



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #08-56-ELI

### CASH ASSISTANCE QUESTIONS AND ANSWERS

<b>Date:</b> June 2, 2008	<b>Subtopic(s):</b> Cash Assistance
<p>  This procedure can now be accessed on the FIAweb.           </p> <p>  Please use Print on Demand to obtain copies of forms.           </p>	<p>           The purpose of this policy bulletin is to inform Job Center staff that the Office of Temporary and Disability Assistance (OTDA) has released a set of questions and answers on Cash Assistance (CA) issues, based on inquiries from Local Departments of Social Services.         </p> <p>           The attached questions and answers pertain only to CA, and do not include questions and answers regarding Food Stamps (FS) or the Home Energy Assistance Program (HEAP).         </p> <p> <i>Effective Immediately</i> </p> <p> <b>Reference:</b>  <a href="#">08-INF-09</a> </p> <p> <b>Attachment:</b>  <b>Attachment A</b>    Cash Assistance Questions and Answers         </p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
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**Cash Assistance**  
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**Utility Repayment and Energy Emergency**

- 1. Q. When an adult child, who resides in the same apartment as his or her parent, applies for emergency assistance, whose income is counted if both names are on the lease and utility bill? (The adult child meets the tenant of record and customer of record requirements.)**

**Who has to sign the utility repayment agreement if the parent is the only household member with income?**

- A. All the household income is counted. As the applicant, only the adult child has to sign the utility repayment agreement.

*Note: The same would be true for a boyfriend and girlfriend or non-legally responsible relative residing in the same household. If both are legally responsible for one another (e.g., husband and wife), then both adults would sign the repayment agreement.*

- 2. Q. When applying the management test for utility arrears, if a client has made one utility payment in the last four months that exceeds his/her monthly HEA, SHEA, Fuel and Shelter amount, does this mean that the client passes the management test?**

- A. No. The management test is a monthly test for each month of the arrearage period. If a client fails the management test for one of the four arrearage months, then the entire arrears payment is recoupable.

*Note: The management test should be used only for months of arrearage when an individual is in receipt of CA.*

- 3. Q. When a CA participant with two utility vendors, who already has a restricted payment to one vendor due to a previous shut-off because of mismanagement, comes in with a shut-off notice from the other vendor, can the agency deny assistance based on the fact the participant cannot afford future bills?**

- A. No. According to Social Service laws, the agency is required to either pay the four months of arrears or assist the household to find other housing. If the agency pays the arrears, it also must guarantee payment for the next six months or until the case closes, whichever occurs first. If the client fails the management test, the arrears payment must be recouped.

For a CA household, when arrears are paid, the agency must always guarantee payment for six months or until the CA case closes, regardless of the results of the management test. (See CA Energy Manual, pp 53-54.)

During the six month guarantee period, when there is a failed management test, the HEA and SHEA, or the average bill, whichever is less, must be restricted. When the management test is passed, the average bill amount is restricted. (See 06 INF-21.)

*Note: Unlike shelter arrears, there is no affordability test for CA, SSI or NCA households applying for assistance with a utility (or non-utility) related emergency.*

**4. Q. When a district issues a utility arrearage payment and should have had the applicant sign a repayment agreement, should the agency correct its mistake and require a repayment agreement for the past benefit?**

A. No.

**5. Q. During the guarantee period, if the agency only pays the amount restricted from the grant to the utility company, will the customer receive a shut-off notice for failure to pay the remaining amount of the utility bill?**

A. No. The customer would not be subject to a shut-off notice for failure to pay the balance between the actual bill and the restricted amount due to the presence of the utility guarantee. The agency should receive a notice of an unpaid guarantee amount. However, placing the customer on restricted payment for administrative ease or as a voluntary request does not prohibit a utility company from issuing a subsequent shut-off notice to this customer. The agency must only issue a guarantee notice when an arrears payment is made to avert a shut-off, even when the calculated arrears payment is \$0.

**6. Q. If the agency only pays the amount restricted for a utility and the customer gets a shut-off notice for the difference, does the agency have to pay the entire utility bill on a guarantee if they pay the arrears?**

A. Yes. If an arrears payment is made for a CA participant, the account must be guaranteed for full payment (by restriction or letter) for six months or until the case closes.

**7. Q. If the customer is on a utility guarantee and hasn't paid, can Emergency HEAP be used to pay the guarantee?**

A. No, to use Emergency HEAP there must be a shut-off notice. Fulfilling a guarantee does not meet the requirement.

**8. Q. If the agency restricts rent, heat and domestic energy costs, and only pays what is restricted for heat and domestic energy, and the customer receives a shut-off notice or the agency receives a notice of an unpaid guarantee amount, would the agency have to recoup anything paid?**

A. The customer is subject to the management test requirement. If a customer passes the management test (e.g., the management test shows the customer paid the required amounts through restricted payments), the payment would not be subject to recovery.

*Note: The payment would be subject to recovery if the customer failed the management test.*

**9. Q. The management test requires that the agency pay an amount at least equal to the combined HEA and SHEA on domestic energy costs. What if the domestic energy budget plan amount is less than the combined HEA and SHEA?**

A. According to state regulations and the CA Energy Manual pg. 53, the payment amount for domestic energy costs must be "at **least** equal to the combined HEA and SHEA." Therefore, the lowest amount the agency can pay is the combined HEA/SHEA amount.

**10. Q. Are utility arrears payments included in the reconciliation process?**

A. No.

**11. Q. Are utility guarantee payments included in the reconciliation process?**

A. Yes.

### **Budgeting**

**12. Q. If a person has two jobs and provides a timely report, is the Earned Income Disregard applied to both incomes?**

A. Yes. The person receives a \$90 disregard of the total income amount and, if there is a minor child in the case, each source of earned income is entitled to the percentage Earned Income Disregard. The income can be entered separately or combined in ABEL.

*Note: The agency must ensure that the hours of employment entered on ABEL are based on the documentation received and are consistent with the hours of employment entered in NYCWAY.*

**13. Q. When a CA participant fails to report that the non-custodial parent has returned to the household, does the participant's failure to report the change in household composition make the family ineligible for CA or would the agency recalculate the CA budget to include the additional income and resources, if any?**

A. No overpayment or household ineligibility can be based solely on the presence of a required but unreported filing unit member. However, no underpayment adjustment would be allowed for any period prior to the person establishing eligibility. Overpayment or ineligibility could be possible if the unreported member did have income or resources, or refused to provide information and verification. (See 93 ADM-33.)

**14. Q. When a participant or an applicant receives a credit card advance and deposits it into a bank account, can it be counted as a resource?**

- A. Credit card advances are treated as loans for CA purposes. Loans count against the resource limit for Safety Net Assistance (SNA) participants and applicants, but are disregarded for Family Assistance (FA) and Safety Net Federally Participating (SNFP) applicants and participants.

**15. Q. When budgeting the income of an individual in receipt of SSI/SSDI who makes child support and Medicare payments from the gross SSI/SSDI, does the agency subtract either when determining the gross income?**

- A. No. There is no regulatory basis for disregarding SSI/SSDI income that is used to pay for child support, Medicare payments or any other item in accordance with state regulations.

**16. Q. Is the receipt of a Child Care Food Program benefit included as income for a CA day care provider?**

- A. No, state regulations require that the agency exempt income that has been earmarked by a government agency for a specific purpose that does not supplement the state standard of need.

**17. Q. How should the agency treat a Social Services Administration required dedicated account for a child's SSI retroactive check?**

- A. The parent is only the authorized representative of the required account for the child's retroactive SSI benefits (dedicated account). The funds in the account are those of the SSI child and, as such, are exempt as income/resources for CA purposes.

**18. Q. Does a New York commitment ceremony and surname change constitute a legal union for the purpose of determining whether the income of the non-applying partner is counted against the needs of the applying partner?**

- A. For this purpose, New York does not recognize common law marriages or domestic partnerships as a legal union, regardless of a commitment ceremony or name change. Any income that partner contributes to the CA household must be budgeted accordingly.

**19. Q. If an individual owns a home that he/she does not reside in, and another person who is on the deed resides in the house, can the agency count the house as a resource when determining CA eligibility?**

- A. Jointly owned real property, when not occupied by the CA applicant/participant, can only be considered a resource if the co-owner is willing to sell the property. However, a lien can be placed on the CA participant's share of the jointly owned real property.

**20. Q. When an individual who is ineligible to receive CA due to the unreported receipt of a lump sum applies for assistance for a child, is the child eligible to receive CA?**

- A. The child could be eligible for CA if the child was not in the assistance unit during the month of the lump sum receipt, regardless of when the lump sum was reported. (See TASB, Chapter 18, Section U-d "Persons Not In the Assistance Unit," p. 351.)

**Emergency Assistance For Adults (EAA)**

**21. Q. Can a district open an EAA case for an individual in need of a grant for a guide dog?**

- A. EAA grants of assistance for guide dogs are for SSI recipients who maintain a guide, hearing or other service dog and, if working, do not have earned income exempted for maintenance of a guide, hearing or other service dog pursuant to federal law or regulation. Form LDSS-3087: "Application/Recertification Guide Dog Food Program" is used to apply for and recertify (every six months) for the \$35 monthly benefit.

The benefit is authorized on an ongoing EAA case. The LDSS-3087 must be forwarded to the Guide Dog Food Program Coordinator in the Rental Assistance Unit. The program is explained in 87 ADM-05: "Changes to the Grants of Assistance to Guide Dogs (GAGD) Program."

**22. Q. If an individual applies for assistance to meet an emergency, can the emergency assistance be paid as EAA if the individual is eligible for an SSI payment but receives no SSI due to a recoupment?**

- A. Yes. Although the general rule is that a person receiving at least a dollar of SSI is considered an SSI recipient, we consider the SSI eligible individual whose full SSI benefit is being recouped to be a recipient of SSI, unless the Social Security Administration has closed the SSI case. Such an individual is considered an SSI recipient for all CA and emergency purposes.

This policy is consistent with the CA policy regarding CA participants who are eligible for a small CA grant but the full amount is taken by recoupment. That individual/case is still considered CA active.

**Emergency Assistance for Families (EAF)**

**23. Q. Does the agency have the authority to make a payment under EAF, ESNA, or CA for "first month's" rent if the rent is for a future month?**

- A. No, there is no authority in Social Services Law or regulations to pay rent in advance for a future month under any program. If an applicant has been

determined eligible for recurring assistance, a district may assure the landlord that rent will be paid for the upcoming month. Emergency programs can pay to meet current emergency situations, including utility and rent arrears that present a current emergency.

*Note: If the client moves in and fails to make the rent payment on the first of the month, and the landlord states the client will have to vacate the unit unless a payment is made, then it is an arrears situation and a payment of arrears may be appropriate.*

**24. Q. Can an applicant receive EAF only once every five years?**

- A. No. There is no once in a five-year period limit on EAF. The agency cannot deny EAF based on such a limitation. However, shelter arrears payments under FA, SNA, EAF or ESNA are limited to not more than six months of arrears once in a five-year period, unless the agency has established other guidelines.

*Note: If the EAF application was denied because the family did not meet all the EAF requirements but still had an emergency need, the agency would have to explore eligibility for ESNA. The denial notice must reflect the basis for denial and any other agency action.*

**Eligibility**

**25. Q. Is a three-generation household eligible for a waiver of the six-month face-to-face recertification, which allows them to have a face-to-face recertification every 24 months? For example, a case has a grandmother as the payee for her 2-year-old grandchild, but also in the household is the grandmother's 17-year-old SSI daughter who is the 2-year-old's mother.**

- A. No, this case would not be eligible for a waiver allowing a face-to-face recertification only every 24-month.

**26. Q. When a man, woman and her child apply for assistance, is the man subject to the 45-day SNA application period? What if he is a substance abuser?**

- A. Generally, yes, he is subject to the 45-day application period. After this period if he is found eligible for SNA, he can be added as an Essential Person (EP) to an FA case. An individual must be SNA eligible, which includes a 45-day application period, before he or she can become an EP to an FA case. (See TASB, Chapter 9, Section P, Paragraph 8.)

However, an EP cannot negatively impact an FA case (TASB, Chapter 9, Section P, Paragraph 3c). For example, if the SNA recipient is unable to work due to substance abuse, the individual cannot be added to an FA case as an EP but, instead, must be provided any assistance in a non-cash SNA case.



**27. Q. What is the proper procedure to follow when a CA participant is receiving aid-to-continue pending a fair hearing scheduled to be held in the future and the client comes in to reapply for CA before the hearing is held?**

**Must the application be denied since the client is already receiving assistance (with the aid-to-continue) or must the agency review the application and assess whether the client is eligible for CA in case the client loses the fair hearing?**

- A. The agency must accept and deny the application because the client is already receiving assistance. However, the agency must allow the client to report any changes and take appropriate action on the case regardless of the client's current aid-to-continue under CA.

The agency must determine if the reported changes resolve the fair hearing issue. If so, the agency should withdraw its proposed action.

**District of Fiscal Responsibility (DFR)**

**28. Q. A district received an application from an individual believed to be the fiscal responsibility of another district. The agency does not register the application. Rather, they send the application to the agency that they believe was the agency of fiscal responsibility (DFR) for the individual. Should the agency have registered the application?**

- A. Yes. The responsibility for action on an application belongs to the agency where the individual is found and where he or she files the application. The agency cannot assume that another district will accept fiscal responsibility for the applicant and until that happens by a formal acceptance of the application by another district, the "where-found" district must meet all regulatory timeframes for interviewing and determining eligibility for assistance. Further, failure to protect the filing date could have negative implications for MA, FS and CA. The agency must register the application even when they think that another district will accept fiscal responsibility.

**29. Q. If a family enters a New York Domestic Violence (DV) shelter from another state and provides documentation of eligibility, is the county in which the DV shelter is located responsible for the shelter costs?**

- A. Yes. The "where-found" rule does apply to this situation and the "where-found" district would pay from CA, if eligible. Although the "district of fiscal responsibility" rules for victims of domestic violence are established by state regulations, they only apply to victims who are residents of New York State at the time of the domestic violence incident. Therefore, these rules do not apply to out-of-state residents who enter domestic violence residential programs in New York.

**Storage and Moving**

**30. Q. Is the agency required to pay storage fees for an applicant who is placed in temporary housing and then loses contact with the agency while the CA eligibility determination is being made?**

A. No. An individual is only eligible for a storage fee allowance if he/she is eligible under recurring or emergency assistance and the circumstances necessitating the need for such an allowance continue. If the agency loses contact with the applicant they do not know if the circumstances necessitating the need for storage continue. Once an application is denied or assistance is discontinued, the individual is no longer eligible for a storage allowance.

**31. Q. Which district must pay for a participant's storage fees in situations where the individual lives in one district, but enters a Congregate Care Level II program in a different district?**

A. The agency that is responsible for the CA is responsible for the storage fees. For example, if the individual intends to return to the original district after his or her treatment is completed, then the individual is temporarily absent. The original district would be responsible for the Level II cost and Personal Needs Allowance (PNA), and for the storage fees.

If the individual does not intend on returning to the original district, the original district continues to be responsible for his or her needs, including storage fees, only for the month he or she leaves the Level II program and the following month.

**32. Q. When an individual enters a residential program for victims of DV in another district, which district is responsible for storage fees and moving expenses if the victim decides to remain outside the original district of residence?**

A. The original district of residence at the time of the DV incident is responsible for the cost of the residential DV program and for storage fees. When the victim leaves the program and remains outside the original district, the original district continues to be responsible for his/her needs for the month he/she leaves the shelter and the following month. Therefore, the original district is responsible for the storage and moving fees.

If the person enters temporary housing on leaving the shelter and not permanent housing in the new district, then the new (where-found) district is responsible for the temporary housing but the original district is still responsible for the storage fees and moving expenses during the month the victim left the shelter and the following month.

The new district becomes responsible for ongoing CA and for any other allowances the victim is eligible to receive, including storage and/or moving

expenses, beginning the second month following the exit from the residential DV shelter.

**33. Q If an individual has been homeless in District A, and District A has been paying storage fees, which district is responsible for moving expenses if the individual finds permanent housing in District B?**

A. District A is responsible.

**34. Q. Is a family ineligible for moving assistance if they received such assistance in the last 5 years in another district? Does moving assistance include rent assistance or a letter of guarantee for a security deposit?**

A. State regulations allow, but do not require, the agency to limit shelter arrears payments to once in a five-year period. State regulations do not impact or limit the issuance of moving expenses or security deposits. Moving expenses and security deposits may be issued separately or together, as needed, if the applicant/participant meets the criteria for such payments (e.g., moving from temporary to permanent housing), in accordance with state regulations.

### **Burials**

**35. Q. Must an applicant for a burial benefit complete Form LDSS-2921, the Common Application, when applying only for a burial payment?**

A. Yes, unless the agency has an approved local equivalent application for burials only.

**36. Q. Must a district always complete a common application Form LDSS-2921 for a burial even if the deceased individual was active in an MA case at the time of death?**

A. Yes. A burial payment requires a Common Application.

**37. Q. Can a burial payment be made on a Non-Cash Assistance (NCA) case?**

A. Yes. A burial payment can be made on an NCA case (including a FS case) or on an MA case, provided the agency has an approved plan for making payments on such cases. (See 03 ADM-8.) In New York City, individuals requesting a burial payment are referred to the Burial Unit for assistance.

**38. Q. Is an application for a burial payment considered an application for an immediate need?**

A. No.

**39. Q. Can a district require documentation of reported income or resources of the deceased individual or a legally responsible relative?**

A. Yes. A determination must be made on what, if any, income or resources of the deceased or a legally responsible relative is actually available to pay toward the burial.

**40. Q. Do CA income and resource eligibility requirements apply to indigent burials?**

A. No.

**41. Q. Whether or not resources are reported, can the agency explore potential resources by means such as bank inquiries, etc.?**

A. Yes. The agency can and should follow its usual exploration of potential resources procedures.

**42. Q. If the agency discovers after the fact that there are resources that were unknown to the agency at the time the burial payment was approved, should the agency pursue recovery?**

A. Yes.

**Payment of Rent and Security Agreements**

**43. Q. Can an NCA participant who lives in subsidized housing charge a CA participant any amount of rent?**

A. Yes. An NCA household can charge a CA household any amount for shelter (regardless of the NCA household's actual rent) and the CA household would be entitled to a shelter allowance subject to agency maximums. Nothing prohibits an NCA primary tenant from charging a CA household a shelter amount greater than the NCA's actual rent. However, when a non-legally responsible caretaker requests a fuel allowance for an Other Than Guardian (OTG) child, the shelter is limited to the actual rent of the NCA primary tenant. (See McMullen budgeting: 91 ADM-03.)

**44. Q. Can the agency deny a security agreement or security deposit based on the fact that an individual is moving into a room rather than an apartment?**

A. The agency is not required to give an upfront cash security deposit but, if otherwise eligible, a security agreement cannot be denied only because the living arrangement is a room rather than an apartment. State regulations refer to "...landlord requires that he be secured against non payment of rent or for damages as a condition to renting a housing accommodation ...". Accommodation can include a room or a larger dwelling.

**General**

**45. Q. Is a non-parent caregiver required to pursue SSI on behalf of a child he/she is caring for if the local district believes the child may be SSI eligible?**

A. No. However, the non-parent caregiver should be encouraged to do so and the benefits of applying for and receiving benefits on behalf of a child he/she is caring for should be explained to the non-parent caretaker.

**46. Q. When a family enters a DV shelter and one member is a citizen and the remaining members do not have documentation of citizenship or alien status, may the agency pay for the cost of the U.S. citizen and the cost of the other individuals?**

A. The agency must pay for the citizen. If the other individuals are undocumented aliens, the agency is not authorized to pay their shelter costs.

**47. Q. If a naturalized citizen does not have a Certificate of Naturalization, is the agency responsible for paying fees associated with obtaining a new copy?**

A. Possibly. When the client files the "N565—Application for Replacement Naturalization/Citizenship Document," an application for a fee waiver must also be filed. This is a complicated procedure that may need legal assistance in order to navigate through the process.

In the meantime, if the client has an old "green card" with an alien number, benefits may be issued to the client as a legal permanent resident.

As a last resort, after all diligent efforts to acquire the certificate at no cost have failed, the agency would have to assume the cost under state regulations.

**48. Q. When computing interim assistance, can the agency include health insurance premiums that the county paid on behalf of the client?**

A. No, health insurance premiums are not considered a basic need. Health insurance premiums paid on behalf of an SNA recipient are not recoverable as interim assistance.

**49. Q. Is it mandatory that a client complete the voter registration form?**

A. The client must be offered the opportunity to register to vote; it is not mandatory, in any circumstance, that he/she indicates yes or no, sign, or do anything with the form. If the client does not want to register and does not want to sign the declination, the agency must accept the individual's decision. The agency must follow state regulations.

**50. Q. Can a district require an individual to complete a new application if the individual is reapplying within 30 days of being denied or closed?**

- A. No. In accordance with state regulations, a new form does not have to be completed. However, the agency must go over the application with the individual to verify that the information is still current. If any changes are made, the application must be re-signed and re-dated.

**51. Q. Should a child ever be deleted during a closing for a child-only case?**

- A. No. The case closing transaction itself will effectively remove the child that is being deleted. Deleting a child from a child-only case during a case closing causes the case to be derived to be a one-parent family, due to a systems issue, regardless of the adult's Individual Disposition Status code.