

**DATE:** June 3, 2015

**TO:** Subscribers

**SUGGESTED DISTRIBUTION:** Commissioners, TA Directors, SNAP Directors, MA Directors  
Staff Development Coordinators, Financial Directors, Adult Services Directors,  
Employment Coordinators

**FROM:** Phyllis D. Morris, Deputy Commissioner  
Center for Employment and Economic Supports

**SUBJECT:** Rafferty v. OTDA, DOH, HRA, et. al Settlement and Alternate Format Materials for the  
Visually Impaired

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** State Supplement Program Bureau at 1-800-343-8859, ext. 8-4757

The purpose of this GIS is to advise social services districts (SSDs) that a settlement has been reached in the Rafferty v. Doar, et. al. class action lawsuit. This litigation alleged that the Office of Temporary and Disability Assistance (OTDA), Department of Health (DOH) and New York City Human Resources Administration (HRA) were not in full compliance with the Americans with Disabilities Act (ADA) in that notices and other written materials were not available in accessible and effective alternate formats for the blind and visually impaired. While the litigation was specific to NYC Supplemental Nutrition Assistance Program (SNAP) and Medicaid notices and materials, provisions of the settlement agreement will be applied to all OTDA benefit programs, statewide.

As a result of this settlement, OTDA and the DOH have agreed to produce and provide notices, as well as certain applications and other informational materials, upon applicant/recipient request, in alternate formats including large print, Braille, audio recordings, and data CDs. Information on the specific applications and other materials that will be produced in the alternate formats will be forthcoming. According to the provisions of the settlement, alternate formats for the agreed upon notices and other materials will be available no later than July 2016.

OTDA will provide further instructions and training for SSDs as part of the implementation process of the settlement agreement provisions.

Language will be added to notices and other informational materials, as well as specific applications, to inform applicant/recipients about the availability of and the right to request alternate formats.

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No local district action is required at this time, except for any New York City HRA specific actions required by the settlement agreement. SSDs should continue to follow the guidelines in Administrative Directive 06-ADM-05, Providing Access to Temporary Assistance Programs for Persons with Disabilities and/or Limited English Proficiency (LEP), until further instructions are provided.

As outlined in GIS 14 TA/DC022, issued June 19, 2014, a Disability Accommodation Indicator (DAI) has already been created in both upstate and downstate Welfare Management System (WMS) to capture requests for alternate format materials.

However, the DAI field should not be used until these materials are available and further instructions have been provided by OTDA.