

Emergency Food Assistance Program Public
Hearing - 8/12/2022

NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES
COUNTY OF NEW YORK

DATE: August 12, 2022

HELD AT: Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007
VIRTUAL PROCEEDING

APPEARANCES: JOSEPH JONES

LAMAUNDA MAHARAJ

PAUL BUCKLEY

DR. DEBBIE ALMONTASER

JUDY SECON

ALEX HUGHES

DICKRAN JEBEJIAN

SISTER CAROLINE TWEEDY

MARRICKA SCOTT-MCFADDEN

1 [Music playing 00:00:01 - 00:02:01]

2 MR. JONES: Good morning, everyone. We will go
3 ahead and get started in a few minutes. We're just
4 waiting for folks to join us. Good morning. We're still
5 holding for a few more folks to join and we'll get started
6 in about two minutes, everyone. All right. Good morning,
7 everyone. The time is now 10:05 and we're going to begin
8 this public hearing. My name is Joseph Jones and I am
9 with the New York City Department of Social Services. I
10 thank you all for coming to this public hearing on the
11 proposed rule concerning the Emergency Food Assistance
12 Program. Everyone is muted at this point and now I am
13 going to turn to the interpreters to introduce themselves,
14 and provide instructions on how to receive interpretation
15 services. Let's start with our Spanish language
16 interpreter.

17 SPANISH INTERPRETER: [Spanish Language:

18 00:10:37 - 00:11:14]

19 MR. JONES: Thank you. And then I'll have
20 Haitian Creole interpreter introduce themselves.

21 HAITIAN CREOLE INTERPRETER: [Haitian Creole

22 Language 00:11:20 - 00:12:00]

23 MR. JONES: Great. Thank you so much, both of
24 you. I'll give folks one moment if anyone needs
25 interpretation services to move themselves into the room.

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1 Okay. And now I'm going to introduce LaMaunda Maharaj who
2 will be our program host for the day.

3 MS. LAMAUNDA MAHARAJ: Thank you, Joe. Welcome
4 and thank you for attending this hearing today. My name
5 is LaMaunda Maharaj and I am the director of the Emergency
6 Food and Nutrition Assistance Programs for HRA. This is a
7 public hearing pursuant to the City Administrative
8 Procedure Act. The subject of this hearing is the
9 Emergency Food Assistance Program. The New York City
10 Department of Social Services/Human Resources
11 Administration proposes repealing Chapter 4 of Title 68 of
12 the Rules of the City of New York, currently entitled,
13 "Distribution of Food and Administrative Funds to
14 Emergency Food Providers," and replacing it with a new
15 rule entitled, "Emergency Food Assistance Program (EFAP)."
16 The proposed rule provides HRA with greater flexibility in
17 allocating food and administrative funds to emergency food
18 providers, which will make HRA able to respond more
19 effectively to community food needs as they arise. Among
20 other changes, the proposed rule replaces the HRA's
21 current method for allocating funding to emergency food
22 providers. The current method relies solely on the number
23 of persons served in the prior year. The new method
24 considers multiple factors, including current food needs
25 in specific geographic areas or within specific

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1 populations. By updating the funding allocation method in
2 this way, HRA will be able to make programmatic and
3 funding changes that are responsive to provider feedback
4 and the rapidly changing landscape of emergency food needs
5 in the City. Additionally, the proposed rule formalizes
6 HRA's ability to reimburse not-for-profit organizations
7 for infrastructure and operational costs and to create new
8 emergency food programs that will seek EFAP funding or to
9 expand the reach of existing emergency food programs.
10 This rule is proposed pursuant to the authority of the
11 Commissioner of DSS under Sections 603 and 1043 of the New
12 York City Charter and Section 34 of the New York Social
13 Services Law. Anyone who wishes to comment on the rule,
14 will have three minutes to speak. We will not be
15 answering any questions or responding to your comments
16 today, but please know that we will consider all comments
17 received as we finalize the rule. If you wish to submit
18 written testimony, the deadline is midnight, tonight.
19 Comments can be e-mailed to NYCRules@HRA.nyc.gov. Back to
20 you, Joe.

21 MR. JONES: Thanks, LaMaunda. Okay, everyone.
22 So, so far, we have some folks signed up to speak. So I
23 am going to call on them in the order that they submitted
24 their comments. So starting with Paul Buckley.

25 MR. PAUL BUCKLEY: Mr. Jones, I sent an e-mail

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1 earlier today withdrawing my request.

2 MR. JONES: Oh, great. So we're going to move
3 on. Moving on to Dr. Debbie Almontaser.

4 DR. DEBBIE ALMONTASER: Good morning, everyone.
5 Thank you for the opportunity to be able to, to testify.
6 My name is Dr. Debbie Almontaser. I am the CEO and
7 founder of Bridging Cultures Group, which is a diversity,
8 equity, and inclusion consulting company that also has
9 been doing work in food equity specifically that has
10 focused around the pandemic where the dire need for
11 culturally mindful food was essential. And so I felt it
12 was very important to be here considering the work that
13 we've done. I also served on a number of committees, you
14 know, pertaining to food insecurity and the Mayor's
15 Transition Team for food policies. So really happy to be
16 here. In regards to providing testimony this morning, I
17 wanted to focus on several important points for the new
18 EFAP regulations. First, these are more professionally
19 crafted. This new version is well written, better
20 organized, and more easily understood than the existing
21 version of Chapter 4. All interested stakeholders can
22 more easily discern the regulations, intent, and the
23 underlying policy objectives, which inspired them.
24 Second, you know, eliminate an outdated, complicated
25 funding formula. The existing funding formula is

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1 difficult to understand and likely even more difficult to
2 administer. Also, it does not sufficiently reflect the
3 food ecosystem that has evolved within New York City over
4 the past several years. Next is, include a critical
5 reference to culturally appropriate foods. And this is a
6 point that I really feel very passionate and want to focus
7 on. In stark contrast to the current regulations, these
8 new proposed regulations introduced into EFAP and by
9 extension, the EFAP provider community, a formal
10 recognition of the concept of culturally mindful food.
11 All of us gained a greater appreciation during the
12 pandemic about understanding and subsequently acting upon
13 the legitimate needs of our ethnic and religious
14 populations when addressing food issues, as HRA, including
15 Bridging Cultures Group and Met Council, looked to
16 leadership roles during the pandemic to bring attention
17 and focus to the need of culturally mindful food. One
18 specific area that is really critical for this, you know,
19 is the point of clarification that we seek and that is the
20 proposed rule states, "food must not be distributed in
21 connection with any political or religious activity."
22 Emphasis added. We believe the intent of this language and
23 the use of the word activity specifically is to ensure
24 EFAP providers do not use a distribution of food to force
25 intended recipients to engage in political or religious

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1 activity as a condition for food-for receiving food.
2 Therefore, in the example, food could not be used as an
3 inducement to attend a political rally or religious
4 service. We urge HRA to amend the regulation before
5 adoption, to be clear that it is not meant to inhibit the
6 ability or distribution of culturally mindful food during
7 religious holidays, such as the month of Ramadan for
8 Muslims. Lastly, we applaud HRA for memorializing into a
9 new Chapter 4, the directives issued by Mayor Adams early
10 in his administration to establish more progressive food
11 policies for the city. Mayor Adams is to be congratulated
12 for his early interests in food issues and his dual
13 emphasis on both healthy and culturally appropriate food,
14 especially where public dollars are concerned. Thank you.

15 MR. JONES: Thank you so much. Okay. Next, I
16 have Greg Silverman. Is he here? Okay. We'll come back
17 to him. Moving on. Let's see. I have Dickran Jebejian,
18 apologies --

19 MR. DICKRAN JEBEJIAN: -- Yeah, thank you.

20 MR. JONES: -- to (inaudible)

21 MR. JEBEJIAN: No, no problem at all. DJ we're
22 perfectly fine. Good morning and thank you for the
23 opportunity to provide comments on the proposed rule
24 change to EFAP. My name is Dickran Jebejian and I'm the
25 Food Policy Manager for the Metropolitan Council on Jewish

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1 Poverty. Met Council offers a wide range of social
2 services, including emergency food programming for poor
3 and near poor New Yorkers. We operate the country's
4 largest Kosher Emergency Food Network. While we serve all
5 food to New Yorkers, we provide exclusively Kosher and all
6 Halal Food for observant New Yorkers who cannot turn
7 elsewhere due to religiously informed dietary
8 restrictions. On average, we serve over 200,000 clients a
9 month, more than double the clients we served during the
10 height of the pandemic. We also support, support 19
11 Emergency Food Programs that rely on EFAP. Utilizing city
12 data about the now defunct GetFoodNYC Program, we showed
13 that at least 21% of those relying on emergency food
14 resources in 2020 and 2021 requested either Kosher or
15 Halal food. To meet the needs of these communities, we
16 believe that HRA must take steps to ensure that the new
17 DSS Community Food Connections Program is successfully
18 implemented while considering the specific dietary needs
19 of Jewish and Muslim New Yorkers. While we welcome some
20 of the planned improvements to EFAP, Met Council and many
21 other providers remain concerned about the proposed
22 changes outlined in this new rule. As in the prior rule,
23 there is still no clear EFAP funding formula. The
24 reimbursement process is opaque and retroactive. We
25 believe it needs to be replaced with a proactive funding

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1 model or at a minimum, a guarantee of funds upfront to
2 cover the administrative costs of participating in EFAP.
3 Rules prohibiting sub-distribution to smaller pantries,
4 prohibit collaboration and incentivize food waste. The
5 requirement that pantries increase data collection and
6 storage is an unfunded mandate, and should be HRA's
7 responsibility if additional staffing funds are not
8 provided. So while the proposed rule also specifies that
9 EFAP providers must make reasonable efforts to provide
10 balanced nutritious meals and consider the cultural
11 preferences and dietary restrictions of constituents, yet
12 there has been no commitment to ensuring a range of Kosher
13 and Halal products are available. Additionally, we
14 support the inclusion of an EFAP advisory group, but we
15 are concerned that there's no specific provision for
16 Kosher and Halal or other culturally responsive emergency
17 food providers. Lastly, HRA must commit to improving
18 their communications with emergency food providers. Very
19 few providers received notice of this proposed rule change
20 and the current vendor transition from food bank to HRA
21 has been off to a discouraging start. Providers need
22 certainty about EFAP, how it will be administered and what
23 funds will be allocated to ensure successful
24 implementation. Lingering economic hardships, a looming
25 recession, and historic inflation have coalesced to create

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1 a higher demand for emergency food than ever before. In
2 June of this year, Met Council served more clients than at
3 any time in the history of our program. As we progress
4 through this slow recovery, we believe HRA must use data
5 like that from GetFood New York City and direct input from
6 experienced providers to make informed decisions that meet
7 the needs of new Yorkers continuing to struggle with
8 poverty and food insecurity. The pandemic was a moment in
9 our City's history that illuminated the flaws in our
10 emergency feeding system. And if we do not learn from
11 what we have experienced, we will continue to watch hunger
12 negatively impact the lives of millions of New Yorkers.
13 We thank you for the opportunities to make comments on
14 this proposed rule and we hope you consider our input into
15 the future of EFAP. Thank you.

16 MR. JONES: Thank you so much. Moving on to
17 Alex Hughes.

18 MR. ALEX HUGHES: Hi, everyone. Good morning
19 and thank you for the opportunity to speak today and for
20 having this hearing. My name's Alex Hughes, I'm the
21 director of Food and Nutrition with Project Hospitality.
22 Project Hospitality is a non-profit on Staten Island with
23 interfaith roots. Our main missions are to close the meal
24 gap in the hunger gap and to provide shelter to the
25 homeless. In addition to that, we also have substance

1 abuse treatment programs, mental health services,
2 connections to benefits among many other services,
3 including programming, specifically tailored for people
4 living with AIDS. We're grateful to have been consistent
5 recipients of the EFAP program now, DSS/CSC. However, we
6 do have some feedback regarding the newly written rule.
7 The emergency feed-food providers really are seeking
8 transparency in the process, particularly when it comes to
9 the formula, the formulas and how our allocations are set.
10 We appreciate the different-the different-the different
11 things that are going into the thought process when it
12 comes to setting these allocations. Things like DEI,
13 diversity, equity, and inclusion, but what we're really
14 seeking is more specific information on how exactly these
15 things are going to tie in to our allocations. How
16 exactly are these things going to-we're just looking for
17 clarification on how exactly these things are going to
18 affect our funding and our allocations. We're also
19 concerned about the amount of time it's been taking to get
20 set up with our new vendor H Schreier. There's been
21 pretty limited communication there. And to best plan for
22 the holiday-upcoming holiday seasons and to best be able
23 to tackle any potential food shortages, we feel that that,
24 that communication, we really need to figure out what else
25 can be available. The pricing there. There's just a lot

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1 of logistics to worry about especially with the
2 fluctuating food costs. Again, we're grateful to have
3 been receiving recipients of this funding. Project
4 Hospitality, we've been serving almost 3 million meals a
5 year, almost double since the onset of the pandemic. So
6 the, the need really exacerbates the, the need for
7 clarification on some of these rules. So again, while we
8 do appreciate all the thought that's going behind this new
9 rule, we're really seeking clarification on how exactly
10 these changes will affect our allocations going forward.
11 Thank you again, for taking the time and yeah, we're
12 looking forward to a continued conversations and
13 collaboration. Thank you.

14 MR. JONES: Thank you. Moving on to Judith
15 Secon, if she's on.

16 MS. JUDY SECON: Yes, I'm here. Thank you.
17 We'd like to thank you for the opportunity to testify
18 today. I'm Judy Secon. I'm the Deputy Executive Director
19 at New York Common Pantry. Our mission at New York Common
20 Pantry is to reduce hunger and promote dignity, health,
21 and self-sufficiency. We currently operate two brick and
22 mortar pantry locations, and iMobile pantry that regularly
23 works with over 45 agencies and a senior nutrition program
24 that works at over 120 sites throughout the city. Last
25 year, through all our programs, we served over 9.3 million

1 meals and provided nearly 600,000 services. We've served
2 New York City for over 40 years. We rely on the Emergency
3 Food Assistance Programs to provide healthy, nutritious
4 food to those who seek our services. It is the
5 cornerstone of our food provision, and we are grateful
6 for, for it. We are also an active member of The
7 Roundtable: Allies for Food Access. Many of our members
8 are testifying or will be testifying and we add our
9 support for their testimony. As you've heard from them,
10 we too are now seeing higher demand for emergency food
11 than ever before due to skyrocketing food, fuel, and
12 housing prices. Inflation is driving up the cost of food
13 for us while also driving unprecedented numbers of New
14 Yorkers who need to seek our services. We've struggled
15 through two years of COVID to meet food needs and now
16 we're still facing unrelenting demand. And we are in
17 urgent need for the new DSS Community Food Connections
18 Program to provide the proper support. We need HRA to
19 take steps to ensure that the program is successfully
20 implemented, has increased transparency, encourages more
21 direct input from EFAP, provides improvements to the
22 payment process and allows us more flexibility and
23 multiple pathways to implement programming and access
24 funding. We support the following proposed changes to the
25 rules. We support the inclusion of the rules to formalize

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1 the ability to reimburse, not for profits, for
2 infrastructure and operational costs. We support the
3 inclusion of an advisory group of the EFAP practitioners,
4 and we request that members of The Roundtable be included
5 in this group. We support the proposed language to offer
6 new capacity building grants and make funds available—
7 additional funds available to EFAP food providers. We are
8 concerned about the following proposed changes to the
9 rule. As others have mentioned, the EFAP funding
10 allocations formula, we believe it's important to have a
11 clear formula to determine if that budget and allocation
12 amount clear criteria and guidelines about how to apply.
13 We're also concerned about the language and the rule that
14 food cannot be traded, sold, or disposed of if it is
15 spoiled or expires, and then it may become, and that we
16 must notify HRA. This can become particularly burdensome,
17 particularly if this is produce. I'm going to request, as
18 others have, that we allow for sub-distribution of food to
19 larger providers of a—from larger providers to smaller
20 pantries to prevent food waste. And we also ask for
21 clarification of the rule that HRA may open or close EFAP
22 allocations for certain populations, geographic areas.
23 And we would like an explanation of why or when that would
24 happen and how that could be. We'd also like to see the
25 following included in the new rule. We'd like more

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1 financial incentives to encourage emergency food providers
2 to purchase and serve fresh produce. We request that we-
3 that you work with the Administration and Comptroller's
4 Office to speed up payments. We also call on you to
5 provide an annual increase in funding for providers
6 indexed to rising inflation, including food costs and COLA
7 for human service providers, and to tie annual funding
8 allocations to programming levels/goals annually. We also
9 call on the-HRA to organize meetings of EFAP emergency
10 food providers, six months after implementation and
11 annually to provide important feedback. We also call on
12 HRA to make the administration more transparent and to
13 commit to publicly sharing program impacts, outcomes,
14 vendor data and how funding allocations are determined.
15 Additionally, as others have stated, we are in urgent need
16 of information about the current EFAP Program, how it will
17 be administered going forward, and what funds will be
18 allocated to operate our group. Lack of communications is
19 making it very difficult to plan our feeding programs and
20 operations. We respectfully request that you take these
21 recommendations on how to improve the administration and
22 concerns about the proposed rule into consideration. We
23 thank you for this opportunity and we believe that the
24 EFAP Program can be successful and impactful in the coming
25 year. Thank you.

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1 MR. JONES: Thank you. Okay. I am going to see
2 if Greg Silverman has joined us subsequently. Okay. Does
3 not appear that he is here. So, so now I'm going to open
4 it up to everyone else who has not submitted their names
5 already. If there's anyone on the call who would like to
6 testify, you can please raise your hand and then I will
7 let you know. And I'll call you in the order that I see
8 your hand. If you have joined this call by calling in,
9 you can raise your hand by pressing *9 or press-and then
10 press *9 to unmute yourself. If there's anyone who can't
11 raise their-use the raise their hand feature, they can let
12 us know in the text box that they would like to speak.
13 Seems like maybe someone is just on mute. Caroline
14 Tweedy, are you-would you like to give testimony or did
15 you just practicing how to unmute?

16 SR. CAROLINE TWEEDY: Can you hear me?

17 MR. JONES: We can hear you.

18 MS. TWEEDY: Oh, good. I'm Sister Caroline
19 Tweedy, and I'm the Executive Director at St. John's Bread
20 and Life in Brooklyn, New York. And we are also one of
21 the founding members of The Round Table: Allies for Food
22 Access. And I certainly support both what Judy and Alex
23 said. You know, it's very difficult to plan ahead when
24 we're really not sure what the process is or how exactly
25 we can work together. You know, we are serving multitudes

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1 of people, three times as many people as we did pre-
2 pandemic. And it's very hard to plan for the future. And
3 so we need some clarification on what the processes will
4 be. And you know, we are grateful for the support we get,
5 but it's also difficult when you're in the midst of
6 planning and you really don't know what the allocations
7 for us will be. So anything that HRA can do to, you know,
8 clarify the process for us would be greatly appreciated.
9 Thanks.

10 MR. JONES: Great. Thank you for your
11 testimony. Again, if there's anyone else who would like
12 to testify, you can use the raise your hand feature or let
13 us know in a text box. If you've joined via call, you can
14 raise your hand by pressing *9 and then *6 to unmute
15 yourself. Okay. We will—is someone raising their hand?
16 I can't tell from my chat feature. If someone would like
17 to speak, I think you can go ahead and just unmute
18 yourself and speak. I don't think you need to use the,
19 raise your hand feature at this point.

20 MALE VOICE 1: (Inaudible).

21 MR. JONES: Yeah, it looks like we've got
22 someone new in the room, so I won't make my announcement
23 again. If anyone would like to testify at this point, you
24 can just go ahead and unmute yourself and begin speaking.
25 If you've joined via the telephone, you can press *6 to

1 unmute yourself. Okay. It's been a few minutes since
2 anyone new has joined our room. So I believe we are going
3 to leave this room open until 12 o'clock if anyone joins
4 and would like to testify. And we'll periodically make an
5 announcement if new people join the room, but in the
6 interim, I'd like to thank everyone who's come out and
7 shared their thoughts today on the proposed rule. And
8 this does not conclude our public hearing, but we are
9 going to be here to receive those comments. But I thank
10 you for everyone else who's coming and testified in the
11 interim.

12 DR. ALMONTASER: Joseph, I have a question.
13 This is Dr. Debbie Almontaser from Bridging Cultures
14 Group. I was curious if you can share with us what the
15 timeline is for this whole procedure on your end.

16 MR. JONES: Yeah, give me one second. I—sorry
17 about that. One moment. Hi, sorry. Have to make sure
18 that I got my facts correct. So after we receive public
19 comments to this, all public comments will be considered.
20 Any additional changes to the rule will be made in
21 accordance with the public comments that we received
22 today. And then after that, the process will be
23 recertified and submitted to the City Record. And after
24 30 days being published in the City Record, the rule will
25 become finalized. So we're looking at potentially mid to

1 late fall for final publication of the rule.

2 DR. ALMONTASER: Thank you.

3 MR. JONES: No problem. And hello, it looks
4 like we have a new person in the room, so I will make my
5 earlier announcement. At this point, if you are
6 interested in providing testimony to this public hearing,
7 please just go ahead and unmute yourself, and you can
8 provide testimony. If you're having trouble unmuting
9 yourself, you can let us know in a chat box. Otherwise,
10 if you've joined via phone, you can unmute yourself by
11 pressing *6. We will be leaving this meeting chat open
12 until noon, but the, the agency has already provided its
13 comments. So right now, we're only receiving comments
14 from the public.

15 DR. ALMONTASER: Joseph, is this being recorded
16 in the event that some people want to leave and in case
17 there are others that come between now and 12 o'clock,
18 that we can actually see this at another time?

19 MR. JONES: I apologize. I don't know that we
20 mentioned that, but yes, this hearing is being recorded
21 and I believe the contents will be made public after the
22 recording. So yes.

23 DR. ALMONTASER: Thank you. All right. I'm,
24 I'm going to jump off. Thank you. And I look forward to
25 getting the e-mail with the, the link to, to watch at

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1 another time.

2 MR. JONES: Thank you for your participation
3 today.

4 DR. ALMONTASER: Thank you. Have a great
5 weekend, everyone.

6 MR. JONES: Bye.

7 [Audio silent 00:57:00 - 01:05:26]

8 MR. JONES: Okay, everyone. The time is now 11
9 o'clock a.m. This hearing will remain open for another
10 hour. However, at this time, I think we will stop the
11 live commentating and will only announce if anyone new
12 joins the room. Thank you again, for your participation
13 in the EFAP public hearing and be well. Have a good
14 weekend, everyone.

15 [Audio silent 01:05:52 - 02:08:04]

16 MS. MARRICKA SCOTT-MCFADDEN: Good afternoon,
17 everyone. This is Marricka Scott. I am closing out the
18 meeting today, the hearing today. I just want to thank
19 everyone for coming. All of those who are here, thank you
20 for coming. Thank you for sharing your comments. To all
21 of those on staff that were a part of building up this
22 hearing, thank you for everything that you did to make
23 this hearing a success. Those who've made comments or
24 desire to make comments and will submit them by the end of
25 the day, we want to thank you for those comments and know

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1 that they will be in—we'll considered as we move forward
2 in the rule phase. Thank you again, and this will be the
3 end of our hearing today. Bye-bye and have a great
4 weekend, everyone.

5 (Proceeding Concluded.)

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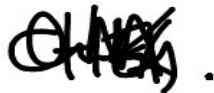
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C E R T I F I C A T E

I, Geoffrey Chomba, certify that the foregoing transcript of proceedings in the New York City Department of Social Services of Emergency Food Assistance Program Public, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

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