

From: ACT Care Group <actcares@gmail.com>
Sent: Wednesday, July 13, 2022 12:38 PM
To: HRA Rules
Subject: [EXTERNAL] Re: Notice of Public Hearing and Opportunity to Comment on Proposed Rule Concerning the Emergency Food Assistance Program (EFAP)

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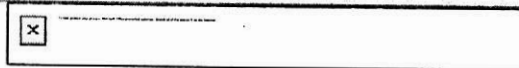
Hi,

Can you give more information on the Rule and the proposed changed, so I know how to comment appropriately?

Thank You

Ann Marie Selfridge
ACT Care Foundation

On Wed, Jul 13, 2022 at 12:12 PM NYC Department of Social Services <nycrules@hra.nyc.gov> wrote:



July 13, 2022

Dear Community Partner:

Pursuant to the City Administrative Procedure Act (CAPA), we are letting you know that DSS/HRA has posted a notice of hearing and opportunity to comment on a proposed rule. Information, including a copy of the rule, the date and time of the hearing, how to comment on the proposed rule and how to request an interpreter or a reasonable accommodation to participate in the hearing, are available at the link below.

<https://rules.cityofnewyork.us/rule/emergency-food-assistance-program/>

Thank you,

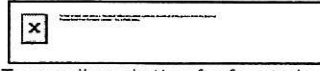
New York City Department of Social Services / Human Resources Administration
(DSS/HRA)

NYC Department of Social Services | 4 World Trade Center, New York, NY, NY 10007

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From: Paul Buckley <paul@prodeoorbisignis.com>
Sent: Tuesday, August 02, 2022 3:57 PM
To: HRA Rules
Subject: [EXTERNAL] Emergency Food Assistance Program Proposed Rule

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I respectfully request the opportunity to speak at the Public Hearing scheduled for Friday August 12 at 10am regarding the EFAP Proposed Rule.

Thank you

Paul Buckley
Principal
Prodeo Orbis Ignis
(781) 548-9146

www.prodeoorbisignis.com



From: Kerlan Lovell <kerlan@bridgingculturesinc.com>
Sent: Thursday, August 04, 2022 2:30 PM
To: HRA Rules
Cc: Debbie Almontaser
Subject: [EXTERNAL] Emergency Food Assistance Program Public Hearing Speaking Opportunity

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Good afternoon,

Bridging Cultures Group is interested in speaking at the public hearing on August 12. Could you please add Dr. Debbie Almontaser to the speaker list? If there is any issue, please let me know.

Kerlan Lovell

Chief Operating Officer

Bridging Cultures Group Inc.

p: 347-614-8502

e: kerlan@bridgingculturesinc.com

w: bridgingculturesinc.com

From: Gregory Silverman <gsilverman@wscah.org>
Sent: Monday, August 08, 2022 1:03 PM
To: HRA Rules
Subject: [EXTERNAL] testimony for 8/12 EFAP hearing

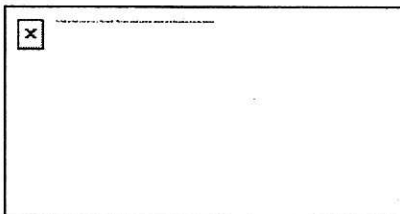
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Hello,
I would like to have opportunity to testify at the hearing this friday. I run the West Side Campaign Against Hunger and also The Roundtable, a collective purchase network with 7 other EFAP providers.

Thanks,

Chef Greg Silverman (he/him)
Chief Executive Officer/Executive Director
West Side Campaign Against Hunger

Please Note Due To COVID-19:
Hour for customers to shop: T, W, Th, Fri: 9:00am - 1pm
Social Services call 212-362-3662 ext 126 or email socialservices@wscah.org



263 West 86th Street | New York, NY 10024

Tel: 212-362-3662 (x 112)

 www.wscah.org  [/wscah](https://wscah.org)  [@wscah](mailto:info@wscah.org)  [@wscah](mailto:info@wscah.org)

“It’s about us helping New York City community members get lifted out of food insecurity,” he said.
“It’s not about our poundage; it’s about our impact.”

From: Dickran Jebejian <djebejian@metcouncil.org>
Sent: Wednesday, August 10, 2022 10:02 AM
To: HRA Rules
Subject: [EXTERNAL] EFAP Rule Change Testimony

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment).

Hi,

I would like to sign up to give testimony on behalf of Met Council's Emergency Food Network during the hearing to be held on Friday, August 12th, at 10am.

Dickran Jebejian (DJ), M.P.P. | Food Policy Manager, Food Programs

Met Council

77 Water Street, 26th Floor, New York, NY 10005

c: [213.308.1855](tel:213.308.1855) | djebejian@metcouncil.org

MetCouncil.org | [@MetCouncil](https://www.instagram.com/MetCouncil) | [facebook.com/MetCouncil](https://www.facebook.com/MetCouncil)

EFAP Proposed Emergency Food Assistance Program Rule

August 9, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Sir/Madam,

On behalf of The Harding Ford Vision, Inc. I am submitting comments in response to response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

The Harding Ford Vision, Inc works to provide health and wellness to underserved individuals in NYC citywide in the community. During the COVID-pandemic we served over 378k household members in the South Jamaica, Queens community. Our relationship with the EFAP program for over 15 years has been great and the support we receive we want it to continue so we can keep fighting hunger.

We are also an active member of the NYC Food Policy Alliance, a multi-sector alliance of 40+ food system stakeholders including frontline CBOs directly impacted by food insecurity. Our mission is to identify and advocate for public policies and funding that promote access to healthy, affordable food to both respond to the recurring food crisis as well as address the ongoing vulnerabilities and injustices of the food system. Unfortunately, although the public health emergency of COVID-19 has subsided, we are now seeing higher demand for emergency food than ever before due to skyrocketing food, fuel and housing prices.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding**. However, The Harding Ford Vision, Inc along with other NYC Food Policy Alliance members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

1. We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need",

"capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.

2. We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
3. We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

4. The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and cannot be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may become very burdensome for both providers and HRA.

5. We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.

6. We are very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.

7. The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

8. We support the proposed rules' continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of NYC Food Policy Alliance be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.

9. We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.

10. We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

11. We call on HRA to make the administration of EFAP more transparent and a commitment to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.

12. We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. It is also insufficient that only 2 weeks' notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

13. We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

14. We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.

15. The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas, but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program

from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.

16. We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H. SCHRIER

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start July 1st, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a one-hour webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In our experience speaking with other providers, there is not widespread knowledge that these funds are now available to them. When some members of the NYC Food Policy Alliance have logged into the Food Bank for NYC's EFAP portal, only a very limited number of foods were available to them which is of limited value. In order to operate our feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. To ensure that we can serve our communities well and meet the increasing need for emergency food, it is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact LaNeda Mondesir, Executive Director to provide further information

Sincerely,

A handwritten signature in black ink, appearing to read 'LaNeda', with a long horizontal flourish extending to the right.

LaNeda Mondesir
Executive Director, THFV
Email: thfv@thfv.org



AN INTERFAITH EFFORT SHELTERING THE HOMELESS, FEEDING THE HUNGRY AND CARING FOR PEOPLE WITH AIDS
"Share your bread with the hungry, and bring the homeless poor into your house." (Isaiah 58:7)

Reverend Dr. Terry Troia
Chief Executive Officer

100 PARK AVENUE, STATEN ISLAND, NY 10302
718-448-1544 Fax: 718-720-5476
www.projecthospitality.org

Jaclyn Stoll
Executive Director

Comments on HRA's Proposed Emergency Food Assistance Program Rule

August 9th, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Sir/Madam,

On behalf of Project Hospitality, Inc., I am submitting comments in response to response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

Project Hospitality has a 40 year history of serving the needs of the poor, hungry and homeless residents of Staten Island, New York. It is the mission of Project Hospitality to reach out to community members who are hungry, homeless or otherwise in need, in order to work with them to achieve their self-sufficiency. PH seeks to realize its mission by advocating for those in need as well as providing a comprehensive continuum of care that provides the essentials of food, clothing and shelter enhanced by health and mental health services, substance abuse treatment, HIV prevention and care, domestic violence education and services, immigrant services, vocational training, transitional and permanent housing, legal and financial services and services for at-risk youth. We address the needs of more than 26,000 impoverished and marginalized individuals annually. The challenges our clients face have only been exacerbated by a global pandemic and an ushering in of uncertainty in various parts of their lives. The number of meals we serve as an agency has nearly doubled as a whole. Our main food pantry location alone nearly eclipses the number of meals served per year annually prior to the onset of the pandemic as of this year. The need only continues to rise, too. As past EFAP recipients, we have been grateful to have access to these funds. It really takes every single dollar we get to run our food operations. The uncertain environment around food pricing and delivery makes programs such as EFAP vital to ensure that we, along with our colleagues in this field, to have all the resources necessary to run a healthy emergency food establishment and tackle that hunger gap head on.

We are an active and founding member of The Roundtable: Allies for Food Access: a group of emergency food providers in New York City that came together starting in 2018 to work together to explore and pursue opportunities for collective purchasing and collaborative advocacy work. Current Roundtable members include West Side Campaign Against Hunger, Met Council, NY Common Pantry, Holy Apostles Soup Kitchen, Project Hospitality, St. John's Bread and Life, POTS, and The Campaign Against Hunger. Together, in the last year we have collectively served over 40 million meals to 800,000 different households. Unfortunately, although the public health emergency of COVID-19 has subsided, we are now seeing higher demand for emergency food than ever before due to sky-rocketing food, fuel and housing prices. PH served over 3 million meals last fiscal year, and we project that increase to continue into the foreseeable future.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to**

implement the program and access funding. However, Project Hospitality, along with other Roundtable members, are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

- 1) We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
- 2) We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
- 3) We encourage HRA to provide financial incentives to encourage emergency food providers to purchase and serve fresh produce.
- 4) We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

- 5) We strongly oppose the proposed change to EFAP rules explicitly prohibiting subdistribution of food to smaller pantries. This was previously allowed under the former "Distribution of Food and Administrative Funds to Emergency Food Providers" rule and is a key way that our programs operate, support pantries within our network, and are able to avoid food waste.
- 6) The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may become very burdensome for both providers and HRA.
- 7) We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.
- 8) We are very concerned about the increased amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.
- 9) The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food

allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

- 10) We support the proposed rules's continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of The Roundtable: Allies for Food Access be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.
- 11) We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.
- 12) We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

- 13) We call on HRA to make the administration of EFAP more transparent and a commitment to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
- 14) We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. It is also insufficient that only 2 weeks notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

- 15) We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

- 16) We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
- 17) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.
- 18) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H.SCHRIER

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start next month, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a two minute webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for

the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. It is difficult to forecast spending when we are not seeing prices or what products will be offered by H. Schrier. As mentioned above, communication has been minimal to none regarding progress, or lack of, with H. Schrier. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities. It is also making it difficult for our agency to plan its winter holiday programming without concrete information on pricing or vendor availability by that time.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In our experience speaking with other providers, there is not widespread knowledge that these funds are now available to them. When some members of the Roundtable have logged into the Food Bank for NYC's EFAP portal, the only foods available to them were fish and rice which is of limited value. In order to operate our feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. In order to ensure that we can serve our communities well and meet the increasing need for emergency food, it is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact the Director of Food and Nutrition, Alex Hughes, at ahughes@projecthospitality.org to provide further information.

Sincerely,

Jaelyn Stoll
Executive Director
Project Hospitality, Inc

Rev. Terry Troia
President & CEO
Project Hospitality, Inc

Gale Alwill, LCSW
Deputy Chief Program Officer
Project Hospitality, Inc

Ana Naseer, LMSW
Area Director-HSS Support Services
Project Hospitality, Inc

Alex Hughes
Director-Food and Nutrition
Project Hospitality, Inc

Michael Nicolosi
Operations Supervisor
Project Hospitality, Inc



Comments on HRA's Proposed Emergency Food Assistance Program Rule

August 10, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Sir/Madam,

On behalf of New York Common Pantry I am submitting comments in response to response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

New York Common Pantry reduces hunger and promotes dignity, health and self-sufficiency. We currently operate 2 brick and mortar pantry locations, a mobile pantry that regularly works with over 45 agencies throughout the city and a senior nutrition program that serves over 120 sites throughout Bronx, Manhattan, Brooklyn and Queens. Last year, through all our programs we served over 9.3 million meals, and provided nearly 600,000 services. We rely on the Emergency Food Assistance program to provide the healthy, nutritious food to those who seek our services. It is the cornerstone of our food provision.

We are also an active member of The Roundtable: Allies for Food Access: a group of emergency food providers in New York City that came together starting in 2018 to work together to explore and pursue opportunities for collective purchasing and collaborative advocacy work. Current Roundtable members include West Side Campaign Against Hunger, Met Council, NY Common Pantry, Holy Apostles Soup Kitchen, Project Hospitality, St. John's Bread and Life, POTS, and The Campaign Against Hunger. Together, in the last year we have collectively served over 40 million meals to almost 800,000 New Yorkers. Unfortunately, although the public health emergency of COVID-19 has subsided, we are now seeing higher demand for emergency food than ever before due to sky-rocketing food, fuel and housing prices. Inflation is driving up the costs of food for us, while also driving unprecedented numbers of New Yorkers in need to seek our services.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding. However, New York Common Pantry, along with other Roundtable members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

- 1) We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
- 2) We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
- 3) We encourage HRA to provide financial incentives to encourage emergency food providers to purchase and serve fresh produce.
- 4) We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

- 5) The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may become very burdensome for both providers and HRA.
- 6) We request that HRA under EFAP rules moving forward allow for sub-distribution of food to allow larger providers to provide food to smaller pantries to prevent food waste.
- 7) We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.
- 8) We are very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.
- 9) The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions"

of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

- 10) We support the proposed rules's continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of The Roundtable: Allies for Food Access be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.
- 11) We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.
- 12) We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

- 13) We call on HRA to make the administration of EFAP more transparent and a commitment to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
- 14) We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. It is also insufficient that only 2 weeks notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

- 15) We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

- 16) We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
- 17) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.

- 18) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H.SCHRIER

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start next month, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a two minute webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In our experience speaking with other providers, there is not widespread knowledge that these funds are now available to them. When some members of the Roundtable have logged into the Food Bank for NYC's EFAP portal, the only foods available to them were fish and rice which is of limited value. In order to operate our feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. In order to ensure that we can serve our communities well and meet the increasing need for emergency food, it is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact Judith Secon, Deputy Executive Director to provide further information

Sincerely,

Stephen Grimaldi
Executive Director
New York Common Pantry

From: Monday Night Hospitality <mondaynighthospitality@gmail.com>
Sent: Wednesday, August 10, 2022 3:26 PM
To: HRA Rules
Subject: [EXTERNAL] Emergency Food Assistance Program Proposed Changes

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment).

To Whom It May Concern:

On behalf of Monday Night Hospitality, I am submitting comments in response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

Monday Night Hospitality advances food justice by providing meals to hungry New Yorkers weekly. For the past 41 years we have provided over 18,000 meals per year. In addition, we partner with Gotham Food Pantry to help fight food insecurity in areas of need. EFAP-funded programs are vital partners to our success.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding.** However, Monday Night Hospitality, along with other NYC Food Policy Alliance members, is concerned that several proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

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Food Allocation and Budget

1. We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
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include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

4. The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may become very burdensome for both providers and HRA.
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We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start July 1st, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

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Sincerely,
Kathleen Taylor
Operations Chair
Monday Night Hospitality, All Souls Church

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Check us out on Facebook: <https://www.facebook.com/MondayNightHospitality>

Monday Night Hospitality is an outreach program sponsored by the Unitarian Church of All Souls in New York City (allsoulsnyc.org) and funded by the Heart and Soul Charitable Fund, Inc (<http://www.heartandsoulfund.org/>), supporting community-based programs that serve New York's marginalized populations through the investment of time, money and compassion.

Crossroads Community Services.

108 East 51st Street
New York, NY 10022

August 11, 2022

Submitted via <https://rules.cityofnewyork.us/>

HRA Rules
% Office of Legal Affairs
150 Greenwich Street, 38th Floor
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Dear Sir/Madam,

On behalf of Crossroads Community Services (Crossroads), we are submitting comments in response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

Crossroads works to alleviate hunger by ensuring all New Yorkers have access with dignity to a choice of healthy food. Crossroads' mission is to feed the community at large who are experiencing hunger or food insecurity. In 2021, we served 236,596 meals. As of the end of July 2022, we have served 135,235 meals. We fulfill our mission by distributing food 12 times a week. Three mornings a week, our Soup Kitchen makes nutritious meals from scratch and on a fourth morning we repackage hot rescue food provided by our partner Rethink. Every evening, in partnership with the Coalition for the Homeless, we provide dinner. One day a week at our Food Pantry, we distribute groceries to people who would otherwise have to choose between food and other vital costs, like rent and healthcare. Our proximity to a major subway stop, as well as several bus lines, brings people from all boroughs, many of whom come from neighborhoods recognized by the Mayor's Office as particularly economically disadvantaged under the Task Force on Racial Inclusion and Equity.

The City's EFAP program is a critical source of food for our community of customers. As Crossroads' work continues to grow, it is imperative that there is transparency, flexibility and accountability for how the City's resources are allocated to ensure the maximum impact for food insecure New Yorkers. To meet our community's needs during this hunger crisis, we need HRA to take steps to ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs,

improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding. Crossroads, along with other nonprofit food providers, is concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

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14) We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. Crossroads did not receive notice directly, but rather we learned of this proposal from a partner organization on August 10th, two days before the hearing. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

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17) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.

18) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H.SCHRIER

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start next month, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a very brief webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces of information providers need about how the program would operate under the new administrator. EFAP providers still have

not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In our experience speaking with other providers, there is not widespread knowledge that these funds are now available to them. In order to operate our feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. In order to ensure that we can serve our communities well and meet the increasing need for emergency food, it is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible. Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact Jesse Ramos, Executive Director, to provide further information.

Sincerely,

Jesse Y. Ramos
Executive Director
Crossroads Community Services
jramos@crossroadsnyc.org

Proposed Emergency Food Assistance Program Rule

[08/11/2022]

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Sir/Madam,

On behalf of Crossover Baptist Church C.O.H.C. I am submitting comments in response to response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

Crossover Baptist Church C.O.H.C works to reaching the people in the community where they are. Helping them to address issues of life and giving them the ability to feel and operate in a positive atmosphere. Serving over 500 families a week, EFAP has been a great impact on these family lives.

We are also an active member of the NYC Food Policy Alliance, a multi-sector alliance of 40+ food system stakeholders including frontline CBOs directly impacted by food insecurity. Our mission is to identify and advocate for public policies and funding that promote access to healthy, affordable food to both respond to the recurring food crisis as well as address the ongoing vulnerabilities and injustices of the food system. Unfortunately, although the public health emergency of COVID-19 has subsided, we are now seeing higher demand for emergency food than ever before due to sky-rocketing food, fuel and housing prices. All our data is recorded on FeedNYC, showing the uptick of families in need in our servicing area.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding.** However, Crossover Baptist Church C.O.H.C. along with other NYC Food Policy Alliance members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

- 1) We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
- 2) We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
- 3) We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

- 4) The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may be become very burdensome for both providers and HRA.
- 5) We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.
- 6) We are very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.
- 7) The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or

dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

- 8) We support the proposed rules's continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of NYC Food Policy Alliance be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.
- 9) We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.
- 10) We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

- 11) We call on HRA to make the administration of EFAP more transparent and a commitment to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
- 12) We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. It is also insufficient that only 2 weeks notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

- 13) We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

- 14) We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
- 15) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.
- 16) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H.SCHRIER

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start July 1st, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a one hour webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. This put several families at risk, not knowing if we will be able to balance the meals we share with all families and having enough food to do so. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In our experience speaking with other providers, there is not widespread knowledge that these funds are now available to them. When some members of the NYC Food Policy Alliance have logged into the Food Bank for NYC's EFAP portal, only a very limited number of foods were available to them which is of limited value. In order to operate our feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. In order to ensure that we can serve our communities well and meet the increasing need for emergency food, it is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact Lillian Hopkins to provide further information

Sincerely,

Lillian Hopkins

Executive Director

Crossover Baptist Church Community Outreach Help Center

City Harvest EFAP TESTIMONY: Proposed Emergency Food Assistance Program Rule



August 12, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Sir/Madam,

On behalf of City Harvest, I am submitting comments in response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

City Harvest is one of New York's largest and longest operating food rescue organizations. For the past 40 years, City Harvest has rescued over one billion pounds of food (over two-thirds of which is produce) through our network of food donors and delivered it free of charge to over 400 community food programs. City Harvest also relies of government programs like EFAP to add more variety and staple items for our community food distributions at nearly a dozen NYCHA developments. EFAP has been critical for us to ensure that we are supplementing our donated food with staple items. Well over 2.4 million New Yorkers who lack the income to balance the cost of food with housing, transportation, child care and medical expenses leverage City Harvest's partner serves for budget relief; especially during a time with the highest food prices in 40 years. Based on a survey of at least 4,000 City Harvest pantry participants earlier this year, 9 out of 10 survey respondents stated that they will make more trips to pantries this year due to the rising cost of food.

In addition to our operations, City Harvest is also an active leader in food policy spaces. We are currently an active member of the NYC Food Policy Alliance, a multi-sector alliance of 40+ food system stakeholders including frontline CBOs directly impacted by food insecurity. The coalition's mission is to identify and advocate for public policies and funding that promote access to healthy, affordable food to both respond to the recurring food crisis as well as address the ongoing vulnerabilities and injustices of the food system.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding.** However, City Harvest along with other NYC Food Policy Alliance members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

1. We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
2. We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
3. We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

4. The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may be become very burdensome for both providers and HRA.
5. We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or

in operation for a certain period of time, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.

6. We are very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.
7. The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

8. We support the proposed rules's continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of NYC Food Policy Alliance be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.
9. We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.
10. We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP

program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

11. We call on HRA to make the administration of EFAP more transparent and a commitment to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
12. We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. It is also insufficient that only 2 weeks notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

13. We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

14. We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
15. The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.
16. We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact Jerome Nathaniel to provide further information .

Sincerely,

Jerome Nathaniel
Director, Policy & Government Relations
City Harvest

From: Paperboy Prince <paperboytheprince@gmail.com>
Sent: Friday, August 12, 2022 2:11 AM
To: HRA Rules
Subject: [EXTERNAL] Emergency Food Assistance Program "Comments"

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment).

Hi,




I'm Paperboy Prince I help to run 2 food distributions in the north Brooklyn area that serve close to 1k families weekly as well as managing several local community fridges that serve hundreds daily.

I'm thankful that we have programs like this to help service our community, I do believe the process should be more transparent and easier for grassroots orgs like ours to continue to help serving our communities. Lots of folks we reach don't have access to any other food resources.

We ask that you have more folks as a part of this program that find ways to include groups like ours not exclude them because what happens is thousands of folks go without food and without answers. Please help us to continue to serve our communities and provide access to food for community based orgs that do that work, create pathways for them to help fit whatever standards are needed for this program. Because its the people who end up most affected.

--

Paperboy Love Prince
Creative Director, Paperboyprince.com Love Gallery | "It's Our Time"
paperboytheprince@gmail.com | 240 614 6631

[instagram](#)  [twitter](#)  [website](#)  -run by Paperboy Prince Management team



From: Paul Buckley <paul@prodeoorbisignis.com>
Sent: Friday, August 12, 2022 8:51 AM
To: HRA Rules
Subject: [EXTERNAL] RE: Emergency Food Assistance Program Proposed Rule

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Please withdraw my request to speak at this morning's hearing on EFAP Thank you

Paul Buckley
Principal
Prodeo Orbis Ignis
(781) 548-9146

www.prodeoorbisignis.com



From: [HRA Rules](#)
Sent: Wednesday, August 3, 2022 11:11 AM
To: [Paul Buckley](#)
Subject: RE: Emergency Food Assistance Program Proposed Rule

Thank you for your email. This is to confirm that you will be on our roster to testify at the EFAP Proposed Rule public hearing on Zoom on 08/12/22 at 10 am.

HRA Rules
Email: hrarules@dss.nyc.gov

From: Paul Buckley <paul@prodeoorbisignis.com>
Sent: Tuesday, August 02, 2022 3:57 PM
To: HRA Rules <nycrules@hra.nyc.gov>
Subject: [EXTERNAL] Emergency Food Assistance Program Proposed Rule

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Forward suspect email to phish@cyber.nyc.gov as an attachment (Click the More button, then forward as attachment).

I respectfully request the opportunity to speak at the Public Hearing scheduled for Friday August 12 at 10am regarding the EFAP Proposed Rule.

Thank you

Paul Buckley
Principal
Prodeo Orbis Ignis
(781) 548-9146



www.prodeoorbignis.com

Rethink Food

75 Broad Street | 7th Floor, Suite 707 | New York, NY 10004
(212) 364-7040
www.rethinkfood.org

Friday August 12th, 2022

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Human Resources Administration,

On behalf of Rethink Food NYC, Inc., I am submitting comments in response to response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

Rethink Food NYC, Inc. works to build a more sustainable and equitable food system, one where every person has access to healthy and dignified food. We serve nearly 40K meals a week to New York City through our programs, and 11 of our community partners are EFAP recipients. Many have shared concerns about the future of the program and changes, and we echo their sentiments below. We are hopeful though that the proposed rule changes will support the operation of our commissary kitchen, which caters to community organizations with nearly 8K meals prepared from excess food to community based organizations in Brooklyn, Queens and Manhattan.

We are also an active member of the NYC Food Policy Alliance, a multi-sector alliance of 40+ food system stakeholders including frontline CBOs directly impacted by food insecurity. Our mission is to identify and advocate for public policies and funding that promote access to healthy, affordable food to both respond to the recurring food crisis as well as address the ongoing vulnerabilities and injustices of the food system. Unfortunately, although the public health emergency of COVID-19 has subsided, we are now seeing higher demand for emergency food than ever before due to sky-rocketing food, fuel and housing prices. Additionally, we continue to experience requests for our meals, and are not able to meet all meal requests as we see these implications of food prices affecting our most vulnerable communities.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding.** However, Rethink Food NYC, Inc. along with other NYC Food Policy Alliance members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

Comments on the Proposed Rule Changes

Food Allocation and Budget

- 1) We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does

Rethink Food

75 Broad Street | 7th Floor, Suite 707 | New York, NY 10004

(212) 364-7040

www.rethinkfood.org

not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.

- 2) We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
- 3) We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

- 4) The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may become very burdensome for both providers and HRA.
- 5) We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.
- 6) We are very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.
- 7) The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

Rethink Food

75 Broad Street | 7th Floor, Suite 707 | New York, NY 10004

(212) 364-7040

www.rethinkfood.org

- 8) We support the proposed rules's continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of NYC Food Policy Alliance be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.
- 9) We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.
- 10) We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

- 11) We call on HRA to make the administration of EFAP more transparent and a commitment to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
- 12) We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. It is also insufficient that only 2 weeks notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

- 13) We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

- 14) We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
- 15) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.
- 16) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

Rethink Food

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Issues with Communication Around Transition of EFAP to H.Schrier

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start July 1st, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a one hour webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In our experience speaking with other providers, there is not widespread knowledge that these funds are now available to them. When some members of the NYC Food Policy Alliance have logged into the Food Bank for NYC's EFAP portal, only a very limited number of foods were available to them which is of limited value. In order to operate our feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. In order to ensure that we can serve our communities well and meet the increasing need for emergency food, it is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

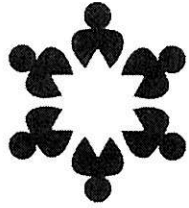
Conclusion

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact me to provide further information

Sincerely,

Kathleen DiPerna
Director of Government Relations
Rethink Food NYC, Inc.



MET COUNCIL

Feeding the hungry. Serving the poor.
Changing lives.

August 12, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Comment Human Resources Administration's proposed repeal of the rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" and replacement with a new rule entitled "Emergency Food Assistance Program."

To Whom it May Concern:

On behalf of Met Council, I'm submitting comment in response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program."

Founded 50 years ago, Met Council offers a wide range of social services, including affordable housing, benefits access, family violence support, and emergency food programming for poor and near poor New Yorkers. Our Food Programs team operates the country's largest kosher emergency food network. While Met Council Food programs works to meet the needs of every New Yorker facing hunger and food insecurity, we provide exclusively kosher and/or halal food for kosher- and halal-observant New Yorkers who cannot turn to other emergency food providers (EFPs) due to religiously informed dietary restrictions. On average, we serve 204,382 clients per month, up from 184,610 in FY21, 90,406 in FY20, and more than triple the 62,128 served monthly in FY19. As of April 2022, with a remaining quarter left in FY 2022, we had already reached 96% of the total pounds of food distributed in FY 2021. As evidenced by our continued growth, Jewish and Muslim residents of our city rely significantly on our services to stave off hunger. Met Council's network currently supports 19 EFPs that rely on the Emergency Food Assistance Program (EFAP).

Our research, utilizing city data about the now defunct GetFoodNYC program, showed that at least 21% of those relying on emergency food resources in 2020 and 2021 requested either kosher or halal food.¹To meet the needs of these kosher and halal communities, it is imperative that HRA take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment**

¹"Home | MMZ," accessed January 5, 2022, <https://gettingfoodnyc.metcouncil.org/>.

processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding all while considering the specific dietary needs of Jewish and Muslim New Yorkers who cannot consume food products that are unfit for their dietary restrictions.

While we welcome some of the planned improvements to EFAP under these new rules, Met Council and many other EFPs remain concerned that proposed changes to EFAP, outlined in this new rule from HRA, will have a negative impact on the EFP community, our operations, and the constituents who rely on us. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

Ensuring Equitable Access for Kosher and Halal New Yorkers: Met Council's Comments on the Proposed Rule

Food Allocation and Budget

- 1) **Incorporate Transparency into the Funding Allocations Formula** - We are concerned about the proposed change to the EFAP funding allocations formula. EFAP has never been transparent about how funding allocation decisions have been made. Under the proposed rule, there is still no clear formula or relevant data used to determine providers' EFAP budget and allocation amounts. Instead, there is opaque and subjective language to determine allocations based upon factors like "community need", "capacity", "prior performance", and "racial equity and inclusion". This proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or a clear understanding of how to quantify them. While we recognize that these factors and their lack of definition may afford some flexibility that providers have rallied for in the past, further provisions in the new rule that prohibit sub-distribution, schedule flexibility, and other factors are in direct opposition to this. We ask that HRA take two immediate actions to address lacking budget transparency. First, HRA, using a data-informed approach, must recognize the need for kosher and halal food that was clearly shown in GetFoodNYC data and ensure that a minimum of 21% of the EFAP budget be designated for the provision of kosher and halal emergency food by agencies who have connections, expertise, and capacity to ensure these products received by those who need it. Second, HRA needs to work directly with providers to understand the flexibility that is important to EFPS while specifically defining these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
- 2) **End the Reimbursement Process and Replace it with a Proactive Funding Model** - We request that HRA work with the Mayor's and Comptroller's offices to end the current EFAP reimbursement process and replace it with a proactive funding model. Currently, EFPs are offered reimbursement for an undisclosed percentage of EFAP operating costs, including utilities, equipment, supplies, and staffing, months after they close their fiscal year budgets. HRA also offers no guaranteed reimbursement percentage, leaving organizations to cover EFAP operations costs or carry debts while holding out for an unknowable amount of funding.² HRA must ensure EFPs upfront funds, or at a minimum, a guarantee of funds upfront, to cover the

² In April 2017, Met Council submitted a package for FY16 in the amount of \$74,352. We were reimbursed \$4,500. (6.05%); In March 2018, Met Council submitted a package for FY17 in the amount of \$53,801. We were reimbursed \$36,833. (68.46%); In July 2019, Met Council submitted a package for FY18 in the amount of \$34,124. We received \$28,265. (82.83%).

administrative costs of participating in EFAP. The current reimbursement process leaves providers unable to plan their operations, staff their pantries, and appropriately budget. As the Mayor's Office for Food Policy seeks to ensure greater access in traditionally high-need, under-served communities, this policy further discourages the participation of new providers as awaiting reimbursement is simply not an option for new, small, and even medium-sized EFP non-profits.

Program Eligibility

- 3) **Allow for the Sub-Distribution of Food to Smaller Pantries** - We strongly oppose the EFAP rules explicitly prohibiting the sub-distribution of food to smaller pantries. This provision has always been an issue for many EFPs, as it restricts collaboration and incentivizes food waste. Meanwhile, during the height of COVID-19, P-FRED allowed for sub-distribution. This flexibility made it possible for EFAP recipients to quickly reappropriate food products to those in need regardless of their proximity to a brick-and-mortar pantry. This flexibility is imperative to a nimble and efficient emergency food system. EFPs should be regarded as trusted partners and be allowed to sub-distribute food as required in their daily operations. This rule is punitive and prevents EFPs from getting food directly into the hands of New Yorkers experiencing food insecurity.
- 4) **HRA Must Provide Support for the Additional Data Collection and Record-Keeping Requirements** - We are very concerned about the increased data that pantries and other small EFPs are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Many pantries are run by volunteers, and the collection and retention of this information is too onerous for them to take on. The responsibility for this tracking should rest with HRA. If HRA is unwilling to do this work, adequate funding for full-time data staff must be included in EFAP budgets for all EFPs.
- 5) **HRA Must Ensure Adequate and Appropriate Food Commodities are Provided to Meet the Needs of Diverse Communities** - The proposed rule specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider the "cultural preferences" and "dietary restrictions" of constituents. However, within this rule, HRA does not define these terms, and without a real commitment to ensuring a range of kosher and halal products are available through EFAP, Met Council must often utilize additional resources to maintain balanced and nutritious pantry offerings. As an organization that only serves kosher and halal emergency food, we know firsthand how complex it can be to meet the cultural needs of the diverse communities of New York City, and HRA must incorporate this complexity into the language of EFAP, directly recognizing the various certifications and requirements of the communities we serve. Furthermore, HRA must define "dietary restrictions" as they specifically relate to the communities throughout our city. Additionally, we request that HRA ensure that current EFAP vendors provide nutritious and culturally relevant kosher and halal emergency food products, with adequate product and certification labeling, and that HRA include EFPs that serve kosher and halal in all future vendor selection processes.

EFAP Advisory Group

- 6) **Expand the Advisory Group to Include Kosher and Halal Emergency Food Providers** - While we support the proposed rules' continued inclusion of an advisory group of EFAP practitioners to inform the administration of the EFAP program, including what foods will be provided through the program, we have concerns that there is no specific provision for kosher and halal food providers. In our recent analysis of GetFoodNYC, we clearly showed that 21% of emergency food distributed during 2020 and 2021 was kosher or halal. Met Council has strong expertise and experience in the cultural needs of the communities they serve, and these communities make up a large portion of EFAP recipients throughout the city. Since kosher and halal emergency food is vital within the framework of EFAP, we respectfully request that Met Council be included in this EFAP Advisory Group.
- 7) **HRA and H. Schrier Should Commit to Hold Quarterly Meetings with EFPs** - We call on HRA to continually engage with EFAP EFPs from across the city following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. This process has been off to an unencouraging start, and regular monitoring of this transition is essential to ensure the issues we already see are remedied. EFAP has a history of requiring organizations to maintain certain standards, i.e., distributing balanced pantry bags on a regularly reported schedule, while not providing the resources to uphold those standards by delivering unbalanced products on unpredictable delivery schedules. Without regular engagement with EFPs, these issues persist, and as we approach the transition to H. Schrier, we still have no guarantee that this new vendor will work to assuage past problems EFPs have faced. We encourage both the HRA and H. Schrier to commit to a quarterly meeting with a broad set of EFPs, including kosher and halal EFPs, to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

- 8) **The Administration of EFAP Must Be More Transparent** - We urge HRA to make the administration of EFAP more transparent and to commit to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to EFPs are determined annually. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
- 9) **HRA Must Improve Its Outreach to EFPs** - We are greatly concerned that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. Giving providers only two weeks' notice to respond to this rule change is also insufficient. Moving forward, HRA must constantly communicate with providers and ensure greater awareness of and participation in all aspects of the program, pending changes, and future rule changes.

Certification Requirements

- 10) **HRA Should Allow Multiple Vendors to Provide Food Safety Certifications Training to EFAP Providers** - We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them a greater choice geographically, culturally, and linguistically in whom they work with to obtain these certifications.

Additional Comments from The Roundtable: Allies for Food Access

In addition to the operations work of Met Council's Food Programs team, we also work in community with other providers as a member of The Roundtable: Allies for Food Access, a group of New York City EFPs that came together in 2018 to pursue opportunities for collective purchasing and collaborative advocacy work. Current Roundtable members include Met Council, West Side Campaign Against Hunger, NY Common Pantry, Holy Apostles Soup Kitchen, Project Hospitality, St. John's Bread and Life, POTS, and The Campaign Against Hunger. Together, we operate some of the city's largest pantry and emergency food distribution networks. In 2020 we collectively served over 28.5 million meals to hundreds of thousands of New Yorkers in all five Boroughs.³ In subsequent years we have continued this work, collectively serving more clients, more food, in more locations throughout our city. We offer the following recommendations in solidarity with our fellow Roundtable members.

Food allocation and budget

- 1) We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.
- 2) We encourage HRA to provide financial incentives to EFPs to purchase and serve fresh produce.

Program eligibility

- 3) The new language in the proposed rule that covers food expiration includes that food must be used to serve people in need and cannot be "traded, sold or disposed of" and the subsequent disposal notification requirements is burdensome for both providers and HRA. This provision will add additional reporting burdens to the work of EFPs while providing no tangible benefit to the administration of EFAP. As in our prior recommendation about sub-distribution, if providers were allowed this flexibility, this would likely reduce the overall waste of the EFAP program.
- 4) We ask that HRA reduce the current burden on EFPs trying to obtain EFRO numbers for new locations. The proposed rule should eliminate the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and the requirement to track products by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.

EFAP Advisory Group

- 5) We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities with deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program

³ "Roundtable_AnnualReport2021_FINAL.Pdf," accessed August 9, 2022, https://kkandp.com/wp-content/uploads/2021/08/Roundtable_AnnualReport2021_FINAL.pdf.

administration.

Capacity Building Grants

- 6) We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers or other non-profit organizations intending to become EFAP food providers to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

- 7) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas, but we are concerned that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe this may prevent communities in need participating in the program from accessing needed EFAP funding and ask HRA to provide additional guidance on when EFAP applications may close and why.
- 8) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis and creating a centralized website with all info needed to apply to participate in the program.

An Additional Note on Issues with the Transition of EFAP to H.SCHRIER

EFAPs, including Met Council, urgently need information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program was supposed to launch on July 1, 2022, yet now is set to start next month. This information has not been communicated, and we are deeply concerned about the continued failures of communication from HRA. EFAP providers have not received information about when their annual funding allocations will arrive or instructions from H. Schrier on logging in, accessing, or navigating their ordering system. As a result, providers have not been able to see what food or vendors are available to them through the new administrator and have not been able to make any food purchases to meet the current or future needs of their communities. It is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

CONCLUSION

Based on data directly reported by the Mayor's Office of Food Policy, we now know that at least 21% of New Yorkers in need of emergency food resources require either kosher or halal food. Yet, EFAP and New York City's food policies do not account for this fact in their rules or operations. Though the public health emergency of COVID-19 is seemingly waning, the higher demand for emergency food is not. The combined effects of lingering economic hardships brought on by COVID-19, a looming recession, and historic inflation have coalesced to create higher demand for emergency food than ever before. In June of 2022, Met Council and our fellow Roundtable partners served clients than at any time in the history of our program.

The provisions put forth in this rule require pantries to undertake time-consuming and complex processes, such as data collection and storage, while providing no guaranteed funding to do so, while at

the same time not affording EFPs the trust to make informed decisions about important programmatic factors such as distribution and collaboration. HRA cannot expect EFPs, which are staffed mainly by volunteers and part-time employees, to be at the same time professionalized organizations while also maintaining a paternalistic relationship with their day-to-day operations.

As we progress through this slow recovery, it is imperative that HRA use data, like that reported from GetFoodNYC, and direct input from experienced EFPs to make informed decisions that meet the needs of New Yorkers continuing struggle with the burdens of poverty and food insecurity. The COVID-19 pandemic was a moment in our city's history that illuminated the flaws in our emergency feeding systems, and if we fail to learn from what we have experienced, we will continue to watch hunger negatively impact the lives of millions of New Yorkers.

Met Council, the EFPs of the Roundtable, and direct service providers across New York City are experts in emergency food provision. We respectfully request that HRA recognize this firsthand knowledge of emergency food services and that they take our recommendations on the proposed rule into consideration. With these changes, we believe the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule for the Emergency Food Assistance Program.

Sincerely,
Jessica Chait
Managing Director, Food Programs

EFAP DRAFT TESTIMONY: Proposed Emergency Food Assistance Program Rule

August 12, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

My name is Ariel Savransky and I am a Senior Policy and Advocacy Advisor at UJA-Federation of New York. Thank you for the opportunity to submit comments in response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

Established more than 100 years ago, UJA-Federation of New York is one of the nation's largest local philanthropies. Central to UJA's mission is to care for those in need—identifying and meeting the needs of New Yorkers of all backgrounds and Jews everywhere. UJA has more than 50 thousand engaged donors in the New York area, supports an expansive network of nearly 100 nonprofit organizations serving those that are most vulnerable and in need of programs and services, and allocates over \$150 million each year to strengthen Jewish life, combat poverty and food insecurity, nurture mental health and well-being and respond to crises here and across the globe.

UJA is also an active member of the NYC Food Policy Alliance, a multi-sector alliance of 40+ food system stakeholders including frontline CBOs directly impacted by food insecurity. The mission of the alliance is to identify and advocate for public policies and funding that promote access to healthy, affordable food to both respond to the recurring food crisis as well as address the ongoing vulnerabilities and injustices of the food system. Unfortunately, although the public health emergency of COVID-19 has subsided, demand for emergency food is higher than ever before due to sky-rocketing food, fuel and housing prices.

To meet our communities' needs during this hunger crisis, UJA urges HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, implements improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding.** However, UJA along with other NYC Food Policy Alliance members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, operations, and the constituents served. To help improve the administration of the program and ensure that it is as successful and impactful as possible, UJA recommends the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

1. UJA is concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula that will be used to determine EFAP budget and allocation amounts for all providers. Instead, the new rules put forward an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline, nor are providers given, a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or a clear understanding of how to quantify them. UJA asks that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
2. UJA requests that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
3. UJA supports formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. UJA also calls on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

However, it is imperative that this allowance does not result in less food coming into the system. The demand at pantries continues to be especially high as food pantries are facing rising food costs for even the most basic food staples. Food pantries have been forced to turn people away or provide smaller bags of food for each family. While food pantries need funding for infrastructure and operational costs, funding for food must also be kept level or increase.

Program Eligibility

1. The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and cannot be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may become very burdensome for both providers and HRA.
2. UJA asks that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and the requirement to track product by individual EFRO sites. Moving forward, UJA urges HRA to use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.

3. UJA is very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and “any other statistical data that HRA may request”, providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. Instead, UJA encourages HRA to take responsibility for collecting and holding this data for providers moving forward.
4. The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule, HRA does not provide a definition of these terms or information or resources for how to determine the cultural preferences or dietary restrictions of the communities in which EFAP providers operate. Although UJA is very supportive of incorporating culturally relevant food into the emergency food system, UJA requests that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors.

EFAP Advisory Group

1. UJA supports the inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. UJA respectfully requests that members of NYC Food Policy Alliance be included in this advisory group given the strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure recommendations are heard, documented, and incorporated into EFAP operations moving forward.
2. UJA calls on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. UJA also encourages the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

1. UJA calls on HRA to make the administration of EFAP more transparent and commit to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, UJA encourages HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
2. UJA is greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP

rules by HRA. It is also insufficient that only 2 weeks notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

1. UJA supports the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

1. We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
2. The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but UJA is concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. UJA believes that this may prevent communities in need from participating in the program and accessing critical EFAP funding. UJA asks that HRA provide additional guidance on when EFAP applications may close and why.
3. UJA also encourages HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H.SCHRIER

Emergency food providers are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated to providers to operate the program in the coming year. The new DSS Community Connections program is set to start July 1st, yet this information has not been received. UJA is deeply concerned about this lack of communication from HRA.

Last month, a one-hour webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future needs of their communities.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the

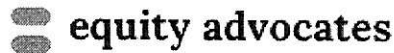
new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In speaking with other providers, there is not widespread knowledge that these funds are now available to them. When some members of the NYC Food Policy Alliance have logged into the Food Bank for NYC's EFAP portal, only a very limited number of foods were available to them. In order to operate feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. It is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved in order to ensure that providers can continue to serve communities and meet the increasing need for emergency food.

CONCLUSION

UJA respectfully requests that HRA take these recommendations into consideration upon issuing the final rule. With these changes, UJA believes that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact Ariel Savransky at savranskya@ujafedny.org with any questions or concerns.

Sincerely,
Ariel Savransky



August 12, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Sir/Madam,

On behalf of Equity Advocates I am submitting comments in response to response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

Equity Advocates works to build the capacity of nonprofit organizations to address the underlying causes of food inequity through policy and systems change. We partner with New York-based organizations working to alleviate hunger and poverty, providing them with the tools they need to be more civically engaged—including policy education, advocacy training and coalition-building services. With over 40+ NYC Food stakeholders within our network and many of them being community based organizations we see first hand the direct impact of how EFAP aids in minimizing today's ongoing hunger crisis.

We are also an active member of the NYC Food Policy Alliance, a multi-sector alliance of 40+ food system stakeholders including frontline CBOs directly impacted by food insecurity. Our mission is to identify and advocate for public policies and funding that promote access to healthy, affordable food to both respond to the recurring food crisis as well as address the ongoing vulnerabilities and injustices of the food system. Unfortunately, although the public health emergency of COVID-19 has subsided, we are now seeing higher demand for emergency food than ever before due to sky-rocketing food, fuel and housing prices. To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding.** However, Equity Advocates along with other NYC Food Policy Alliance members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

- 1) We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
- 2) We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
- 3) We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

- 4) The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may be become very burdensome for both providers and HRA.
- 5) We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.
- 6) We are very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.
- 7) The proposed rule also specifies that EFAP providers must make reasonable efforts to

provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

- 8) We support the proposed rules's continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of NYC Food Policy Alliance be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.
- 9) We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.
- 10) We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

Communication with Practitioners and Program Transparency

- 11) We call on HRA to make the administration of EFAP more transparent and a commitment to publicly sharing program impacts, outcomes, vendor data, and information on how funding allocations to emergency food providers are determined on an annual basis. In addition, we encourage HRA to consider bringing greater transparency to the EFAP administrator RFP and vendor selection process and consider innovative joint contracts and/or sub-contracts for program vendors, including produce contracts.
- 12) We are greatly concerned about the fact that very few EFAP providers received an email notice about or were made aware of the proposal to repeal and replace the existing EFAP rules by HRA. It is also insufficient that only 2 weeks notice was given for providers to respond to this rule change. Moving forward it is essential that HRA ensure greater awareness of and participation in future rule changes.

Capacity Building Grants

- 13) We support the proposed language to offer new Capacity Building Grants and make funds available to EFAP food providers, or other nonprofit organizations intending to become EFAP food providers, in order to help them establish or expand their operational capacity, increase

services, and to help establish new and expand existing emergency food programs across the city.

Certification Requirements

- 14) We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
- 15) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.
- 16) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H.SCHRIER

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start July 1st, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a one hour webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities.

Adding to the confusion is that even though EFAP providers were told that Food Bank for New York City would no longer be administering the program, providers were notified that they would still be receiving a very small allocation from the Food Bank for NYC to spend during the new EFAP cycle in the transition period between now and when H. Schrier takes over the program. In our experience speaking with other providers, there is not widespread knowledge that these funds are now available to them. When some members of the NYC Food Policy Alliance have logged into the Food Bank for NYC's EFAP portal, only a very limited number of foods were available to them which is of limited value. In order to operate our feeding programs, EFAP providers need to be able to access and order the full line of fresh, frozen and dry food items from the EFAP administrator. In order to ensure that we can serve our communities well and meet the increasing need for emergency food, it is critical that these issues be addressed immediately by HRA and that communication between the agency and providers be improved.

CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact Gabrielle Blavatsky to provide further information

Sincerely,

Khadhazha Welch

Community Organizer

Equity Advocates



August 12, 2022

Submitted Via <https://rules.cityofnewyork.us/>

HRA Rules c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Dear Sir/Madam,

On behalf of West Side Campaign Against Hunger, we are submitting comments in response to the New York City Human Resource Administration's (HRA) proposal to repeal the existing rule entitled "Distribution of Food and Administrative Funds to Emergency Food Providers" Chapter 4 of Title 68 of the Rules of the City of New York and replace it with a rule entitled "Emergency Food Assistance Program".

West Side Campaign Against Hunger (WSCAH) works to alleviate hunger by ensuring all New Yorkers have access with dignity to a choice of healthy food and supportive services. WSCAH is one of the largest Emergency Food Providers (EFP's) in NYC and has been at the forefront of innovation for 43 years, developing the first customer-choice supermarket-style pantry in the United States. In FY21, WSCAH served more than 77,000 unique food insecure New Yorkers and provided 4.4 million pounds healthy food, more than half of which was fresh produce. To make food more accessible to our community of customers, WSCAH partners with a range of community-based organizations, including health centers, social service organizations, housing facilities etc., to create neighborhood outposts for WSCAH's food distribution efforts. Currently WSCAH hosts food distributions at 30 locations across 4 of the 5 boroughs of NYC. The City's EFAP program is a critical source of food for our community of customers. As WSCAH's work continues to grow in partnership in high meal gap neighborhoods across the city, it is imperative that there is transparency, flexibility and accountability for how the City's resources are allocated to ensure the maximum impact for food insecure New Yorkers.

WSCAH leads The Roundtable: Allies for Food Access: a group of emergency food providers in New York City that came together starting in 2018 to work together to explore and pursue opportunities for collective purchasing and collaborative advocacy work. Current Roundtable members include

263 West 86th St • New York, NY 10024 • 212-362-3662 • info@wscah.org

 /wscah  @wscah  @wscah_

DIGNITY. COMMUNITY. CHOICE.

West Side Campaign Against Hunger, Met Council, NY Common Pantry, Holy Apostles Soup Kitchen, Project Hospitality, St. John's Bread and Life, POTS, and The Campaign Against Hunger. Together, in the last year we have collectively served over 40 million meals to almost 800 thousand households across New York City. Unfortunately, although the public health emergency of COVID-19 has subsided, we are now seeing higher demand for emergency food than ever before due to sky-rocketing food, fuel and housing prices. During the last quarter of FY22, WSCAH experienced a 42% increase in the demand for food as compared to the previous year and the demand is nearly double what it was prior to the pandemic.

To meet our communities' needs during this hunger crisis, we need HRA to take steps to **ensure the new DSS Community Food Connections program is successfully implemented, has increased transparency, encourages more direct input from multiple EFPs, improved payment processes, and allows grantees more flexibility and multiple pathways to implement the program and access funding.** However, WSCAH along with other Roundtable members are concerned that some of the proposed changes to the Emergency Food Assistance Program (EFAP) being outlined in this new rule from HRA will have a negative impact on the emergency food provider community, our operations, and the constituents we serve. To help improve the administration of the program and ensure that it is as successful and impactful as possible, we recommend the following changes to the EFAP program:

COMMENTS ON THE PROPOSED RULE

Food Allocation and Budget

- 1) We are concerned about the proposed change to the EFAP funding allocations formula. Under the proposed rule, there is no mention of a clear formula used to determine EFAP budget and allocation amounts for all providers has been replaced with an opaque and subjective process to determine allocations based upon factors like "community need", "capacity", "prior performance" and "racial equity and inclusion". The proposed rule does not outline nor are providers given a definition of these terms, how they will be weighted, how they relate to how much funding will be allocated per provider, or clear understanding of how to quantify them. We ask that HRA define and clarify these terms, the process by which provider budget allocations will be determined using these new criteria, and the kind of data providers need to provide to HRA to demonstrate they meet these factors.
- 2) We request that HRA work with the Administration and Comptroller's Office to speed up payments to EFAP providers, ensuring they have money up front to cover the administrative costs of implementing the program and are not required to obtain reimbursement for program services. Awaiting reimbursement is especially burdensome for new and small emergency food providers that may not have a line of credit or enough cash on hand to cover up front costs of implementing the EFAP program.
- 3) We encourage HRA to provide financial incentives to encourage emergency food providers to purchase and serve fresh produce.
- 4) We support the inclusion in the proposed rules formalizing HRA's ability to reimburse not-for-profit organizations for infrastructure and operational costs. We also call on HRA to allow EFAP providers to include an annual increase in funding for providers indexed to rising inflation, including food costs and COLA for Human Service Providers, and to tie annual funding allocations to programming levels/goals annually.

Program Eligibility

- 5) The new language in the proposed rule about how prior to food expiration, food must be used to serve people in need and can not be "traded, sold or disposed of" and that if any EFAP food is spoiled or expires, the "provider must notify HRA before disposing of it" may be

- become very burdensome for both providers and HRA.
- 6) We request that HRA under EFAP rules moving forward allow for sub-distribution of food to allow larger providers to provide food to smaller pantries to prevent food waste.
 - 7) We ask that HRA reduce the current burden that exists for emergency food providers trying to obtain EFRO numbers for new locations. To do so, the proposed rules should include eliminating the need to be in a specific geographic area (not relevant for mobile markets) or in operation for a certain period of time, and requirement to track product by individual EFRO sites. Moving forward, we ask that HRA use this opportunity to update the EFAP rules to require organizations to obtain only one single EFRO and encourage the Administration to look at the P-FRED program as a model to engage providers without the use of EFROs.
 - 8) We are very concerned about the amount of data that pantries and other small emergency food providers are being asked to collect and provide to HRA under this proposed rule. In addition to monthly reports on the number of people served and "any other statistical data that HRA may request", providers are being asked to (a) Maintain records documenting the receipt and distribution of all EFAP food, (b) Maintain receipts documenting all costs associated with the distribution of EFAP food, (c) Retain all records for three years from the end of the calendar year to which they pertain, and permit inspection of those records by HRA personnel, (d) Maintain a copy of food receipt and distribution records at the distribution site, and (e) Maintain requisite permits and licenses to receive and distribute the EFAP food. Since many pantries are run by volunteers, the collection and retention of this information may be too onerous for them to take on. We instead encourage HRA to take responsibility for collecting and holding this data for providers moving forward.
 - 9) The proposed rule also specifies that EFAP providers must make reasonable efforts to provide "balanced, nutritious meals" and should consider "cultural preferences" and "dietary restrictions" of constituents. However, within this rule HRA does not provide a definition of these terms or information or resources for how to determine what cultural preferences or dietary restrictions of our communities are. We request that HRA work with the EFAP advisory group to define these terms and ensure that nutritious and culturally relevant foods are available to EFAP providers through EFAP vendors. The new rule also asks that providers communicate about food allergies to constituents but does not say how. Additional guidance here would be appreciated.

EFAP Advisory Group

- 10) We support the proposed rules's continued inclusion of an advisory group of EFAP practitioners to inform administration of the EFAP program, including what foods will be provided through the program. We respectfully request that members of The Roundtable: Allies for Food Access be included in this advisory group given our strong expertise in and experience implementing the EFAP program. It is critical that there is accountability to this advisory group and that HRA develops a process to ensure practitioners recommendations are heard, documented, and will be incorporated into EFAP operations moving forward.
- 11) We are concerned that members of this advisory group are being asked to serve on a volunteer basis without compensation. This may create an equity issue by precluding some practitioners from participating in the group, especially individuals from frontline communities that have deep knowledge of EFAP and food access challenges in their neighborhoods. We call on HRA to allocate funds to compensate practitioners for their time advising the agency on EFAP program administration.
- 12) We call on HRA to organize a separate meeting with the larger community of EFAP emergency food providers from across the city six months following the vendor transition from Food Bank of NYC to H. Schrier to collect feedback and consult on program operations and administration. We also encourage the agency to commit to an annual meeting with a broad set of emergency food providers to ensure successful implementation of the EFAP program and ongoing, two-way communication.

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- 16) We call on HRA to allow multiple vendors to provide food safety certifications training to EFAP providers to give them greater choice in who they work with to obtain these certifications.
- 17) The proposed rule explains that HRA may open or close EFAP applications for certain populations or geographic areas but we are concerned about the fact that the agency does not explain why or when that would happen, for how long, or how these closures would be communicated. We believe that this may prevent communities in need participating in the program from accessing needed EFAP funding and ask that HRA provide additional guidance on when EFAP applications may close and why.
- 18) We also encourage HRA to support the recruitment of additional providers into the program by accepting applications on a more regular basis, and creating a centralized website with all info needed to apply to participate in the program.

ISSUES WITH COMMUNICATION AROUND TRANSITION OF EFAP TO H.SCHRIER

We are in urgent need of information and certainty about the EFAP program, how it will be administered going forward, and what funds we will be allocated as providers to operate the program in the coming year. The new DSS Community Connections program is set to start next month, yet this information has not been received. We are deeply concerned about this lack of communication from HRA.

Last month, a very brief webinar about the transition from Food Bank of NYC to H. Schrier was held that unfortunately did not contain the most critical pieces information providers need about how the program would operate under the new administrator. EFAP providers still have not received information about when their annual funding allocations will arrive from H. Schrier or how much funding they will receive, making it difficult to plan our feeding programs and operations for the coming year. In addition, providers have also not received instructions from H. Schrier on how to login to, access, or navigate their ordering system. As a result, providers have not been able to see what food is available to them through the new administrator or vendors or make any food purchases to meet either the existing or future need of their communities.

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CONCLUSION

As practitioners with deep expertise operating the EFAP program, we respectfully request that HRA take these recommendations on how to improve the administration and concerns about the proposed rule into consideration. With these changes, we believe that the EFAP program will be as successful and impactful as possible.

Thank you for the opportunity to submit comments on the proposed rule on the Emergency Food Assistance Program. Please do not hesitate to contact Chef Greg Silverman, CEO/ED to provide further information

Sincerely,

Chef Greg Silverman
Chief Executive Officer, West Side Campaign Against Hunger

Alyson Rosenthal
Chief Program Officer, West Side Campaign Against Hunger



My name is **Andrew Cavitolo**. I am the CEO of **Riviera Hospitality Group**. Along with my partner Bobby Stern who serves as President, we initially established Riviera as a premier event catering company and now have expanded our initial vision to include best-in-class off-site food preparation for the government and non-profit sectors.

Riviera Hospitality Group is a Brooklyn-based, woman-owned family company that has been in business for more than 100 years. Working with our network of our suppliers and vendors, we did whatever we could to help our community through the pandemic. That included working with City agencies and programs like *GetFoodNYC* to prepare and deliver 650,000 meals a week across the boroughs.

We all understand the horrible health and economic consequences of the pandemic. But one possible benefit that has come out of these last two years is a sharpened focus on food insecurity here in New York City. Perhaps we understood it better because food is our livelihood, but now it seems everyone understands its presence in New York City and its connection to inequities found across communities. And the City's response to the pandemic was a case study in how to implement creative solutions to food insecurity.

Riviera Hospitality Group is testifying in general support of the Proposed Rule as written, for reasons listed below. Our testimony primarily addresses HRA's commitment, through these regulations, to modernize its approach to EFAP to mirror today's food ecosystems.

The new EFAP regulations:

Recognize How Food Is Consumed in 2022. Tens of millions of Americans have changed their meal patterns to include prepared meals. Today healthy, nutritious prepared meals can be delivered to one's home or purchased at a supermarket. We are pleased that these new regulations recognize that the same dynamics that led to such a significant change in consumer behavior also apply to emergency food assistance recipients.

HRA is introducing valuable elements of choice to EFAP recipients and competition to EFAP providers. EFAP recipients can now decide for themselves whether choosing healthy, nutritious pre-packaged meals make sense for their family and situation or whether making meals at home with foodstuffs provided by food pantries is a more desirable option. EFAP providers will now be encouraged to prepare great-tasting meals or ensure they make available the highest quality foodstuffs possible.

Mobile Unit. This addition also reflects how food is consumed in this country in 2022. Just as with allowing prepared meals, this addition to the regulations signals that poor people are not second-class people. They should be able to participate in the same food culture as anyone else to the degree possible. Moreover, mobility allows EFAP providers another option in making sure food gets to people who need it, recognizing circumstances can be different for people.

Eliminate An Outdated and Complicated Funding Formula. The existing funding formula is difficult to understand and, likely, even more difficult to administer. Also, it does not sufficiently reflect the food ecosystem that has evolved within New York City over the past several years, including the pandemic years.

Include A Critical Reference To Culturally Appropriate Foods. We see a commitment to healthy and nutritious foods as “table stakes.” But these new regulations formally introduce a third component which we believe is of utmost importance. Customer wants and needs are critical components to the dining experience. They should also be a cornerstone of EFAP. A formal recognition of the concept of “culturally appropriate food” within the regulations is an important step forward. The beauty of New York City is its diverse ethnic and religious heritage. During the pandemic, all of us gained a greater understanding about the wants and needs of our ethnic and religious populations when addressing food issues. We are glad to see this issue memorialized in regulation.

Are More Professionally Crafted. This new version is well-written, better organized, and more easily understood than the existing version of Chapter 4. All interested stakeholders can more easily discern the regulations intent and the underlying policy objectives which inspired them.

Riviera Hospitality Group applauds HRA for broadening EFAP provider eligibility by allowing for meals to be consumed on- or off-site and food to be prepared and consumed off-site. We are glad to see HRA memorialize into a new Chapter 4 the directives issued by Mayor Adams early in his Administration to establish more progressive food policies for the City.

Sincerely,
Andrew Cavitolo
Founder and CEO
Riviera Hospitality Group

NYC Rules



Emergency Food Assistance Program

Print PDF Email

Rule status: Proposed

Agency: HRA

Comment by date: August 12, 2022

Rule Full Text

HRA-Proposed-Rules-Governing-Emergency-Food-Assistance-Program.pdf

The New York City Human Resources Administration (HRA) proposes to repeal the existing rule entitled “Distribution of Food and Administrative Funds to Emergency Food Providers” and replace it with a new rule entitled “Emergency Food Assistance Program.”

The new rule will provide HRA greater flexibility in allocating food and administrative funds to emergency food providers, thereby enabling HRA to respond effectively to community food needs as they arise.

Attendees who need reasonable accommodation for a disability such as a sign language translation should contact the agency by calling **1 (929) 221-7220** or emailing **NYCRules@HRA.nyc.gov** by **August 5, 2022**

Send comments by

- **Email:** NYCRules@hra.nyc.gov
- **Fax:** **1 (917) 639-0413**
- **Mail:** HRA Rules c/o Office of Legal Affairs, 150 Greenwich Street Room/Floor: 38th Floor ; New York, New York 10007

Public Hearings

Public Hearing

Comments are now closed.

Online comments: 15

Edith Buckley

I agree , if the new rule will provide HRA greater flexibility in allocating food. the pantry here in the Bronx, Bread Of Life needs more funds. Cause we serves 300 families every Saturday. We don't have enough food.


Comment added July 14, 2022 4:51pm

Glen Bolofsky

3 comments. Feed our people. House our people. Imagine a better world.

Comment added July 22, 2022 7:37am

A.J.

 IS THIS JUST A NAME CHANGE OR ARE THE RULES ACTUALLY CHANGING, WHY WON'T THEY SHARE THE DETAILS & WHAT ARE THEY TRYING TO HIDE FROM US WITH NEW RULE CHANGES THAT THEY DON'T DISCLOSE, HOW MUCH IS IT GOING TO COST TAX PAYERS & FOR HOW LONG ARE WE EXPECTED TO PAY/ COMPENSATE FOR THIS!

Comment added July 29, 2022 12:13pm

A.J.

 WHY ARE COMMENTS TO RULES CHANGE PROPOSALS BEING SCREENED & APPROVED BEFORE POSTED AND WILL COMMENTS

BEFORE POSTED AND WILL COMMENTS
THAT DON'T SUPPORT THE NARRATIVE BE

ALLOWED OR EXCLUDED FROM
PARTICIPATING IN PUBLIC COMMENTS ON
NYC & NYS RULES AND REGULATIONS
CHANGES?

Comment added July 29, 2022 12:38pm


Alfred

Why are comments being censored here as per two other comments about this? A food shortage is underway and this is matter which will be of the most need when the hunger gets really bad so I demand full transparency about what is all going on here. This should be more of a known topic amongst the public! I already know how much my city employees do business so cut the crap and do your jobs. This is not supposed to be a cult!

Comment added August 8, 2022 3:22am

LaNeda Mondesir

Thank you in advance for reading my letter.
LMondesir

 **Comment attachment**

EFAP-Letter-08-09-2022.pdf

Comment added August 9, 2022 8:14pm

Greg Silverman

Attached are comments filed by West Side
Campaign Against Hunger.

 **Comment attachment**

EFAP_Rule_Comment_WSCAH_8_o8_2.pdf

Comment added August 10, 2022 3:44pm

Lillian Hopkins

Thanks for sharing!

Comment attachment

efap.docx

Comment added August 11, 2022 7:25am

Khadhazha Welch

Attached are comments filed by Equity Advocates.

Comment attachment

Equity-Advocates_EFAP-Rule-Comment.pdf

Comment added August 11, 2022 1:29pm

Martha Avery

Attached are the comments filed by Crossroads Community Services.

Comment attachment

EFAP-Comments-Crossroads-Community-Services.pdf

Comment added August 11, 2022 1:43pm

Alex Hughes

Attached are comments filed by Project Hospitality.

Comment attachment

PH-EFAP-Rule-Public-Comments.pdf

Comment added August 11, 2022 5:09pm

Judith Secon

Comments attached

Comments attached.

Comment attachment

NYCP-Proposed-EFAP-Rule-Comment-8.8.22_updated-v2-1.docx

Comment added August 11, 2022 6:20pm

Dickran Jebejian

Comments in attached document.

Comment attachment

MetCouncil_HRA_EFAP_RuleChangeTestimony_8.12.22.pdf

Comment added August 12, 2022 1:31pm

Jerome Nathaniel

We thank the Administration for proposing meaningful changes to improve the overall quality, equity and versatility of EFAP/Community Food Connections Program. As an institution that works with hundred of community food programs that work more closely to the EFAP program, we defer to their expertise on the strengths and opportunities for growth in the new iteration of the program. We have heard an overwhelming interest in unpacking the City's methodology for building in equity into EFAP allocations, as well as an intense need for EFAP's capacity investments and reimbursements to be more easily accessible and communicated to smaller pantries. Our larger Please see set of comments reflects our partners and NYC Food Policy Alliance colleagues collective vision for the rule change. Please see attached.

Comment attachment

City-Harvest-EFAP-Testimony-8.12.22.pdf

Comment added August 12, 2022 7:50pm