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Governor

Office of Temporary and Disability Assistance

SAMUEL D. ROBERTS
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

January 23, 2019

Brian Reilly, Audit Director
Office of the State Comptroller
Division of Government Accountability
110 State Street - 11th Floor
Albany, NY 12236-0001

Re: Oversight of Certified Homeless Shelter Food
Services, 2017-S-53

Dear Mr. Reilly:

As required by Section 170 of the Executive Law, this is the New York State Office of Temporary and Disability Assistance's (OTDA) response to the Office of the State Comptroller's (OSC's) final report with respect to the above-referenced audit. This response will be sent under separate cover to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees as required.

As OSC well knows, OTDA has taken measures to significantly enhance its oversight of homeless shelters in recent years. OTDA created the Division of Shelter Oversight and Compliance in 2016; OTDA initiated annual inspections of all publicly funded shelters across New York State; OTDA imposed new requirements for districts to submit corrective action plans for all cited violations; and OTDA adopted regulations that require the development and submission of shelter operational plans and safety and security plans, incident reports, and inspection reports of uncertified shelters and hotel/motels used to shelter homeless individuals and families. Indeed, OSC visited 15 certified homeless shelters during the course of its audit, and all of those shelters were clean and complied with the checklist used by OSC, which mirrored the items that OTDA, the New York City Department of Homeless Services (DHS), and the NYC Department of Health and Mental Hygiene (DOHMH) look for during their respective inspections.

Instead of recognizing the efforts undertaken by OTDA and the resulting improvements to the shelter system, OSC engaged in a number of wasteful and duplicative audits of OTDA's oversight of homeless shelters. These audits have required OTDA to expend significant resources in providing information and preparing responses – resources that could have been far better spent advancing OTDA's constitutional and statutory obligations to provide aid, care, and support to residents of the State experiencing homelessness as required by Article XVII of the State Constitution and New York Social Services Law §§ 34, 460.

That being said, in response to OSC's specific recommendations, OTDA responds as follows:

Recommendation #1: Implement food inspection policies and procedures and conduct regular inspections.

Full inspections are performed at least annually for all publicly-funded shelters, and OTDA has been issuing inspection reports even when shelter facilities are found to be in full compliance with all applicable OTDA regulations. Food preparation facilities are inspected during shelter inspections. OTDA has added questions to its inspection checklists to assist shelter inspectors in confirming that residents of certified shelters are provided access to meals that are balanced, nutritious and adequate in amount and content, as required by OTDA regulations.

Recommendation #2: Enhance monitoring and oversight of DHS food services by requiring DHS to submit all food related inspection reports.

OTDA requested that DHS submit a report to OTDA confirming that required food inspections are being performed, and detailing how minimum standards, health and sanitary codes are being monitored and met. DHS has complied with OTDA's request. OTDA also has requested that DHS provide it with copies of food-related inspection reports, and DHS likewise has complied.

Recommendation #3: Ensure that food workers remain current with [Tuberculosis (TB)] testing requirements.

OSC acknowledges in its final Audit Report (p. 9) that there is no regulatory requirement that food services workers in family shelters be tested for TB. OTDA continues to verify that food service workers at shelters for adults are current with TB testing requirements as required by OTDA regulation.

Recommendation #4: Clarify or develop additional standards for measuring nutritional compliance.

On December 21, 2018 OTDA conducted a training for staff on food service inspections and nutritional compliance to reinforce existing OTDA standards pertaining to food services and nutrition.

OTDA takes its shelter oversight responsibilities very seriously and has implemented numerous steps to strengthen its regulatory supervisory authority. Please feel free to contact me if additional information is needed.

Sincerely,



Samuel D. Roberts
Commissioner

Oversight of Certified Homeless Shelter Food Services

Corrective Action Plan

Report: 2017-S-53

<i>Audit Issue</i>	<i>Auditors' Recommendation</i>	<i>DOHMH Response</i>	<i>Corrective Action Plan a/o January 30, 2019</i>
<p>Certified shelters that prepare or serve catered food did not have the required food service establishment permit</p>	<p>DOHMH should ensure that each shelter that serves food has the required food establishment permit.</p>	<p>DOHMH agrees with the recommendation and will continue to work with both DHS and non-DHS shelters to enforce permit requirements.</p>	<p>DOHMH continues to permit shelters as applications are received from both the shelters that we were aware of during the audit period and newly identified ones. In December 2018, a warning notice was sent to those shelters that have not submitted a permit application. Those shelters that received the warning notice and remain unpermitted may be issued a Notice of Violation and risk possible closure of their food operations. Follow-up will occur by March 2019.</p>
<p>OTDA, DHS, and DOHMH did not coordinate to develop a consistent list of certified shelters. As a result DOHMH was limited in its ability to inspect the shelters.</p>	<p>DOHMH should work with DHS to determine which shelters DOHMH is responsible for inspecting and inspect each shelter in accordance with agency policy.</p>	<p>DOHMH agrees with the recommendation. As of June 2018, DOHMH has inspected approximately 73 percent of the shelters it is required to inspect. The remaining 27 percent will be inspected by December 2018.</p>	<p>DOHMH and DHS signed a Memorandum of Understanding (MOU) in July 2018 to facilitate the sharing of shelter information, including the addresses of certified shelters. All but one of the shelters were inspected. The one remaining shelter is scheduled for inspection 01/31/2019.</p>
<p>Lack of collaboration between DHS and DOHMH</p>	<p>DOHMH should collaborate with DHS and share inspection results.</p>	<p>DOHMH agrees with the recommendation and will work on how best to share inspection results with DHS.</p>	<p>As previously stated, DOHMH and DHS signed an MOU in July 2018 to facilitate the sharing of shelter information. Inspection results have always been made available to DHS upon request; and in instances where urgent corrective actions are required; that fact is immediately communicated to DHS.</p>