

NEW YORK STATE BAR ASSOCIATION
Committee Report Cover Sheet
April 8, 2011

When submitting a report to the Executive Committee or House of Delegates, please complete and attach this form. This information should be directed to:

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Committee: Committee on Legal Aid

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Recommendation:

That the Executive Committee, and, if appropriate, the House of Delegates support and authorize NYSBA to be proactive in efforts to secure enactment of Bill #A04840, which would repeal Social Services Law §153(8) and require local social services districts to accept or deny applications for public assistance as soon as possible, but in no event more than 30 days after the date of application.

Position taken at meeting held on:

At the last meeting of the Committee on Legal Aid, held on 1/27/11, consensus was reached, in concept, to ask the NYSBA Executive Committee to support legislation that was anticipated to be introduced to statutorily repeal Social Services Law §153(8), which imposes a 45 day wait on receipt of Safety Net assistance by eligible applicants.

Agreement was reached to defer voting until actual legislation was introduced in the current legislative session. It was agreed that when the anticipated legislation was introduced, committee members would be asked to vote by email, with the expectation that there would be consensus to recommend that the NYSBA Executive Committee support its enactment.

On 2/8/11, Bill #A04840 was introduced.

On 3/25/11, the bill was sent to all members of the Committee on Legal Aid. Committee on Legal Aid members were asked to weigh in with a yes or no vote by close of business on 4/1/11 on whether the committee should ask the NYSBA Executive Committee to endorse the proposed legislation.

All committee members who voted voted in favor of taking this position.

Total membership of Committee:

39

Total in attendance:

20 committee members attended the meeting on 1/27/11 – 18 in person and two by conference call.

All 39 members of the committee were sent a copy of Bill #A04840 on 3/25/11.

Vote for recommendation:

Unanimous – of the 20 members who voted by email, all 20 voted in favor of this recommendation.

Vote against recommendation:

None

Brief Summary of majority opinion:

In May 2006 the Special Committee on Collateral Consequences of Criminal Proceedings issued a 495 page report and set of recommendations – *Re-Entry and Reintegration: The Road to Public Safety*. The report was ultimately adopted by the NYSBA House of Delegates and, thereafter, in June 2008, the Special Committee sunset.

Shortly thereafter, the Committee on Legal Aid agreed to serve as the focus within NYSBA for continuation of part of the work of the Special Committee. The Committee

on Legal Aid agreed to be proactive in trying to implement some of the collateral consequences recommendations made in the areas of benefits, housing and family law.

One of the action items agreed to was to try to secure a statutory repeal of the 45 day waiting period for Safety Net assistance contained in Social Services Law §153(8) and to secure a concomitant mandatory administrative requirement that local social services districts accept applications from those who are about to be released from prison while they are still incarcerated.

At this time, Bill #A04840 would repeal the 45 day waiting period for Safety Net assistance. In furtherance of NYSBA's commitment to implement the Special Committee's report and recommendations, enactment of Bill #A04840 should be proactively championed by NYSBA.

Attached to this committee report cover sheet is a copy of the summary of Bill #A04840, together with the legislative memo in support of the bill and the text of the bill. Also attached are pages 156 - 157 of the Special Committee's report, containing the discussion relevant to this narrow issue.

Brief summary of minority opinion:

N/A

Anticipated budget implications:

None for NYSBA.

Other Committees and/or Sections notified or consulted (including date):

The NYSBA President's Committee on Access to Justice members have joined in discussion of this issue at several joint meetings of the Committee on Legal Aid and PCAJ. The first such meeting occurred on 9/22/08. The most recent joint meeting at which this was an agenda item was held on 6/14/10.