



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE 12-05-ELI *(This Policy Directive Replaces PD #09-19-ELI)*

CASH ASSISTANCE RESOURCE POLICY

Date: March 9, 2012	Subtopic(s): Resources
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AUDIENCE

The instructions in this policy directive are for staff in Job Centers. This policy directive also serves as an addendum to the resource procedure in Chapter 19 of the Temporary Assistance Source Book (TASB) and Section 17 of the Food Stamp Source Book (FSSB). This policy directive is informational for all other staff.

REVISIONS TO THE PRIOR DIRECTIVE

This policy directive has been revised to provide the following update to the Food Stamp (FS) implications:

- Effective October 1, 2011 and for Federal Fiscal Year 2012, the resource limit has increased from \$3,000 to \$3,250 for households with aged/disabled members that are subject to a resource test for the FS Program eligibility.
- The CA and FS Resource Limits/Exemptions Desk Guide (**W-204X**) has been revised to include the FS resource limit increase.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

POLICY

Resources must be used to eliminate or reduce the need for Cash Assistance (CA) and conserve public funds through assignment and recovery.

As a condition of eligibility, applicants/participants are required to use available resources and to apply for, as well as pursue, potentially available resources. The resources of applicants for or participants of CA must not exceed the resource limits. All resources (if any) must be evaluated to determine whether they are countable towards the resource limit or exempt.

BACKGROUND

The current CA and FS Resource Limits/Exemptions Desk Guide (**W-204X**) is used to help determine eligibility.

Resource Limit

CA households are allowed up to \$2,000 in liquid resources.

CA households with at least one person 60 years of age or older are allowed up to \$3,000 in liquid resources.

Some items included in the \$2,000/\$3,000 limit are as follows:

- Cash on hand
- Bank accounts
- Stocks/bonds
- Promissory notes/mortgages
- Real property
- Personal property

If the equity value of all combined resources exceeds the \$2,000/\$3,000 limit, the entire CA household is ineligible.

Licensed Vehicles

A CA household may be eligible for an exemption of one vehicle with a Fair Market Value (FMV) of \$4,650 or up to \$9,300 based on the use/purpose of the vehicle. The amount by which the FMV of the vehicle exceeds the appropriate exemption amount is countable toward the appropriate liquid resource limit (\$2,000 or \$3,000).

The value of a vehicle for CA purposes is based on the Kelley Blue Book's "trade-in, good condition" value.

- Fair Market Value – The FMV is only applied to the first (or only) vehicle and carries an exemption amount of \$4,650 for general purpose use or \$9,300 if the vehicle is used to travel to and from work or to seek or maintain employment activities.

Refer to PD #03-42-OPE for information on accessing the Kelley Blue Book online.

The FMV is the "...*trade-in, good condition...*" value as quoted in the Kelley Blue Book, regardless of any encumbrances (e.g., liens or monies still owed).

If the applicant/participant provides verification that the vehicle is actually worth less than the Kelley Blue Book estimate, such proof is acceptable. The applicant/participant must be advised of his/her right to provide such proof.

- Equity Value – The equity value is applied to the second or subsequent vehicles in the household. The equity value of a vehicle is determined by using the trade-in, good condition value as quoted in the Kelley Blue Book, less any encumbrances.

Real Property

For CA purposes, a house, condominium, or cooperative that is the applicant's/participant's primary residence, is excluded from the resource limit. The Agency may, however, execute a lien on the property even if the household agrees to repay the Agency for assistance received.

The exemption period for real property (not a home or primary residence) is six months. During such time the applicant/participant must make a good faith effort to sell the property and agree to use the proceeds from the sale of the property to repay the Agency any assistance he/she received but would not have been entitled to had the property been sold immediately.

Lump sum payments

A lump sum payment means any type of one-time-only payment, such as lottery winnings or retroactive payments. A portion or all of a lump sum payment to a CA participant may be set aside when determining eligibility, if the portion, when combined with a household's existing countable resources, does not exceed the household's CA resource level.

In addition, any or all of the lump sum may be set aside as a resource if the funds are used by the participant within 90 days of receipt to:

- Purchase a vehicle that is exempt from the resource limit because it is needed to seek or retain employment or for travel to and from work (\$9,300).
- Create a resource-exempt bank account to purchase a first or replacement vehicle to seek or retain employment (maximum amount \$4,650).
- Purchase one resource-exempt burial plot per household member.
- Purchase one resource-exempt bona fide funeral agreement (maximum amount \$1,500) per household member.
- Create an exempt bank account used for the sole purpose of paying tuition for a two-year accredited postsecondary educational institution, not to exceed \$1,400.

A separate and distinct bank account of up to \$1,400 that is created only to pay for tuition at a two-year (not a four-year) accredited postsecondary educational institution is exempt from the CA resource limit, as long as the funds are not used for any other purpose. The participant does not have to be enrolled in an academic program at the time the account is established. Only one account per active CA member in the household is allowed.

This exemption applies only to CA participants. It does not apply to applicants, including former participants with previously established accounts (prior to case closing) who subsequently reapply for CA.

Note: If a two-year college tuition account is created with lump sum income and the funds are later withdrawn and used inappropriately, the value of the account is not only considered a countable resource but the prior lump sum ineligibility period is reinstated, as appropriate, based on the amount withdrawn. Any resulting overpayment is calculated retroactively to the effective date of the initial notice.

Disaster Assistance

Any disaster assistance payments to victims of the September 11, 2001 disaster are permanently exempt from income and resources for the purposes of determining eligibility for CA, Food Stamps (FS), and Medicaid (MA). These payments include:

See [PB #01-66-EMP](#) for information on the treatment of disaster relief assistance.

- Federal assistance provided under Public Law (P.L.) 93-288, Section 312(d) (Disaster Relief Act of 1974), as amended by P.L. 100-707. This includes assistance paid to residents of the disaster area and people who live outside the area (outside New York City) who lost their jobs as a direct result of the disaster. This includes New York State Department of Labor (NYSDOL) Disaster Unemployment Assistance (DUA) paid during the period of 9/17/2001 through 3/17/2002, to persons directly affected by the disaster whose unemployment or self-employment were lost or interrupted because of the September 11, 2001 disaster.
- Comparable disaster assistance payments provided by State or local governments, or by disaster assistance organizations such as the American Red Cross or the Salvation Army.
- Federal Emergency Management Agency (FEMA) payments made when there is a disaster or emergency.

Other Excluded Resources

Staff should also reference the TASB, Chapter 19, for a listing of all resources that are excluded when determining eligibility for CA.

REQUIRED ACTION

Refer to [PD #12-04-ELI](#), Food Stamp Resource Policy.

During the application/recertification interview, the JOS/Worker must explore the availability of any resource(s) with the applicant or participant. The JOS/Worker must also determine whether the household is categorically eligible for FS. If the household is categorically eligible for FS, the resource limitations do not apply to the FS portion of the CA/FS case, but may apply to the CA portion. To determine eligibility of CA households, the JOS/Worker must identify the resource as either an exempt or a nonexempt resource.

Motor Vehicles

When an applicant/participant presents verification that he/she has a motor vehicle:

- Review the vehicle registration to document the make, model, year, registration/plate number, registration expiration date, and class of registration. The ownership is documented using the title of the motor vehicle.
- Refer to the Kelley Blue Book for the current trade-in good condition value of the vehicle to determine the FMV.

The Kelley Blue Book will also require additional information specific to the vehicle such as mileage and additional amenities. This information must be obtained from the applicant/participant.

- Determine the use of the vehicle:
 - If the vehicle is used only for general purposes, exempt the first \$4,650 of the FMV. Encumbrances (e.g., liens or monies still owed) do not affect the exemption amount. Apply the difference between the FMV and the exemption amount to the household's liquid resource limit.

Encumbrances (e.g., liens or monies still owed) are not taken into consideration when using the FMV rule.

If the applicant/participant provides at least one estimate that proves that the vehicle's value exceeds the \$4,650 exemption amount, the amount in excess of \$4,650 must be applied against the \$2,000/\$3,000 CA resource limit, as applicable.

Example 1:

A family of three (all under 60 years of age) applies for CA. At the eligibility interview, the JOS/Worker is informed that the family owns a 2007 Ford Taurus SEL Sedan 4D that is in good condition, and has accrued 10,000 miles. The vehicle is used for general purposes (not used for work or to seek employment). The Kelley Blue Book indicates that the good condition value is \$7,475. Under the resource limit guidelines, the first \$4,650 is exempt, leaving \$2,825 to be applied against the \$2,000 CA resource limit. The family is ineligible for CA.

One vehicle used for work or to seek employment can receive the \$9,300 exemption per household.

- If the vehicle is used for employment or work activity purposes, exempt the first \$9,300 of the FMV and apply any amount in excess of \$9,300 against the household's resource limit for CA. Only one vehicle per household can receive the higher \$9,300 exemption. In **Example 1** above, the family is then eligible for CA.

General-purpose vehicles have a \$4,650 exemption.

- Inform the applicant/participant that if he/she believes that the value of the vehicle is less than the quoted FMV, he/she has the right to provide an estimate from an automobile dealer of the same vehicle make and model.
- Give the applicant/participant the opportunity to submit an appraisal from a reliable source if he/she claims that the Kelley Blue Book value does not apply to his/her vehicle. If the applicant/participant can prove that the vehicle is actually worth less than the original estimate, such proof must be accepted.

Example 1A:

Using the same scenario in **Example 1** in which the family would be ineligible for CA based on the Kelley Blue Book good condition value of the vehicle, if the applicant believes that the actual value of the vehicle is far less, he/she is given the opportunity to support his/her claim. The applicant subsequently submits a dealer's estimate that indicates that the value of the vehicle is indeed only \$4,500.

The vehicle is now valued at the amount quoted by the dealer, which makes the vehicle worth \$150 less than the \$4,650 exemption amount for a general use vehicle, therefore, the household is eligible for CA.

- If the applicant/participant owns a new vehicle that is not yet listed in the Kelley Blue Book, the JOS/Worker makes collateral contact with a car dealership that sells the same vehicle to request the wholesale value.
- If the household owns more than one vehicle, the equity value rule (FMV less any encumbrances) applies for the additional vehicle(s). The equity value is counted against the household's liquid resource limit. If the equity value exceeds the applicable resource limit, the household is ineligible for CA.

Additional vehicles

Use the equity value to determine the value of the second and subsequent vehicles.

Example 2:

At recertification, it was reported that a household member just financed a second used vehicle (2005 Toyota Corolla). The household already has one vehicle that is used for work with a FMV of \$10,000. Because it is used for work, \$9300 of the first vehicle's value is exempt. The excess FMV amount of \$700 is applied against the \$2,000 CA resource limit, which makes the household still eligible for CA. The equity value rule must now be applied toward the 2005 Toyota Corolla.

The Kelley Blue Book trade-in good condition value for a 2005 Toyota Corolla with 85,000 miles is \$6,250. However, there is still \$5,300 remaining on the outstanding loan of this vehicle. Therefore, the true equity value of the second vehicle is currently \$950 ($\$6,250 \text{ minus } \$5,300 = \950).

The FMV excess amount of the first vehicle (\$700), combined with the equity value of the second vehicle (\$950) equals \$1,650 in total resources. Since the household's total resources are less than the \$2,000 CA resource limit, the household remains eligible for CA.

Note: The equity value changes over time based on payments made and vehicle depreciation. Once the equity value of the household's total resources exceeds the CA resource limit (\$2,000/\$3,000, as appropriate), the household is no longer eligible for CA. The equity value must be reevaluated at every recertification.

Real Property

If an applicant/participant reports that he/she owns real property, the JOS/Worker must review the deed, verify the name on the deed and refer the applicant/participant to the Investigation Revenue and Enforcement Administration (IREA) Real Property Unit of the Bureau of Eligibility Verification (BEV) at 250 Livingston Street, 4th Floor, New York, NY 11201, as follows:

Liens are placed by IREA Liens and Recovery Division.

- Prepare the Information and Referral Notice (**W-34A**) and include all information on the real property.
- Telephone the BEV Telephone Bank at (718) 254-0400 to schedule the appointment for the applicant/participant. State that the appointment is for the Real Property Resource Interview.
- Scan a copy of form **W-34A** in the electronic case file; give the applicant/participant the original **W-34A** form to take to the interview;
 - BEV will give the applicant/participant a Compliance with Real Property and Assets Unit (**W-590BB**) form as verification of compliance to return to the JOS/Worker at the Job Center.
 - BEV will send notification to the Job Center when an applicant/participant fails to comply. Failure to comply with BEV by refusing to sign or execute a lien will result in a denial/closing for a single-person household or a sanction of an individual in a multiple person household (household size is greater than one) using Welfare Management System (WMS) Reject/Closing/sanction Code **F84** (Failure to Sign Lien).

Note: In households with more than one adult, only the adults listed on the deed are sanctioned for noncompliance.

- If the applicant/participant is in receipt of CA, BEV will forward the property resource information to the IREA Liens and Recovery Division. The Liens and Recovery Division will put a lien on the property within six months from the date that the resource was reported.

This exemption applies to CA cases only.

Two-year College Fund Resource Exemption

If the individual indicates that the money was used to establish a two-year college fund, proper documentation of the account must be obtained directly from the financial institution. The CA participant does not have to be enrolled in an academic program at the time the account is established. The JOS/Worker must:

- Request that the participant submit documentation from the bank indicating the amount and purpose of the account.
 - Any amount in the account in excess of \$1,400 is counted toward the \$2,000/\$3,000 resource limit.
 - If the amount in the account is equal or less than \$1,400, the full amount is exempt from the resource count.
- Monitor the account balances, at recertification, to ensure the funds are used only for the earmarked tuition expense.
 - If it is determined that the funds were used for purposes other than tuition, the amount of the funds in the account at the time of the withdrawal are counted towards the resource limit.

Lump Sum Policy

Lump Sum Set-Aside

Other resource exemptions allowed for lump sum payments

The entire lump sum amount or any portion thereof can be set-aside and exempt as a resource if the participant applies it to any of the following within 90 days of receiving the lump sum payment:

See the "Motor Vehicles" section of this directive for exempt vehicles.

- The purchase of a vehicle that is exempt from the resource limit because it is needed to seek or retain employment or for travel to and from work (maximum \$9,300).
- A bank account that is established for the purpose of purchasing a first or replacement vehicle that will be used to seek or retain employment (maximum amount \$4,650).
- A college tuition account that is used to pay tuition at a two year accredited postsecondary educational institution (maximum amount \$1,400).

Accounts set-up for general-purpose vehicles are not exempt.

See the "Two-Year College Fund Resource Exemption" section above

- A resource-exempt burial plot.
- A resource-exempt bona fide funeral agreement (maximum amount \$1,500).

For all of the lump sum set aside instances listed above, if used inappropriately, the value of the account is not only a countable resource but any resulting overpayment will be calculated retroactively to the effective date of the initial notice of the period of ineligibility.

Lump Sum Counted as a Resource

In addition to the Lump Sum Set-aside rule, a CA participant can also receive a lump sum payment without affecting his/her eligibility if:

- The amount received does not exceeds the semi-monthly standard of need for the household size; and
- The household's resources do not exceed the CA resource limit when the lump sum payment is combined with the household's countable resources.

Example 3:

A household size of three with CA needs of \$345.50 semimonthly, and \$500 in current resources, receives a lump sum payment of \$1,000. The lump sum payment exceeds the \$345.50 standard of need for the household. The \$1,000 lump sum payment plus the \$500 countable resources = \$1,500, and does not exceed the CA resource limit. This means the participant can keep the \$1,000 without it affecting his/her eligibility.

If the lump sum payment, when combined with the household's current countable resources, exceeds the CA resource limit, the set-aside rule is applied to determine how much of the lump sum is budgetable.

The JOS/Worker must determine the portion of the lump sum payment to be counted as a resource by subtracting the household's existing resources from the CA resource limit (CA resource limit – existing countable resources [not including the lump sum payment] = resource available amount). Once the amount applicable to the resource limit is determined, the JOS/Worker must subtract that amount from the total lump sum payment and then budget the difference as a lump sum payment in accordance with current procedure to determine period of ineligibility and/or amount to be recouped.

See the [Budgeting Manual Public Assistance Program](#).
Determining the set-aside amount

Example 4:

A household size of three with CA needs of \$345.50 semimonthly, and \$500 in current resources, receives a lump sum payment of \$2,100 from lottery winnings. The lump sum payment exceeds the household's standard of need, and if added to the household's current countable resources, the household would become ineligible for CA due to excess resources ($\$500 + \$2,100 = \$2,600$). In this instance, the set-aside rule is applied. The household's CA resource limit is \$2,000. Therefore, the JOS/Worker must set-aside \$1,500 from the lump sum payment as a noncountable resource ($\$2,000$ [resource limit] - $\$500$ [existing resources] = $\$1,500$ [lump sum set aside]). Subtract the available resource amount from the total lump sum payment to determine how much, if any, of the lump sum payment is budgetable ($\$2,100$ [lump sum payment] - $\$1,500$ [lump sum to be set aside] = $\$600$ [net lump sum amount]). The net lump sum payment (\$600) can be budgeted against the household's needs (\$345.50 semimonthly) to determine eligibility and benefit amount.

The resource amount determination and the period of ineligibility only apply if the lump sum payment exceeds the standard of need for the household size. Nonexempt lump sum payments that are less than the standard of need are counted as income in the month received.

Example 5:

A household of three with a standard of need of \$345.50 semimonthly, receives a lump sum payment of \$100. Since the lump sum payment does not exceed the household's standard of need, the lump sum payment is budgeted as unearned income in the month received. If the participant has other income already budgeted, a new budget must be calculated to include this income with the previously budgeted income to determine the household's eligibility and new budget deficit.

Must be documented

If the participant verifies through documentation that he/she has used the amount of the lump sum in whole or part for one or more of the exempt resources listed above within 90 days of receipt, the JOS/Worker must determine eligibility based on the unused portion of the lump sum payment.

Example 6:

A Family Assistance household of three, with current countable resources of \$500, and CA needs of \$345.50 semimonthly, receives a lump sum payment of \$5,000 from bingo. The lump sum payment exceeds the household's standard of need, and, if combined with the current countable resources, would exceed the CA resource limit (\$2,000). Using the set-aside rule, \$1,500 would be subtracted from the \$5,000 lump sum payment (Resource Limit [\$2,000] minus current resources [\$500] = \$1,500 [set-aside]) and \$3,500 would be budgetable. The \$3,500 exceeds the CA needs; thus, the household would be ineligible for CA for a period of time (in this case, five months with the remaining time to be applied in the sixth month) unless the household turns the \$3,500 over to the Agency to repay past assistance or uses it within 90 days for one or more of the exceptions listed on page eight of this policy directive.

Lump Sum-related
Closing Code

Use WMS Closing Code **E38** (Excess Income – Lump Sum) to close a CA case that is ineligible because of a lump sum payment.

Repaying past
assistance

A participant can also turn all or part of the lump sum payment over to the Agency to repay past assistance. If the participant chooses to do so, advise him/her to submit a check or money order made payable to the Human Resources Administration. The payment must be submitted to the Disbursement and Collection (D&C) Unit. D&C will give the participant a copy of the Single Item Cash Collection (**M-158**) form, which indicates the amount submitted. One copy of form **M-158** is forwarded to the JOS/Worker while the original, along with the Transmittal/Batch Control (**M-158e**) form, and the check or money order are forwarded to the Division of Accounts Receivable and Billing, 180 Water Street, 9th Floor, New York, NY 10038.

Forms **M-158** and **M-158e** are stocked by the warehouse and are not available through Print on Demand. Job Center Directors must contact the warehouse to replenish the supply of both forms.

The JOS/Worker must manually reduce or eliminate existing outstanding recoupments based on the amount voluntarily repaid to the agency using the Recoupment Data Entry form (**LDSS-3573**).

Liquid Resources

Liquid resources include, but are not limited to, cash on hand, bank accounts, stocks, bonds, and promissory notes. If the countable or nonexempt resources combined (e.g., cash, motor vehicle, real property) exceed the allowable maximum, the entire CA household is ineligible for CA.

Excess Resources

If an applicant/participant’s case is denied/closed due to excess resources, use one of the codes listed below. The case remains closed until the excess resource is sold, exhausted, or is no longer available to the household. The applicant/participant will be resource-eligible again in the month following the month in which the resource was sold or exhausted.

Resource-Related Closing/Denial Codes

CA Closing Codes/Reason

Refer to the [Worker’s Guides to Codes Manual](#) for details

- I46** Excess Resources – 60+ Client No longer in Household
- U40** Excess Resources
- U41** Transfer of Resources (SNCA/SNNC cases)
- U42** Excess Resources/Refused to Sell Property
- U43** Excess Resources – End of Six-Month Period
- U44** Excess Resources – Deemed Resources of Alien Sponsor (FA/SNFP cases)

CA Denial Code/Reason

- U40** Excess resources; Your amount of resources exceeds the limit

When a Client Notices System (CNS) automated notice is prepared for these cases, the “CA/FS Resource Calculation Screen” (**WCNO18**) includes a check-off for the resource limit amounts. Enter “**X**” to the left of the appropriate resource limit for the household - \$2,000 or \$3,000, whichever is applicable.

PROGRAM IMPLICATIONS

Paperless Office System (POS) Implications

The **Resources** window records various types of resources the household member(s) may possess. The JOS/Worker must use the scroll bar to view all of the questions. A “Yes” response to any question prompts a **Response to Question** window. Enter the required information, including all documents to be scanned that refer to the resource, along with a comment. Then click the **OK** button (to save the response before exiting the question) or the **Cancel** button (to exit the question without saving the response).

Food Stamp Implications

Categorically eligible households are not subject to FS resource limits. Categorically eligible households are households that:

- Do not include either a sanctioned individual or an individual who is disqualified because of an Intentional Program Violation (IPV); and
- Have at least one individual who receives or is eligible for CA and/or

- Supplemental Security Income (SSI); or
- Pass the 130% gross income test; or
- Have an aged/disabled individual and pass the 200% gross income test; or
- Has a disabled member who has out-of-pocket dependent care expenses and passes the 200% gross income test.

The liquid and non-liquid resource limit for an FS household with an elderly (60 years of age or older) or disabled member is \$3,250.

If a CA case is denied/closed because of resources, a separate FS determination is required and the FS resource policy must be applied to the Non Cash Assistance (NCA) FS case if the case is not categorically eligible for FS. Nonrecurring lump sum payments are counted as a resource in the month the payment was received.

Any denials or closings done on households with aged/disabled members due to excess resources (Reason Code **U40**) from October 1, 2011 through the date of the release of this policy directive should be re-evaluated in light of the current higher \$3,250 resource limit.

Refer to Section 17 of the Food Stamp Source Book (FSSB) for more detailed information concerning the FS resource policy.

Medicaid
Implications

Resource limits must be applied when determining MA eligibility. Please note the following exceptions:

- The MA resource limit is \$3,000 for all Family Assistance cases. For single individuals and childless couples, the MA resource limit is \$2,000.
- Nonexempt real property must be fully counted as a resource for MA purposes. The six-month exemption for liquidation of real property when applying for CA does not apply to MA applicants/participants.

**LIMITED ENGLISH
PROFICIENCY
(LEP) AND
HEARING
IMPAIRED
IMPLICATIONS**

For Limited English Proficient (LEP) and/or hearing impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with PD #11-33-OPE and PD # 08-20-OPE.

FAIR HEARING IMPLICATIONS

Avoidance/ Resolution

Applicants and participants whose cases are denied/closed for excess resources are entitled to request a Fair Hearing.

Remember to give the individual an opportunity for a conference and/or resolution on this issue. Please evaluate each case according to the resource changes listed in this directive.

Conferences

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS I/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C that the individual is waiting to be seen. In Model Offices, the Receptionist at Main Reception will issue an FH&C ticket to the applicant/participant to route him/her to the FH&C and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS I/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOSI/Supervisor I will explain the reason for the Agency's action(s) to the applicant/participant.

If the determination is that the applicant/participant has presented good cause for the infraction or show that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS I/Supervisor I will Settle in Conference (SIC), enter detailed case notes in the New York City Work, Accountability and You (NYCWAY) system and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken. In addition, if the adverse case action still shows on the "Pending" (08) screen in WMS, the AJOS I/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form (**LDSS-3722**), change the 02 to 01 if the case has been granted Aid to Continue (ATC), or prepare and submit a CA Recoupment Data Entry Form – WMS (**LDSS-3573**) to delete a recoupment. The AJOSI/Supervisor I must complete a Conference Report (**M-186a**).

If the determination is that the applicant/participant has not shown good cause for the infraction or that the Agency's action(s) should stand, then the AJOS I/Supervisor I will explain to the applicant/participant why he/she cannot settle the case. The AJOS I/Supervisor I must complete form **M-186a**.

Should the applicant/participant elect to continue his/her appeal by requesting a Fair Hearing or proceeding to a Fair Hearing already requested, the FH&C AJOS I/Supervisor I is responsible for ensuring that further appeal is properly controlled and that the appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets All complete and relevant Evidence Packets must include verification of the applicant's/participant's resources. This includes a copy of the relevant bank statement, bankbook, insurance policy, property deed, or vehicle registration, the decision made by the Resource Consultant, and the appropriate WMS printouts.


REFERENCES

09-ADM-06
07 ADM-09
03 ADM-10
00 ADM-5
GIS 12 TA/DC001
GIS 08 TA/DC029
GIS 01 TA/DC040
Social Services Law 131-n
18 NYCRR 352.23, 352.29(h), 387.9(b), 387.14(a)(5)(i) and (iii)
Budgeting Manual Public Assistance Program
Temporary Assistance Source Book (TASB) Chapters 18 and 19
Food Stamp Source Book (FSSB) Chapter 17

RELATED ITEMS

PD #12-04-ELI
 PD #08-31-ELI
 PD #03-42-OPE
 PB #01-66-EMP

ATTACHMENTS

 Please use Print on Demand to obtain copies of form.

W-204X CA and FS Resource Limits/Exemptions Desk Guide (Rev. 3/9/12)

CA and FS Resource Limits/Exemptions Desk Guide

The following rules apply to all applicants and participants. However, for FS purposes, households that are categorically eligible for FS are not subject to the resource limitation requirements.

Resources	Cash Assistance (CA)	Food Stamps (FS)
<p>Licensed Vehicles</p>	<p>The household may own one vehicle with a Fair Market Value (FMV) *of \$4,650.</p> <p>First or only vehicle:</p> <ul style="list-style-type: none"> • Use the <u>FMV</u> rule as follows: <ul style="list-style-type: none"> ■ Apply the Kelley Blue Book's trade-in "good condition" value of the vehicle. ■ Determine the purpose of the vehicle: <ul style="list-style-type: none"> – If used for <u>general purposes</u> – subtract a FMV exemption of \$4,650. – If used for <u>travel to and from work</u> or to <u>seek or maintain employment</u> – subtract a FMV exemption of \$9,300. ■ Compare the excess FMV to the CA resource limit of \$2,000/\$3,000, as appropriate. ■ In those instances in which the applicant/participant can prove that the vehicle is actually worth less than the value quoted in the Kelley Blue Book, such proof must be accepted. <p>Second or subsequent vehicle(s):</p> <ul style="list-style-type: none"> • Apply the <u>equity value</u> rule as follows: <ul style="list-style-type: none"> ■ Use the Kelley Blue Book's trade-in "good condition" value of the vehicle. ■ Subtract any encumbrances. Encumbrances are liens or amounts still owed on the vehicle. ■ Combine the excess FMV of the first vehicle with the equity value of the second vehicle. ■ Compare the total value of all vehicles to the CA resource limit of \$2,000/\$3,000, as appropriate. 	<p>One licensed vehicle per adult household member and one licensed vehicle for each child under 18 years of age who uses the vehicle for school, work, training, or to look for work, is excluded from the resource test.</p> <p>Additional Licensed Vehicles are excluded when:</p> <ul style="list-style-type: none"> • Used to produce earned income (including situations in which the use of one's personally owned vehicle is required for employment such as that of a courier, delivery person, etc.); • Annually producing income consistent with its FMV, even if used only on a seasonal basis; • Necessary for long-distance travel, other than daily commuting, when it is essential to the employment of a household member, an ineligible alien or a disqualified person regardless of purpose of transportation; • Used as the household's home; • Necessary to transport a physically disabled household member, ineligible alien or disqualified person; • Leased by a household member; • The title is held by a nonmember AND no member of the household is permitted to access the cash value of the vehicle; • A household depends on it to carry fuel for heating or water for home use; • The sale of the vehicle will produce a return of \$1,500 or less. <p>NONEXCLUDED: Licensed vehicles that do not meet these criteria must have the full equity value applied to the household's applicable liquid resource limit. Unlicensed vehicles and recreational vehicles must have their full equity value applied to the household's resource limit.</p> <p>NOTE: Resources of categorically eligible individuals continue to be exempt from the Food Stamp resource test.</p>
<p>Liquid Cash Limits (includes bank accounts, saving bonds, and cash on hand)</p>	<ul style="list-style-type: none"> • \$3,000 for a household in which at least one person is elderly (60 years of age or older). • \$2,000 for all other households. 	<ul style="list-style-type: none"> • \$3,250 for a household in which at least one person is elderly (60 years of age or older) or <u>disabled</u>. • \$2,000 for households without any aged/disabled members that still are subject to a resource test.
<p>Liquid Cash Exemptions*</p>	<ul style="list-style-type: none"> • Federal assistance provided under Public Law (P.L.) 93-288 Section 312(d) (Disaster Relief Act of 1974), as amended by P.L. 100-707. • Comparable disaster assistance payments provided by state or local governments, or by disaster relief organizations, such as the American Red Cross or the Salvation Army. • Federal Emergency Management Agency (FEMA) payments made when there is a disaster or emergency. • One separate bank account per household member that is created for the sole purpose of paying tuition at a two-year accredited, post secondary institution. 	<ul style="list-style-type: none"> • Federal assistance provided under P.L. 93-288 Section 312(d) (Disaster Relief Act of 1974), as amended by P.L. 100-707. • Comparable disaster assistance payments provided by state or local governments, or by disaster relief organizations, such as the American Red Cross or the Salvation Army. • Federal Emergency Management Agency (FEMA) payments made when there is a disaster or emergency. <p>See Section 17(C) of the Food Stamp Source Book for a full list of excluded resources.</p>

*See Chapter 19 of the Temporary Assistance Source Book for a full list of excluded resources.

Note: Resources of categorically eligible individuals continue to be exempt from the Food Stamp resource test. Households with a member that is sanctioned or disqualified due to an Intentional Program Violation (IPV) are not categorically eligible for FS and must pass the resource test.

CA and FS Resource Limits/Exemptions Desk Guide (continued)

The following rules apply to all applicants and participants. However, for FS purposes, households that are categorically eligible for FS are not subject to the resource limitation requirements.

Resources	Cash Assistance (CA)	Food Stamps (FS)
Lump Sum Payment Exemptions	<p>The lump sum period of ineligibility can be shortened if:</p> <ul style="list-style-type: none"> the lump sum is used to repay the Agency for past assistance; the lump sum payment is set aside as a resource if the amount set aside; when combined with existing resources, does not exceed the CA resource limit. (maximum = \$2,000 for an individual or a household, or \$3,000 for an individual or a household with a member 60 years of age or older); the lump sum is used to pay for medical expenses that would have been covered by Medicaid during the time of CA ineligibility; the lump sum becomes unavailable for reasons beyond the household's control; the lump sum is used to meet the household's increased standard of need. <p style="text-align: center;">OR</p> <p>The lump sum is used within 90 days for one or more of the following:</p> <ul style="list-style-type: none"> The purchase of an automobile that is exempt from resource limit because it is needed to seek or retain employment or travel to and from work (maximum \$9,300); A resource-exempt bank account that is established to purchase a first or replacement automobile that will be used to seek or retain employment (maximum \$4,650); A college tuition account that is used to pay tuition at a two-year post secondary education institution (maximum = \$1,400); (participants only) A resource-exempt burial plot; A resource-exempt bona fide funeral agreement (maximum = \$1,500). 	<p>Nonrecurring lump sum payments are <u>counted as a resource</u> in the month the payment was received.</p>
Earned Income Tax Credit (EITC)	<p>Exempt as income or a resource, whether received as a refund or as an advance payment as long as the EITC amount remains identifiable.</p>	<p>Advance payments of Federal EITC are excluded in the month received. Federal and state EITC paid in the form of a lump sum at the end of the year are also excluded as long as they remain identifiable.</p>
Household Goods and Personal Effects	<p>Items essential to day-to-day living, such as clothes, furniture, and other similarly essential items of limited value.</p>	
Home	<p>A home that is the primary residence of the family.</p>	
Burial Plot	<p>One burial plot or space per household member.</p>	
Funeral Agreement	<p>One funeral per household member (maximum equity value of \$1,500).</p>	
Real Property (not primary residence)	<p>Exempt for six (6) months while the household is making a good faith effort to sell if the individual agrees, in writing, to repay CA received.</p>	<p>Real property remains excluded as a resource when the household is making a good faith effort to sell the property at a reasonable price and has not yet sold.</p>

Note: Resources of categorically eligible individuals continue to be exempt from the Food Stamp resource test. Households with a member that is sanctioned or disqualified due to an Intentional Program Violation (IPV) are not categorically eligible for FS and must pass the resource test.