bank, cash in her purse or even TANF funds in her EBT account – will have to be used before DPW will assist her with work supports. In other words, nothing is off limits, not even the meager amount of resources TANF households are allowed to accumulate

## Community Justice Project and Community Legal Services

and still qualify for benefits.<sup>8</sup> In fact, not even the TANF grant money, itself, is protected from this cost-shifting measure.

While this seems harsh, we know that this is exactly what is intended by DPW. The following guidance issued by DPW to County Assistance Offices prior to its filing of the final-omitted regulations confirms that nothing is off limits:

The CAO will explore available financial resources i.e., money in a bank account, money from an accident settlement, money given from friends/family when determining "need" for the SPAL and an individual must use those resources before a SPAL can be authorized. Verification that financial resources are not available must be provided if a SPAL is to be issued.

DPW Operations Memorandum, Employment & Training 090801, "Special Allowances for Supportive Services – Policies and Procedures," Attachment 2, August 5, 2009, available at <http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ops/OPS090801.pdf>.

DPW's new SPALs cost-shifting provision fundamentally and unlawfully alters what is expected of families in order to remain eligible for TANF and food stamp benefits. Here is what DPW is now essentially saying to families:

- You can have resources below specified levels and qualify for TANF or food stamps.
- To remain eligible, the adult members of your household must meet the work requirements for TANF or food stamps, as the case may be.
- We recognize that certain supports, such as transportation, are needed in order for you to work or participate in your required work activity.
- But, we are changing the rules so that now **you** must pay for the services you need in order to meet our work requirements. We will help you with these expenses only after you have used all of your own resources, even the ones we permitted you to have when we determined your family to be eligible.

To demonstrate just how harsh this requirement could be, consider the following example. A family of three in Pennsylvania, say a mother and two children, receives \$403 per month in TANF benefits in most parts of the state. Let's say that the mom has enrolled in a medical assistant training program through one of DPW's welfare-to-work contractors. Her participation in the program meets DPW's work requirements and the certificate she will earn is expected to land her a job in a high demand occupation and at a family sustaining wage. She is doing well in the training program, but in August her car breaks down and she cannot get to her training program without it, as there is no public transportation from where she lives to that location. The mechanic tells her that it will cost \$400 to \$500 to repair the car. In her bank account she has \$400, which represents TANF cash assistance she has deposited in order to be able to pay her rent and utility bills. Her rent is due on September 1 and she needs all of the funds in her checking account to pay her rent and utilities. Under DPW's new requirement, she will have to use this "money in the bank" to pay for her own car repair, as DPW will not help her with this expense unless she shows a zero balance in her account.<sup>9</sup> However, if she uses this

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<sup>8</sup> The "resource limit" for TANF recipients is a mere \$1,000. See, 62 P.S. §432.5(c) This provision also excludes certain types of resources from being considered as an asset subject to the resource limit.

<sup>9</sup> We are also very concerned about clients having to verify that resources are NOT available in order for a SPAL to be issued. Proof of negative facts is hugely problematic. Will clients be asked to get letters from all their friends and relatives verifying that they have not and cannot provide any financial assistance to the client? Where does the list end? This is exactly the kind of red tape abuse that the IRRRC is

## Community Justice Project and Community Legal Services

money for the car repair, she will have none left to pay her rent.<sup>10</sup>

DPW's cost-shifting requirement for SPALs can preempt use of TANF funds for the bare subsistence needs they are intended to cover, as money that a family has deposited in an account or otherwise has on hand to pay for such essentials as rent will have to be used for transportation, car repairs, books, etc. Should the parent elect not to pay the transportation cost, car repair, or other support service needed to get to work or to a training program and consequently miss hours of participation, she risks being in non-compliance with work requirements and losing benefits for her family.

Similar questions arise from other exempt resources. Should recipients be required to mortgage their exempt residence to finance their participation? Should recipients be required to invade children's educational savings accounts, or the family burial plot or even pawn their wedding ring? All would be required under a plain reading of the proposed revision.<sup>11</sup>

A policy change this radical and with such profound impact on the well-being of very low-income families should not have been undertaken without prior public comment.

### B. There is No Statutory Authority for DPW to Shift the Cost of SPALs to Families

The Pennsylvania Welfare Code provides no authority for DPW to require TANF recipients to pay the costs related to activities they must undertake as a condition of eligibility. Nor does the federal Food Stamp Act or its federal implementing regulations authorize such cost-shifting. The work requirements for TANF and food stamps mandate **participation** by certain adult household members in work or work-related activities; they do not, however, go so far as to require that the family **finance** its participation in these activities.

Federal food stamp Employment and Training program regulations, for example, while they mandate that certain adult food stamp recipients participate in employment training programs, require the state, not the participant, to pay expenses "reasonably necessary and directly related to participation in the program":

**(4) Participant reimbursements. The State agency must provide payments** to participants in its E&T program, including applicants and volunteers, for expenses that are reasonably necessary and directly related to participation in the E&T program. \* \* \* \* The State agency must inform

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charged with considering; DPW, however, skirts this issue in its filing of the Regulatory Analysis Form, question 17, where it is claimed that there are no costs in complying with these overblown verification requirements. This verification requirement is so open-ended as to invite CAO workers to make up their own rules.

<sup>10</sup> We know of one case already under the new rule, where the client borrowed several hundred dollars from a friend for books for her community college program because the County Assistance Office had not yet paid her SPAL request for books, and classes had started. The CAO issued the SPAL the next day. But when it learned that the client had already paid for the books, the CAO charged her with an overpayment for the amount of the SPAL, on the grounds that the client had obtained the books with other resources and was, therefore, not eligible for the SPAL.

<sup>11</sup> DPW may assert that such draconian results will not be applied and they may even say that their intention is to modify their practices to blunt the effect of the proposed regulation. We would welcome such changes, however, those changes should be made in the regulations themselves and not in sub-regulatory material subject to the whim of administrators. If DPW wants to make changes in the regulation they have drafted the solution is simple – withdraw the regulation, make the changes and then present a new package to the IRRRC, preferably after a period of public comment.

## Community Justice Project and Community Legal Services

each E&T participant that allowable expenses up to the amounts specified in paragraphs (d)(4)(i) and (d)(4)(ii) of this section will be reimbursed by the State agency upon presentation of appropriate documentation. Reimbursable costs may include, but are not limited to, dependent care costs, transportation, and other work, training or education related expenses such as uniforms, personal safety items or other necessary equipment, and books or training manuals. (emphasis added)

7 C.F.R. §273.8(d)(4)

Federal food stamp law permits states to establish maximum levels of reimbursement, but nothing in these rules authorizes shifting the cost of needed services to the family.<sup>12</sup>

The same is true of the Pennsylvania Welfare Code with regard to recipients of TANF. The statute authorizes DPW to provide supports when, without them, the recipient would not be able to comply with work requirements. As with food stamp regulations, the Welfare Code allows the state to establish limits, but it does not authorize the state to shift the cost of services to the family.

(c) The department may provide assistance to recipients for transportation and work support when the department has determined that, without such services, the recipient would be exempt from compliance with the conditions of the agreement of mutual responsibility or work requirements. In establishing the time limits and levels of access to transportation and work support, the department shall take into account availability, costs and the number of recipients needing services within the geographic area and shall seek to provide essential services to the greatest number of recipients.

62 P.S. §408(c).

Where cost-sharing by DPW is authorized, the legislature has so specified in legislation and it authorizes and requires the establishment of fee scales or other means to equitably determine amounts to be contributed based upon the family's income. The federal Child Care Development Block Grant Act, for instance, requires that states implement sliding fee scales, based upon family size and income, to determine how much a family can afford to contribute to the cost of its child care expenses, and it requires that families pay this amount.<sup>13</sup> When legislatures expect program participants to share in the cost of services provided to them they know how to say so and they do.

C. DPW's Failure to Include Any Standards for How Its Cost-Shifting Requirement is to be Applied Gives CAO Caseworkers Unfettered Discretion in Violation of Families' Due Process Rights

Not only is there no legislative authorization for DPW to require participants to finance their own supportive services, but there are also no standards for how this requirement is applied. Unlike its child care program, DPW has included in its SPAL regulation no standard to determine whether a family can "afford" to contribute toward the cost of needed SPALs, or how much it can afford to contribute. Instead, DPW requires all households, regardless of the level of its income, to use the entire amount of its own resources before DPW will provide any help. Moreover, DPW's policy leaves DPW caseworkers with unfettered discretion to "explore available resources, i.e., money in a bank account, money from an accident settlement, money

<sup>12</sup> 7 C.F.R. §273.8(d)(4); see also, 62 P.S. §408(c).

<sup>13</sup> See, 42 U.S.C. §9858c(c)(3)(B); 45 C.F.R. §98.42; Medicaid deductibles are also explicitly permitted but only where the legislature deems it appropriate to impose cost sharing, see, e.g., 62 P.S. § 448.

## Community Justice Project and Community Legal Services

given from friends/family when determining 'need' for the SPAL<sup>14</sup> without any standards for determining when money in a bank account is available and when it is not available. Is it available if needed within two weeks for rent or utilities, is it available if it is needed with other money to pay car insurance in 3 months? Is it available because it is there? This wide-open process violates due process because it gives unbridled discretion with no standards to be applied.<sup>15</sup>

### D. Forcing Families to Choose between Paying for SPALs or Paying Their Rent Undermines and Conflicts with the Statutory Resource Limit for the TANF Program

Forcing families to choose between paying for services and items needed to comply with work requirement or paying their rent undermines and conflicts with statutorily established resource limits for the TANF program.<sup>16</sup> The Pennsylvania Welfare Code provides that:

(c) Other property in excess of two hundred fifty dollars (\$250) for a single person applying for or receiving assistance and other property in excess of one thousand dollars (\$1,000) for assistance groups with more than one person shall be considered an **available** resource.

62 P.S. §432.5(c)

As a matter of law, only assets **over \$1000** for TANF families are considered available; assets **under** that amount are not. DPW's cost-shifting rule conflicts with and violates this statute by considering TANF recipient's funds under the resource limit to be available and requiring families to exhaust these funds on SPALs before the Department will help to pay the cost of these needed services.

One of the essential purposes of TANF and food stamp resource limits is to allow families to have a small "rainy day fund" to address sudden needs, such as plumbing emergencies. The asset allowance also allows families to accumulate the sums of cash needed to put down a security deposit and pay a first month's rent should it have to move, or to replace a broken appliance, or buy winter clothing for the children, or possibly put some money aside for a child's education or for unexpected expenses. DPW's cost-shifting SPALs provision forces families to spend these amounts, instead, upon work supports, rendering the protections of a resource limit meaningless. A program meant to move people towards self sufficiency should not reduce the people it is trying to help to complete destitution, especially when the General Assembly and Congress have recognized the need to allow low-income individuals to save small amounts of money.

### E. DPW's Cost-Shifting SPALs Policy is Regressive Public Policy and Not in the Public Interest

Lastly, this cost-shifting is regressive and harsh public policy that is clearly not in the public interest. It is important to emphasize that clients on TANF are living on incomes **less than 27 percent of the federal poverty level**. What little money they may be able to accumulate from time to time is usually needed not just for rent or utilities, but for other

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<sup>14</sup> DPW Operations Memorandum, Employment & Training 090801, "Special Allowances for Supportive Services – Policies and Procedures," Attachment 2, August 5, 2009, available at <http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ops/OPS090801.pdf>.

<sup>15</sup> See, *Goldberg v. Kelly*, 397 U.S. 254, 266 (1970)

<sup>16</sup> 62 P.S. §432.5(c)



## Community Justice Project and Community Legal Services

expenses that their meager TANF grant is inadequate to cover, such as appliance repair, school field trips, high heating bills or winter clothing.

DPW's cost-shifting SPALs policy will trap clients in the deepest poverty, preventing them from saving the sums needed to pay the very expenses that TANF grants are intended to cover, including rent and utilities, or from putting together even a small nest egg in preparation for getting off of assistance. It also eliminates any incentive to save, encouraging parents to spend any sums they receive immediately – an unfortunate message to convey to their families.

DPW should not be allowed to require TANF and food stamps clients to exhaust their own allowable resources as a condition of receiving help from DPW with needed supportive services. It should remain the rule that, while TANF and food stamp only clients are expected to seek help with supportive services from public sources to the extent that may be available, they should not be expected to pay for supportive services out of their own pockets.

### **2. Annual and lifetime limits on SPALs.**

For the first time, DPW is imposing annual and lifetime limits on critically important special allowances for supportive services. This approach is unwise and will pull the rug out from under hard-working TANF and food stamp clients, causing them to lose jobs or to have to drop out of education or training activities that could lead to solid employment. Moreover, there is no logical or empirical basis for the dollar amounts used.

The annual and life-time limits are set forth in revised Appendix A of the regulations. Under the new rules, all forms of private transportation assistance, for instance, are limited to an annual cap of \$1500.<sup>17</sup> This includes mileage reimbursement (at 25 cents per mile, plus parking and tolls), motor vehicle repair, and motor vehicle related expenses (driver's license fee, state inspection, emission control inspection, license plates, vehicle registration, and car insurance).

Under the final-omitted regulations, life-time limits now apply to car purchase (actual cost of one vehicle up to \$1500) and to training and school-related expenses, including books and supplies, school fees, and tools and equipment (actual cost up to \$2000 in a lifetime).

The Department's rationale for this change is as follows:

Findings support the average amount per issuance for some of these supportive services was notably less than the currently regulated maximum allowance. For example, the average payment is \$385.15 for tools and equipment, \$294.10 for books and supplies, and \$77.24 for fees.

Regulatory Analysis Form, p.3.

We note initially that DPW is codifying funding limits in regulations that are intended to remain unchanged for years, without providing for inevitable increases in the cost of the items for which allowances are given. The limits will inevitably grow more onerous as the cost of living rises.

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<sup>17</sup> Transportation by private automobile is rarely if ever granted for residents of cities with public transportation systems, such as Philadelphia and Pittsburgh. However, those recipients in more rural areas are dependent upon cars if they are ever to find and maintain employment and escape poverty. For them such an artificial cap is extremely onerous.

## Community Justice Project and Community Legal Services

Additionally, no figures are given for any of the transportation-related supportive services that are now proposed to be subject to annual limits. And the Department does not even make the claim, as it does with regard to the once in a life-time limits, that the average payments for transportation are less than the current maximum allowances. In short, the Department has provided no information from which one can evaluate empirically whether the dollar amounts of the annual limits are reasonable. The Department is asking us all to simply take this on faith.

However, based upon information we were able to obtain, and using some simple math, it appears to us that the \$1500 annual transportation limit is too low and will be exceeded in many cases. In many rural and suburban parts of the state transportation by car is often the only practical way for clients to get their children to day care and themselves to their work or training program site. Costs for insurance, vehicle registration (\$36), and state inspection and emission control (\$65) for these clients are a given. We estimate very conservatively that the cost of insurance for a year is at least \$500.<sup>18</sup> If we subtract this and the other known costs from \$1500, a client would be left with \$899 per year for mileage reimbursement. At the Department's current mileage reimbursement rate of 25 cents per mile, this would allow for 3596 miles worth of reimbursed travel per year. This translates to 69 miles per week or 13.83 miles per day. We can safely predict, then, that any client who has to travel **more 7 miles** each way to take her children to day care and get herself to work or to her welfare-to-work program site will exceed the \$1500 annual transportation. It is unrealistic to assume that most clients have such a short distance to travel each day, even in suburban areas of the state. And in rural parts of the state, these distances are going to be much greater. The vast majority of TANF and food stamp recipients who rely on SPALs for private auto reimbursement will exceed the annual cap and have to finance their own transportation costs for the balance of the year.

But a \$1500 annual limit on transportation is also unrealistic for those who rely on public transportation. Many TANF and food stamp recipients who live in Philadelphia and work are employed outside the City limits, in the Philadelphia suburban counties, where the job market is stronger. Monthly transportation passes for these clients range from \$142.50 to \$181.00, or \$1,710 to \$2,172 per year.<sup>19</sup>

As to the life-time limits, neither the Department's reasoning nor its numbers justify the limits it has instituted. First, **maximum** allowances, logically, should be based, not on the average amount of DPW payments, but upon the upper end of reasonable costs paid – the most it could reasonably cost to pay for a semester's worth of books, let's say. An average by definition means that some costs were higher and some costs were lower. If the maximum is based upon the average amount, then those with verified, actual costs above the average are at risk of reaching their life-time limit before they have completed their programs because they will be using up their allowance at a faster rate.

Second, DPW has ignored completely the length of a person's education or training program as a factor, which is particularly short-sighted in a time such as this of high unemployment where the need to obtain more skills in order to compete in the labor market is

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<sup>18</sup> We arrived at this figure by looking at the Pennsylvania Insurance Department's "Rate Comparison Guide for Automobile Insurance (Central Region)" and looked for the lowest rate. \$408 to \$923 was the lowest range of rates we could find. The following is a link to the Rate Comparison Guide: [http://www.ins.state.pa.us/ins/lib/ins/consumer/brochures/2007\\_rates\\_for\\_2008\\_central.pdf](http://www.ins.state.pa.us/ins/lib/ins/consumer/brochures/2007_rates_for_2008_central.pdf)

<sup>19</sup> See, SEPTA fares at: <http://septa.org/fares/trailpass.html>. Destinations outside the City limits would likely be Zones 3, 4, 5, and 6 on the rate chart.

## Community Justice Project and Community Legal Services

crucial. In order to determine, for example, whether a life-time limit of \$2,000 for books, school supplies, fees, equipment and tools is reasonable, one must know, not only how much these items cost per semester, but also how many semesters on average it takes persons to complete their programs. Setting the life-time limit without regard to the length of the program, again, creates a risk that some TANF and food stamp only recipients will reach their life-time limit before they have completed their education or training program. We think that this is, in fact, exactly what will happen.

We had occasion last year to survey Pennsylvania's community colleges to determine how many semesters it takes TANF and food stamp only parents participating in DPW's KEYS program to complete their Associate Degree or certificate programs. The KEYS program is a highly successful collaboration between DPW and Pennsylvania's fourteen community colleges that has prepared TANF and food stamp only recipients for good paying jobs in high demand occupations. Recent KEYS program data shows that the average wage earned by KEYS graduates is \$14.77 per hour (compared to an average wage of under \$8.00 per hour for DPW's other welfare to work programs). The graph attached at Appendix 2 shows how many semesters it took 128 KEYS graduates to complete their community college programs.

Using DPW's average figures for books and school supplies (\$294.10) and fees (\$77.24), we calculate that TANF and food stamp only recipients will reach their lifetime limit for these critical support services after 5 semesters. The graph shows that of 128 KEYS program graduates surveyed only 14 (4%) completed their programs in 5 semesters. The remaining 123 (96%) would have reached their life-time limit on books, school supplies, and fees before completing their programs and likely would have had to pay these expenses on their own.<sup>20</sup> In all likelihood, most would not have been able to afford these expenses and would have had to drop out of school.

Note that of 128 KEYS students who needed more than 5 semesters to complete their programs there were 23 nurses, 2 dental hygienists, 2 respiratory therapists, and 1 surgical technician -- all very high paying, in-demand, health care professions. It is safe to say that many of these graduates would not be where they are today (most making over \$45,000 per year) had DPW's life-time limits on SPALs been in place while they were in the program.

DPW's annual and life-time limits are arbitrary and short-sighted. They will have an especially negative impact on TANF and food stamp only participants in education and training programs that lead to jobs at higher wages and permanent independence from the welfare system. These limits should be eliminated or adjusted so as not to pull the rug out from under TANF and food stamp recipients with DPW approved education and training programs that will lead to jobs at family sustaining wages.

A lifetime limit also stacks the deck against workers whose skills need updating in order to compete in a rapidly changing economy. Many are the clients who are trained in one industry, only to find that the industry has dramatically changed or that the jobs have moved overseas. Jobs in the automobile and steel industries were once plentiful in Pennsylvania but are now scarce. Are we to tell workers who moved from welfare to work that their initiative is

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<sup>20</sup> DPW policy allows KEYS students 24 months (or 6 semesters) to complete their programs before having to combine 20 hours per week or work with their full-time studies. DPW Cash Assistance Handbook, Section 135.4, [http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ca/135/135-03.htm#P1585\\_36412](http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ca/135/135-03.htm#P1585_36412). Extensions of up to an additional 12 months (3 semesters) before having to combine 20 hours per week of work can be made for clients with extenuating circumstances.

## Community Justice Project and Community Legal Services

going to be penalized by telling them that they cannot be retrained for jobs in the green economy? Are we going to tell older workers that can no longer do physically demanding jobs that they cannot be retrained to use their skills and acquired wisdom to do jobs that are more sedentary and less demanding? A lifetime limit dooms us to poor public policy that will make the Commonwealth less attractive for employers and will hurt those with the courage to try again. Such policies are contrary to the mandate of the IRRRC and should be rejected.

### 3. Elimination of SPALs for incapacitated adult care and child care for General Assistance recipients.

DPW has removed all provisions in Chapter 165 related to child care and care for incapacitated adults. They have done so partly on the grounds that rules governing child care for TANF and food stamp only recipients have been moved to Chapter 168. However, DPW also removed other rules that were not moved to Chapter 168, namely rules providing allowances for care for incapacitated adults and for child care assistance to General Assistance recipients. The removal of these latter two types of special allowance from Chapter 165 eliminates SPALs for child care for GA recipients and for the care by TANF and food stamp only families of incapacitated adults. The Department's justification for so doing is that "the Department is responsible to provide essential services to the greatest number of recipients and these types of special allowances are "uncommon."<sup>21</sup>

As mentioned above, it is inconsistent with federal law for DPW to deny special allowances to food stamp only households for the needed care of incapacitated adults.<sup>22</sup> And we think it unwise for DPW to categorically eliminate the possibility of TANF or food stamp recipients receiving help in paying for care for an incapacitated adult household member, who needs care in order for the recipient to participate in a welfare-to-work activity. While the need for such care may be uncommon, participation in welfare to work activities will now be practically foreclosed for a TANF or food stamp recipient in such circumstances. It is true that both TANF and food stamp rules exempt persons who are needed at home to care for an incapacitated adult or child from the work requirements.<sup>23</sup> However, each of these programs permits exempt adults to participate in DPW's programs as volunteers.<sup>24</sup> DPW's removal of the special allowance for incapacitated adult care effectively precludes voluntary participation by individuals who need this help and thereby destines them to long-term welfare dependency.

We understand that requests for adult care are rare, but if that is the case, then the savings realized could not be that great. It is best to retain the special allowance for care for

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<sup>21</sup> Notice of Final-Omitted Rulemaking 14-517, p. 9.

<sup>22</sup> "The State agency will reimburse the cost of dependent care it determines to be necessary for the participation of a household member in the E&T program up to the actual cost of dependent care, or the applicable payment rate for child care, whichever is lowest.... The State agency must provide a reimbursement for all dependents who are physically and/or mentally incapable of caring for themselves or who are under court supervision, **regardless of age**, if dependent care is necessary for the participation of a household member in the E&T program." 7 CFR 273.7(d)(4)(i) (emphasis added).

<sup>23</sup> DPW Cash Assistance Handbook Section 135.3,

[http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ca/135/135-02.htm#P667\\_18105](http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ca/135/135-02.htm#P667_18105); DPW Food stamp Handbook, Section 535.2, [http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/fs/535/535-01.htm#P66\\_1161](http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/fs/535/535-01.htm#P66_1161)

<sup>24</sup> DPW Cash Assistance Handbook Section 135.5,

[http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ca/135/135-04.htm#P2019\\_47252](http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ca/135/135-04.htm#P2019_47252); DPW Food Stamp Handbook, Section 535.2,

[http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/fs/535/535-01.htm#P211\\_3322](http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/fs/535/535-01.htm#P211_3322)

incapacitated adults at 55 Pa. Code §165.46(b). For many of the same reasons, DPW should retain the Special Allowance for General Assistance recipients at 55 Pa. Code §165.46(a). Though not often granted, those who need these SPALs request them so that they will be able to pursue plans for self-sufficiency. These persons have a strong interest in ending their dependence on welfare – an interest shared by the public. DPW should accommodate, rather than undermine their efforts.

#### **4. Elimination of a SPAL for moving allowances.**

DPW also eliminates in the regulations the special allowance for moving costs (formerly at Section 165.46(c)(5)), an allowance specifically authorized by the Pennsylvania legislature where needed by a TANF or food stamp only recipient to “secure gainful employment.”<sup>25</sup> The Department’s justification: maximizing scarce resources.<sup>26</sup>

In today’s economy, where jobs in manufacturing and other sectors of the economy, have fallen way off, it is more important than ever for people to have the option of moving in order to accept a job opportunity in a viable occupation. There are many low-income Pennsylvanians who receive TANF and food stamps living in areas of high unemployment. We think it is short-sighted of the Department, and contrary to the expectation of the legislature, to deny people, who are willing to relocate their families, a moving allowance to accept an offer of gainful employment in another part of the state.

#### **5. Requirement for verification of the need for a SPAL even when the need is “readily apparent.”**

The existing regulations already require – and will continue to require – that TANF recipients verify that a special allowance is “necessary to enable the participant to engage in an approved education or training activity or to apply for employment.”<sup>27</sup> The current regulations provide, however, that no such verification is required where the need is “readily apparent.” *Id.* § 165.44(a)(2). DPW’s final-omitted regulations eliminate this exception, requiring verification of need even in cases where the need is readily apparent. This change will require TANF participants to gather unnecessary paperwork, and impose needless work on DPW caseworkers. This is red tape at its worst.

For example, it is “readily apparent” that a TANF or food stamp only recipient cannot get to work or a training program without transportation, if the work site or training program is more than walking distance away. Often the DPW caseworker, who knows the local area, will know that the work or training site is greater than walking distance. Alternatively, the caseworker could easily confirm the distance using Mapquest or some other internet map site. DPW’s final-omitted regulations do not seem to authorize such a common-sense approach. Instead, the revised regulations require verification of the need for an allowance from “sources such as employers, prospective employers, school officials, training providers or providers of supportive services.”<sup>28</sup> It is not at all clear how these sources will be able to verify that the participant needs transportation. Employers and job training providers likely have no more knowledge than the DPW caseworker of the participant’s home address and need for transportation. Furthermore, the involvement of employers, school officials, training providers and providers of

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<sup>25</sup> 62 P.S. §432.20.

<sup>26</sup> Notice of Final-Omitted Rulemaking No. 14-517, p. 9.

<sup>27</sup> 55 Pa. Code § 165.44(a)(1)(i).

<sup>28</sup> *Id.* § 165.44(a)(3).

**Community Justice Project and Community Legal Services**

social services in such red tape exercises is exactly the kind of additional burden that DPW should have analyzed in its Regulatory Analysis Form, but explicitly denied (see answers to questions 17, 18 and 19).

**Conclusion**

For all of the above reasons, we urge the Independent Regulatory Review Commission to disapprove DPW's Final-Omitted Rule-Making No. 14-517 "Revisions to the Special Allowances for Supportive Services Requirement."

Respectfully submitted,

**Community Justice Project**

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# APPENDIX 1



**COMMUNITY LEGAL SERVICES  
OF PHILADELPHIA**

**By fax: (717) 705-7244  
and by first class mail**

September 4, 2009

Robert A. Mulle, Esq.  
Chief Deputy Attorney General  
Office of Attorney General, Legal Review Section  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

**Re: Final-Omitted Regulations #14-517  
Revisions to the Special Allowance for  
Supportive Services Requirements**

Dear Mr. Mulle:

We write in response to the Department of Public Welfare's recent submission to the Independent Regulatory Review Commission, the relevant legislative committees, and the Attorney General, of final-omitted regulations #14-517. These are the regulations revising the Department's policies for issuing special allowances to welfare-to-work participants for supportive services needed for participants to look for work, accept a job, or attend education or training programs. Although our offices will be commenting separately on the substance of the regulations, we write now to object to the Department's circumvention of public comment by issuing these regulations as final-omitted.

**I. Background on the special allowances program and the regulations**

Special allowances are payments made for transportation, clothing, books, and other items necessary for TANF or food stamp-only recipients<sup>1</sup> to look for work, participate in training, or accept a job. Without these payments, most TANF and food stamp-only recipients would be unable to get a job that would enable them to leave the public assistance rolls; without the means of finding or accepting a job, they would be trapped in desperate poverty and dependence. DPW pays most allowances directly to providers of supportive services and not to TANF or food stamp recipients themselves.

DPW has had statutory authority to issue special allowances for decades, though its current statutory authority, 62 P.S. §408(c), dates from 1996. DPW's special allowances regulations were promulgated in 1992, and were last revised (with opportunity for public comment) in 2002. DPW's procedures for approving and issuing special allowances have remained unchanged since 2002, and most of those procedures have been in place far longer. The current regulations require welfare-to-work participants to verify the need for the special

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<sup>1</sup> "Food stamp-only" refers to persons who receive food stamps, but not cash assistance.



allowance payments (where the need is not readily apparent), and require "pre-expenditure approval" by the department before issuance of most types of allowances. 55 Pa. Code §§ 165.44, 165.46(c)(3)(ii), (c)(4)(ii), (c)(5)(ii), (c)(6)(iii), (d).

Last month, the Auditor General released an audit of DPW's special allowances program.<sup>2</sup> The Auditor General found deficiencies in DPW's case records in verifying the need for individual special allowances that had been issued. He also found that DPW has not been requiring receipts verifying that allowances were actually spent for their intended purpose.<sup>3</sup>

On August 5, 2009, just before the audit was released and in response to it, DPW issued extensive subregulatory policy memos to its staff.<sup>4</sup> Among other changes, these memos increase requirements for case record documentation of the need for special allowances before issuance, and require receipts proving that allowances have been spent as intended. The new documentation and receipt requirements address the Auditor General's major findings and recommendations, and are consistent with existing regulations. In issuing the subregulatory policy, DPW did not consult its usual stakeholders, such as welfare rights organizations, employment and training providers, and legal services programs.

The #14-517 final-omitted regulatory package largely formalizes the changes in required documentation DPW has already put in place through subregulatory policy. That is, this package requires proof of the need for a special allowance before issuance, and a receipt showing that the allowance was spent as intended. But the package also goes further, by:

- requiring recipients to spend their own savings – which may have been intended for a security deposit on an apartment and first month's rent – on supports enabling them to participate in required welfare-to-work activities, in effect eliminating the \$1,000 TANF asset allowance and reducing welfare recipients to utter destitution<sup>5</sup>;
- imposing arbitrary yearly and lifetime limits on the amount of special allowances a family may receive, even when those limits may prevent the family from taking a job that will lift them off of TANF (for example, when a family has already reached the yearly maximum payment for mileage, car repair, and insurance, and its car has a new breakdown);

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<sup>2</sup> Jack Wagner, Auditor General, "A Special Performance Audit of the Department of Public Welfare Special Allowance Program," August 2009, available at <http://www.auditorgen.state.pa.us/Reports/Performance/Special/speSPAL081909.pdf>. The Department's response to the audit findings states its intention to promulgate revised regulations in the fall of 2009. See Audit p. 54.

<sup>3</sup> The Auditor General audit also details other procedural deficiencies that are not addressed by the #14-517 regulatory package.

<sup>4</sup> DPW Operations Memorandum, Employment & Training 090801, "Special Allowances for Supportive Services – Policies and Procedures" and attachments, August 5, 2009, available at <http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/ops/OPS090801.pdf>.

<sup>5</sup> TANF recipients are permitted up to \$1,000 in savings without affecting their eligibility, pursuant to 62 PS § 432.5(c). In addition, certain assets, such as residential property, one car, and income tax refunds, are excluded from the \$1,000 asset limit. See Cash Assistance Handbook § 140.8, available at [http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/Ca/140/140-07.htm#P2060\\_46395](http://www.dpw.state.pa.us/oimpolicymanuals/manuals/bop/Ca/140/140-07.htm#P2060_46395).

- eliminating whole categories of special allowances that the Auditor General found no problem with, such as allowances for expenses of moving to accept an out-of-town job. Such allowances are specifically authorized by state law, 62 P.S. § 432.20;
- eliminating allowances for care of incapacitated adults needed to enable the TANF or food stamp recipient to look for a job, though federal regulations require that food stamp recipients be given such allowances when necessary; and
- enshrining limits on federally-funded food stamp special allowances, unnecessarily locking in restrictions that may be inappropriate should federal law change.

DPW acknowledges that the Department “did not receive input from the public in the development of this regulation.” Regulatory Analysis Form (RAF), paragraph 22. No affected TANF or food stamps households and no advocates were given a chance to review this package before it was submitted to the IRRC.

In sum, in response to recent criticism of policies and practices that have been in place since 2002 at the latest, DPW has without public consultation changed its policies at the subregulatory level. These new policies address the practices criticized by the Auditor General by revising its rules on documenting need for allowances and requiring receipts, and will hence eliminate the potential for waste and abuse found by the Auditor General. Nonetheless, DPW seeks to enshrine additional steps in regulation without public comment, though those steps are not necessary to address the Auditor General’s findings. These regulations have been hurriedly compiled and will harm tens of thousands of low-income families struggling to work their way out of poverty. The regulations should be rejected in favor of the public comment process envisioned by the Commonwealth Documents Law.

**II. Publication of the special allowances regulations as final-omitted violates the Commonwealth Documents Law because DPW has not shown good cause for omitting proposed rulemaking.**

The Commonwealth Documents Law (CDL) mandates a public comment process before the promulgation of regulations, with few exceptions. 45 P.S. §§ 1201, 1202. The exceptions authorize agencies to issue “final-omitted” regulations, without public comment, if

[t]he agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in [45 P.S. §§ 1201, 1202] are in the circumstances impracticable, unnecessary, or contrary to the public interest.

45 P.S. § 1204(3). DPW asserts that omitting public comment on the #14-517 regulatory package comports with this provision because:

notice of proposed rulemaking is, under the circumstances, impracticable and contrary to the public interest. Given the current economic and budget crises, stringent Federal work participation requirements, and the Department's goal of moving families towards self-sufficiency through work and work-related activities, it is contrary to the public interest and impracticable to delay revising the requirements and amounts for special allowances for supportive services for individuals receiving cash assistance or food stamp benefits who are participating in work or work-related activities. The Department is amending the maximum amount and the frequency for special allowances to maximize scarce resources so that funds for special allowances are available to the greatest number of participants with a verifiable and documented need for supportive services. Without special allowances for supportive services payments, individuals may otherwise be unable to participate in approved work-related activities including employment. The Department is also amending the verification requirements to enhance program integrity and effectiveness.

Preamble, pp. 2-3.<sup>6</sup> In essence, although the real urgency for enacting the regulations appears to be to respond to criticism stemming from the Auditor General's audit – criticism already addressed by DPW's subregulatory memos -- DPW's justification for omitting public comment is a purported need to save money by taking away special allowances from low-income families who are currently eligible for them. This justification does not establish that a public comment period would be "impracticable and contrary to the public interest." These regulations are therefore not in accord with the Commonwealth Documents Law and should be disapproved by the Attorney General, the legislative committees, and the IRRC.<sup>7</sup>

At heart, these regulations are discretionary decisions by DPW, which has decided to save money by eliminating or limiting certain payments and demanding that recipients spend

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<sup>6</sup> The CDL also authorizes the promulgation of final-omitted regulations if the "administrative regulation or change therein relates to . . . Commonwealth property, loans, grants, benefits or contracts." 45 P.S. § 1204(1)(iv). DPW asserts that this language authorizes the publication of the TANF regulations as final-omitted, Preamble, p. 2, but this argument proves too much: it would justify omitting public comment for every regulation governing DPW's cash assistance, medical assistance, food stamps, and child care subsidy programs. The language regarding Commonwealth grants and benefits is clearly intended to apply only to unique transactions akin to property transfers and contracts, and not to a regular program of benefits issued to thousands of individuals a year. Excusing from public comment all regulations governing DPW benefit programs was certainly not the General Assembly's intent, nor has it been DPW's consistent practice. Indeed, 15 of the 18 regulations DPW has promulgated in the last five years have been proposed with the normal public comment process. DPW can hardly be serious in this argument, as is indicated by its more extensive reliance on the "impracticable and contrary to the public interest" provisions of § 1204.

<sup>7</sup> We understand that the IRRC does not believe it has jurisdiction to pass on the form of regulations submitted to it. Even if this is true, the IRRC should be able to take into account the public's curtailed opportunity to comment on the regulations in reviewing the "clarity, feasibility and reasonableness" of the regulations. 71 P.S. § 745a(i)(3).

their funds to participate in its welfare-to-work programs. The regulations will disqualify 4,243 food stamp participants from special allowances (RAF paragraph 15). DPW states that the regulations will save \$5.3 million this fiscal year, and \$7.1 million in fiscal year 2010-11 (RAF paragraph 19). This is not “amending the maximum amount and the frequency for special allowances to maximize scarce resources so that funds for special allowances are available to the greatest number of participants” – this is simply cutting special allowances and serving fewer individuals to save money.

It is of course widely known that the Commonwealth is facing a budget crisis. But DPW has not shown or contended that it lacks funds to pay supportive services to those who need them in order to look for a job, accept employment or attend education or training. It is our understanding that special allowances are included in the New Directions appropriation that was enacted as part of the stopgap budget signed by the Governor last month. This year’s appropriation is only slightly below last year’s funding.<sup>8</sup>

DPW’s other stated rationales for urgent action – beyond the desire to save money -- likewise do not warrant bypassing public comment. Payment of special allowances is indeed essential to families’ attempts to move off the welfare rolls into family-sustaining jobs. And such payments are also essential to DPW’s success in meeting the federal TANF work participation rate, as families will be unable to afford a job search on the meager \$403 monthly grant for a family of three. But *reducing* eligibility for these payments, as DPW is planning to do, will not help families obtain jobs and the state achieve its work participation rate. Moving families from welfare to work is a matter of great public importance. It is therefore very much in the public interest to allow the public to weigh in on whether DPW’s intended action will accomplish the goals it has set out, and to require Department to explain how its policies advance these important goals in response to such public comment.

These regulations are not needed to prevent fraud and abuse, as DPW has already acted under its existing regulations to ensure that special allowances are issued only as needed and are spent only as intended. Instead, the regulations represent new policy choices on DPW’s part. Informed comment would alert the Department to ambiguities, illegalities, and policy issues that it had not considered. By curtailing the regulatory review process, DPW is thwarting the General Assembly’s intent to resolve objections to regulations and reach “consensus among the commission, the standing committees, interested parties and the agency.” 71 P.S. § 745.2. Many of the objections to the proposed special allowances regulations are substantial. Rather than offering the committees and the IRRC an opportunity for meaningful input into the content of the regulations, however, DPW has forced them to approve or disapprove the proposed regulations as a whole, regardless of the improvements they might offer. Such a forced choice is not necessary.

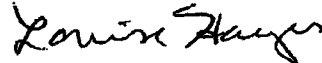
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<sup>8</sup> The 2008-09 appropriation for New Directions, which is DPW’s welfare-to-work budget line, was \$59,274,000. The partial 2009-10 budget signed by Governor Rendell on August 5 includes \$57,534,000 for New Directions. See “2009-10 General Fund Bridge Budget Line-Item Appropriations and Veto Amounts,” available from the Governor’s Budget Office web page, at <http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4566&mode=2>.

It is not "impracticable and contrary to the public interest" for the public, the standing committees of the General Assembly, and the IRRC to be given the opportunity to comment on DPW's new regulations. The Department has not shown the requisite "good cause" for omitting proposed rulemaking. Its proposed TANF regulations should therefore be rejected in favor of a process that allows public comment.

Thank you for the opportunity to comment on this important issue. We would welcome an opportunity to discuss this matter further should you wish it.

Sincerely,



Louise Hayes  
Direct dial: (215) 227-2400 x2421  
LHayes@clsphila.org

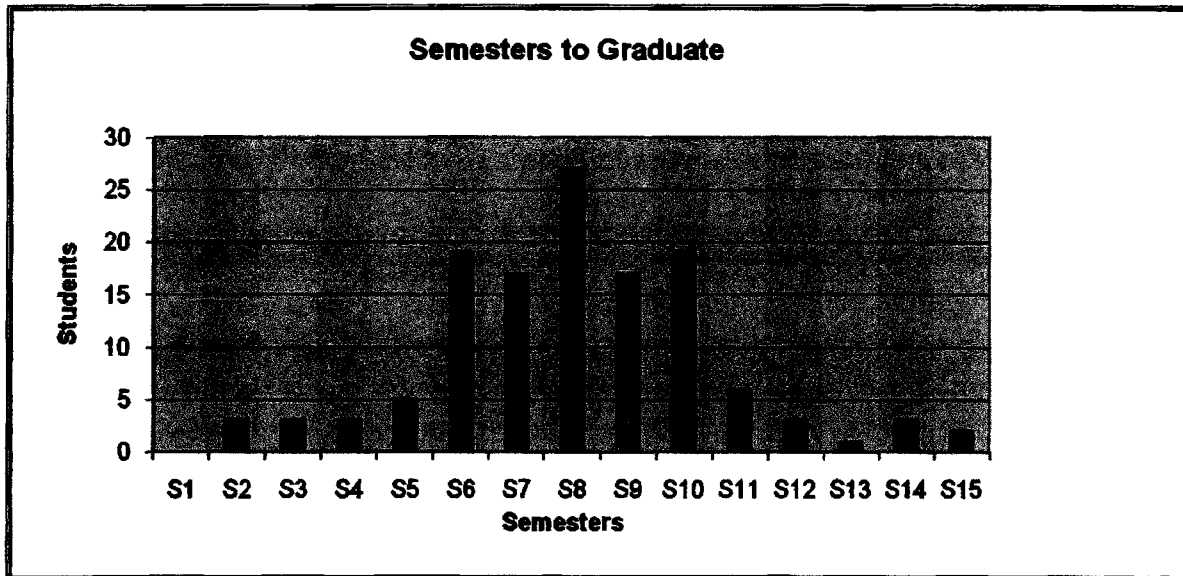
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Cc: Barbara Adams, Esq., Governor's General Counsel  
Allen C. Warshaw, Esq., DPW General Counsel  
Sen. Edwin Erickson, Majority Chairman, Senate Public Health & Welfare Committee  
Sen. Vincent Hughes, Minority Chairman, Senate Public Health & Welfare Committee  
Rep. Frank Oliver, Majority Chairman, House Health & Human Services Committee  
Rep. Matthew Baker, Minority Chairman, House Health & Human Services Committee  
Independent Regulatory Review Commission

# APPENDIX 2

## Impact of DPW's Life-time Limit on SPALs for Books, School Supplies, Equipment and Tools, and School Fees on Completion of Community College Programs

The graph below shows how many semesters it took 128 KEYS graduates from thirteen of the fourteen community colleges participating in the KEYS program to complete their Associates Degree or certificate program.<sup>1</sup>



Those who required more than five semesters include:

- 23 nurses, 2 dental hygienists, 2 respiratory therapists, and 1 surgical technician -- all high paying, in-demand, health care professions.
- Note that nursing and other health profession programs often require students to take pre-requisite courses in addition to the 60 to 65 credits typically required for a two-year Associate's Degree. KEYS parents in nursing and other health professions averaged about 102 total credits. It stands to reason that these parents will require more than 5 semester time to complete their programs, even with a substantial course load each semester.

<sup>1</sup> The survey for this report included all KEYS graduates through May 2008 from Allegheny Community College, all graduates up to May 2008 from Harrisburg Area CC, and May 2008 graduates from Beaver CC, Bucks CC, Butler CC, Delaware CC, Pa Highlands CC, Luzerne CC, MontCo CC, Northampton CC, CC of Philadelphia, Reading Area CC, and Westmoreland CC.

## Gelnett, Wanda B.

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**From:** Jewett, John H.  
**Sent:** Friday, September 18, 2009 8:53 AM  
**To:** IRRRC; Cooper, Kathy; Gelnett, Wanda B.; Wilmarth, Fiona E.; Johnson, Leslie A. Lewis  
**Subject:** FW: CJP-CLS Comments on Regulation No. 14-517 - SPALs  
**Attachments:** CJP-CLS Comments on DPW Final Omitted reg 14-517 SPALs 9-17-09.pdf

Please file this email and its attachment as a "final comment" on #2784. Thanks!

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**From:** Peter Zurflieh [mailto:PZurflieh@palegalaid.net]  
**Sent:** Thursday, September 17, 2009 5:24 PM  
**To:** ezogby@state.pa.us  
**Cc:** Jewett, John H.; lblanchett@state.pa.us; erichman@state.pa.us; bnoon@state.pa.us; tlay@state.pa.us; lhayes@clsphila.org; RWeishaupt@clsphila.org; mfroehlich@clsphila.org; Lnorton@palegalaid.net; eerickson@pasen.gov; mhansarick@pasen.gov; hughes@pasenate.com; cduncan@pasenate.com; foliver@pahouse.net; sbennett@pahouse.net; smitchell@pahouse.net; Nia Wilson; mbaker@pahousegop.com  
**Subject:** CJP-CLS Comments on Regulation No. 14-517 - SPALs

Dear Mr. Zogby

Attached please find comments from the Community Justice Project and Community Legal Services on DPW's final-omitted rule-making, No. 14-517, "Special Allowance for Supportive Services Requirements." We previously submitted comments on DPW's use of the final omitted process. (Those 9-04-09 comments are appended to the attached comments on the substance of the regulations.)

We are also sending these to the IRRRC and the majority and minority chairs of the legislative oversight committees.

Thank you for consideration of these comments.

Peter Zurflieh

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