



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #04-129-OPE

MCCAIN SETTLEMENT

Date: July 23, 2004	Subtopic(s): Special Grant
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to inform Job Center staff that the fines imposed by the settlement of the <u>McCain</u> lawsuit will be issued via Electronic Benefit Transfer (EBT) to all eligible public assistance (PA) participants. It is informational for all other staff.</p> <p>The <u>McCain</u> fines resulted from a lawsuit, <u>McCain v. Koch</u>, filed by the Legal Aid Society on behalf of homeless families with children in which the Appellate Division of the New York State Supreme Court ordered the City of New York to provide emergency housing to homeless families with children. As a result of the <u>McCain</u> lawsuit, the City of New York must reimburse certain homeless PA participants for its failure to provide emergency housing.</p> <p>Eligible PA participants have been identified by the Department of Homeless Services (DHS) and will be notified by a letter prepared by DHS (see sample letter attached). The letter and fines will be generated by MIS and will appear as special grant code 35 (EAU Payment) in the Welfare Management System (WMS). Workers are advised that this income is <u>not</u> budgetable for PA and/or Food Stamps.</p> <p>Note: Workers should be advised that HRA is only contacting participants with active PA cases. Former participants and homeless families who are no longer on or were never on PA will be contacted by DHS.</p> <p><i>Effective Immediately</i></p> <p>Attachment:</p> <p>McCain Settlement Letter (Sample)</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*

City Of New York
Department of Homeless Services
33 Beaver Street
New York, New York 10004

Joe
anywhere usa
NEW YORK , NY

SAMPLE

JULY 6, 2004

Dear Joe

The City of New York has determined that for the period June 16, 1995 through October 1, 2003 you are owed [\$ 788.44] for the City's failure to place you in shelter according to court orders. This amount represents \$150.00 per day for each unlawful placement, plus 2% interest, for the following unlawful placement:

- Fine Category [4] Unlawful placement in the shelter system began[10/03/01] & lasted[1]days.
- Fine Category [5] Unlawful placement in the shelter system began[10/03/01] & lasted[1]days.
- Fine Category [4] Unlawful placement in the shelter system began[10/05/01] & lasted[1]days.
- Fine Category [4] Unlawful placement in the shelter system began[10/08/01] & lasted[1]days.
- Fine Category [5] Unlawful placement in the shelter system began[10/23/02] & lasted[1]days.

The Fines Categories are explained on the enclosed insert. Your payment has been verified based on the information contained in the Department of Homeless Services' databases that was collected during your shelter stay. Your payment has been automatically credited to your Public Assistance account, and will not change your eligibility for benefits or your monthly benefit amount.

If you believe this payment is an error, please contact your court-appointed legal representatives, the Legal Aid Society, at 1-800-649-9125.

Sincerely,

Clarke Bruno
General Counsel