



# FAMILY INDEPENDENCE ADMINISTRATION

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## **POLICY DIRECTIVE #14-04-ELI** *(This Policy Directive Replaces PD #12-13-ELI)*

### **REVISION TO FAMILY EVICTION PREVENTION SUPPLEMENT (FEPS)**

<b>Date:</b> February 24, 2014	<b>Subtopic(s):</b> Shelter Supplement
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**AUDIENCE** The instructions in this policy directive are for staff in Job Centers, the Special Project Center (SPC) and are informational for all other staff.

#### **REVISIONS TO THE PRIOR DIRECTIVE**

This policy directive has been revised to include information regarding the:

- Revision of the Referral Form to Community Based Organizations (**W-450E**), which is used to refer households applying for a Family Eviction Prevention Supplement (FEPS) to a FEPS provider.
- Job Center locations which process FEPS applications filed through BronxWorks and the Church Avenue Merchant’s Block Association (CAMBA).
- Duration of FEPS eligibility for families that enter the shelter system.
- Family Eviction Prevention Supplement (FEPS) Modifications - FEPS Provider Referral Form (**FIA-1108**), which informs participants to see a FEPS provider when there is an increase/decrease in their household size or an increase in rent that may increase the FEPS amount.
- Processing of FEPS when an individual is added to the household. FEPS must not be removed. The Cash Assistance (CA) rent must increase to the maximum for the new household size and the FEPS must decrease so that the total rent issued does not change until the State-approved FEPS modification is received.

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

- Processing of FEPS when an individual is being removed from the household. The FEPS supplement must be removed and the household must be advised to seek a FEPS modification.
- Role of the Rental Assistance Unit (RAU) in FEPS cases.
- Removal of FEPS when there is no person under age 19 on the case.
- Budgeting of FEPS in Multi-Suffix cases.
- Processing of FEPS at CA Recertification interviews.

## **POLICY**

The FEPS program assists families with children in maintaining permanent housing by issuing them a shelter supplement in addition to their CA shelter grant.

## **BACKGROUND**

Applicants/Participants with a court proceeding concerning the nonpayment of rent can apply for FEPS through a New York State Office of Temporary and Disability Assistance (OTDA) authorized community-based organization (CBO), the Legal Aid Society, or a Legal Services preparer.

The requirement of a court action for FEPS eligibility can be met if a tenant is served with a notice of possession (or writ of assistance) as part of a foreclosure action, judgment of foreclosure, or a notice of petition and holdover.

The requirement of a court action for FEPS eligibility is also met if the tenant can document the existence of a court-ordered or City agency vacate order for reasons of health or safety that is applicable to the tenant's building or apartment.

However, if the tenant wants to remain in the apartment despite a vacate order, he/she should be referred to a legal services provider to see if litigation can be pursued to make the unit or building habitable.

### FEPS Application Process

To apply for FEPS, an applicant/participant must have a FEPS application completed by an OTDA-authorized CBO, Legal Aid, or Legal Services preparer who will send the application and all supporting documentation to OTDA for review. An applicant/participant can contact the CBO in person or get a referral from a Job Center or Housing Court Liaison.

Job Centers and Housing Court Liaisons must use Form **W-450E** for the FEPS referral. Form **W-450E** has been revised to:

- New
  - update the selection of CBOs to which the applicant/participant is being referred; and
- Revised **W-450E**
  - include the “Other” checkbox, which is used by the JOS/Worker to indicate a “non-FEPS related” reason (such as rental assistance, financial counseling, etc.) to refer the applicant/participant to the CBO.

**Note:** Form **FIA-1108** (discussed on page 7) must be used when a *FEPS modification* is needed for a family already receiving FEPS.

OTDA will make a decision on the FEPS application and notify the authorized FEPS preparer and the applicant/participant of its decision.

Whenever OTDA approves the FEPS application, the authorized FEPS preparer will contact the local Job Center’s FEPS Liaison and send him/her the FEPS approval letter.

Upon receipt of the FEPS approval letter from the authorized preparer, the Liaison will process the FEPS approval.

- New
 

**Note:** FEPS applications filed through BronxWorks will be processed by the Special Project Center (SPC) (**#80**). FEPS applications filed through CAMBA will be processed by the Bushwick Job Center (**#66**).

The \$7,000 arrears maximum is per FEPS application.

A household can receive arrears payments for up to \$7,000 if approved for FEPS. The household will then receive, on a recurring basis, a shelter supplement in addition to the CA shelter amount for the family size. FEPS will last for up to five years, starting when the FEPS application is approved, (with the possibility of an extension for good cause) as long as the household maintains FEPS eligibility. Prior arrears payments do not count against the five-year FEPS eligibility maximum.

**Note:** The \$7,000 limit for rent arrears can be increased for documented extenuating circumstances. Extenuating circumstances may include the presence of specific at-risk factors such as, the need to retain current housing for medical reasons or because of ties to the neighborhood (e.g., child enrolled in special educational program) that would make relocation a hardship, the desirability of retaining affordable housing, and the length of stay in current housing. This determination will be made on a case-by-case basis.

Eligibility Criteria

To be eligible for FEPS, an applicant/participant must be eligible for CA and:

- have a child under 18 years of age, or under 19 years of age who is a full-time student regularly attending a secondary school, or the equivalent level of vocational or technical training;
- have a court proceeding concerning the nonpayment of rent, foreclosure proceeding, or court-ordered or City agency vacate order;

**Note:** A FEPS qualified family that is evicted or vacates an apartment as a result of a court proceeding will remain eligible for one year from the date of eviction or vacation, provided all other FEPS eligibility requirements are met at the time of application for FEPS. However, if the family enters the shelter system, FEPS eligibility will end six (6) months after entry into the shelter, unless the applicant/participant via the FEPS provider can present good cause to OTDA as to why the period should be extended (but in no event can it be extended beyond one year from eviction).

Revised

- be the tenant of record and have a lease for the housing or obtain a written agreement to stay for at least one year if the tenancy is not covered by rent regulation (i.e., non-regulated private housing);
- apply for Section 8 assistance, if available, and take the benefit, if offered; and
- provide appropriate documentation to indicate his/her eligibility for the supplement.

Holdover proceeding

FEPS may be available to facilitate relocation in a “holdover case”. These cases exist when a court proceeding is not specifically an action for eviction for nonpayment of rent, but the landlord is demanding possession of the apartment for other reasons and is also claiming rent arrears.

If the applicant’s/participant’s request for FEPS involves excess rent (i.e., rent above the shelter allowance), a FEPS application can be approved on a case-by-case basis, provided all other eligibility criteria are met.

Grant Diversion and Parks Program participants are not eligible for FEPS

Due to budgeting restrictions, a participant cannot participate in a subsidized jobs program (i.e., Parks, Grant Diversion, Training and Employment Assistance Program [TEAP], etc.) and receive FEPS at the same time. Therefore, these participants will be able to opt out of their assignments in order to receive FEPS. A FEPS approval must be received prior to removing the participant from a subsidized job assignment.

**Maximum FEPS Subsidy and Maximum Rent Levels**  
(CA Shelter Allowance Maximum + FEPS = Maximum Shelter Allowance)

Maximum Shelter Expense Limit is based on household size

Household Size	CA Shelter Allowance Maximum*	FEP Supplement	Maximum Shelter Allowance	Max. Shelter Expense Limit***
1	\$277	\$373	\$650	\$800
2	\$283	\$467	\$750	\$900
3	\$400	\$450	\$850	\$1,050
4	\$450	\$450	\$900	\$1,100
5	\$501	\$499	\$1,000	\$1,250
6	\$524	\$526	\$1,050	\$1,350
7	\$546	\$554	\$1,100	\$1,400
8**	\$546	\$654	\$1,200	\$1,500

\* Shelter with Children Rate

\*\* Add \$50 FEPS for each additional household member; e.g. for a household of 9, the CA Shelter Allowance Maximum remains \$546, the FEPS is \$704, the Maximum Shelter Allowance is \$1250 and the Max. Shelter Expense Limit is \$1550.

\*\*\* FEPS household can have excess rent \$150-\$300 above the maximum shelter allowance, depending on the household's size.

Determining Maximum Shelter Expense Limit

The maximum a participant may pay in rent and still be eligible for FEPS (Max. Shelter Expense Limit column) is based on the CA household size.

The household's actual rent may exceed the Maximum Shelter Allowance for the family size by up to \$150 for a household of 1 or 2, up to \$200 for a household of 3 or 4, up to \$250 for a household of 5, and up to \$300 for a household of 6 or more. The household is expected to pay these additional amounts out of pocket from any combination of a food & other grant, child support, other household income, and/or third party assistance.

Additionally, if the household has a Non-Cash Assistance (NCA) member with income, the Maximum Shelter Expense Limit should be calculated as if the NCA member were part of the CA household. For example, if the household consists of two CA members and one NCA member with Supplemental Security Income (SSI), the household can have rent of \$1,050, which is the Maximum Shelter Expense Limit for a FEPS household of three. However, the Maximum Shelter Allowance will be for the household of two (\$750). The entire household, including any NCA individuals, is responsible for paying the excess rent.

### NCA Household Members

#### Family contributions

If there is an NCA individual with income residing in the household, that individual will be responsible for contributing a pro rata share of the actual rent or 30 percent of his/her gross income, whichever is less. This applies, for example, to individuals who are receiving SSI.

Allen budgeting is used when dealing with ineligible members of a household. (Refer to PA Budgeting Manual)

**Note:** The requirements for NCA household members do not apply to ineligible noncitizens. When ineligible noncitizens have income that must be budgeted in accordance with Allen budgeting, the Maximum Shelter Expense Limit can be calculated as if the ineligible noncitizen were part of the CA household. However, the FEPS supplement is determined by not including the ineligible noncitizen as part of the household.

Example:

A household of 4 (1 of the members is an ineligible noncitizen):

- Maximum Shelter Expense Limit: \$1,100 (based on a household size of 4)
- FEPS Supplement: \$450 (based on a household size of 3 – excluding the noncitizen)

In this example, the household can choose to reside in a dwelling where the rent does not exceed the Maximum Shelter Expense Limit for a four-person household, while their FEPS supplement is calculated based on a three-person household because of the one ineligible noncitizen household member.

**Note:** If an NCA individual claims to have no income, he/she must first apply for CA before FEPS can be authorized. This provision does not apply to ineligible noncitizens.

### Sanctions

FEPS will remain when there is a Sanctioned (SN) individual on the case.	If a household member is sanctioned, the FEPS supplement must remain on the case at a reduced amount. The household will <u>not</u> lose FEPS when someone is in sanction status or when Income Source Code <b>44</b> (PA/Budget Reduction – PA Budget Deficit is Reduced due to Non-Compliance with IV-D Requirements for Recipient or Re-Applying Households) or <b>45</b> (PA Budget Reduction – PA Budget Deficit is Reduced due to Non-Compliance with IV-D Requirements for Applicant Households) is present on the budget. FEPS amounts must be restored to the prior amount when the sanction is lifted.
Sanction methodology	The sanction methodology that is applied to the case is also applied to the FEPS supplement. For example, a 25% sanction reduction is applied to the FEPS supplement on an OCSE sanction case and pro rata sanctions are applied to the FEPS supplement on an Employment sanction case.
Sanctions/FEPS applicants	Families applying for FEPS must resolve any sanction issues to become initially eligible for FEPS.

### Modifications

New	Rent increases and changes in household income and composition may require a FEPS modification and must be reported to OTDA (via the FEPS provider) in a timely manner (10 business days). The participant must be referred to a FEPS provider (with Form <b>FIA-1108</b> ), which will submit the modification request to OTDA for approval.
Form <b>FIA-1108</b>	JOS/Workers must provide Form <b>FIA-1108</b> to the participant when:
Instances where a FEPS modification is required	<ul style="list-style-type: none"> <li>• informed of an increase in rent which may increase the FEPS supplement because the family is not receiving the maximum FEPS amount for its family size; or</li> <li>• informed of an increase or decrease in household size.</li> </ul> <p>In completing the <b>FIA-1108</b> referral, the JOS/Worker must check the HRA OneViewer for the original FEPS approval letter that was issued by OTDA. This letter will indicate which FEPS provider submitted the FEPS application. The participant must be referred to this provider, if available. If the original FEPS provider is not available, the referral must be sent to another major FEPS provider.</p>

**Exception:** The Legal Aid Society and Legal Services NYC process FEPS approvals, however, they generally do not process FEPS modifications. Therefore, if the Legal Aid Society or Legal Services NYC obtained the original FEPS approval, the referral for the modification should be to another major FEPS provider (e.g., BronxWorks, CAMBA, Catholic Charities, or Queens Community House) and not to the original provider.

Increase in FEPS due to increase in rent

Modifications due to an Increase in Rent

After FEPS has been authorized, the household’s shelter expense may increase to the Maximum Shelter Expense Limit for that family size, provided that the increase is allowable and documented in the applicant’s/participant’s lease or rental agreement.

Example:

- A CA household of 3 was approved for FEPS totaling \$800 per month in rent.
- After two years, the landlord increases the household’s rent to \$900 monthly.
- The increase in rent will result in an increase in the Maximum Shelter Allowance (CA Shelter Allowance + FEPS) to \$850. Therefore, the participant must be given a completed **FIA-1108** to inform OTDA through an authorized FEPS provider.

**Note:** For FEPS modification approval, increases in rent must be reported timely (10 business days). OTDA will not pay the FEPS increase retroactively.

If the rent for the family of 3 was approved at \$1050 (Max shelter expense with a \$200 excess) and the family is receiving \$850 through FEPS (Max shelter allowance), a subsequent increase in rent would not need to be reported for *OTDA FEPS modification approval* as it would not affect the shelter allowance or the FEPS subsidy amount. The only change would be in the difference the household is required to contribute to cover the remainder above the maximum shelter allowance.

**Note:** If the participant is receiving the maximum CA Shelter Allowance and the maximum FEPS amount, an increase in the overall shelter expense will only affect his/her out of pocket expenses.

**Note:** Applicants/ Participants are still required to report rent changes within 10 business days to the agency.



### Modifications due to a Change in CA Household Size

New

#### Increase in CA Household Size

When the Job Center is informed of an increase in CA Household Size (e.g., new child), whether at recertification or otherwise:

- the *total* rent (shelter allowance plus additional needs Code **47** [FEPS supplement]) must remain the same until the State-approved FEPS modification is received. Since the shelter allowance will go up because of the additional CA household member, the additional needs Code **47** FEPS supplement amount will have to be decreased, so that the total rent will remain the same. FEPS should not be removed from the budget.
- the participant should be given a completed **FIA-1108** referral to a FEPS provider to request a FEPS modification.

Example:

Without a modification, the FEPS cannot be increased, but it can be decreased if the CA rent increases.

- A household of 2 currently receives a \$283 CA Shelter Maximum + a \$467 FEPS Supplement for a Total Maximum Shelter Allowance of \$750.
- If the household size increases to 3, the CA Shelter Maximum should *increase* to \$400, and the FEPS Supplement should *decrease* to \$350 for the Total Maximum Shelter Allowance to remain \$750.

New

#### Decrease in CA Household Size

When the Job Center is informed of a decrease in CA Household Size (e.g., adult or older child leaving the home), whether at recertification or otherwise:

- the shelter allowance must be decreased and the FEPS Code **47** supplement must be removed completely from the budget. This should be done so that the Job Center, at this time, would not have to calculate the new FEPS amount resulting from the decrease in CA household size.
- the participant should be given a completed **FIA-1108** referral to a FEPS provider to request a FEPS modification. This is especially important since in this case FEPS is being removed in its entirety from the budget and it exposes the family to a much greater risk of eviction.

Change of Residence

A family that is receiving FEPS can move to a new apartment and continue in FEPS if the move is due to:

- the family's inability to pay the non-CA portion of the rent due to changes in family composition, family income, third party contributions, or rent increases;
- a court-ordered vacate notice; or
- documented health and safety or other compelling reasons, as determined by OTDA.

In order for FEPS to continue, OTDA must approve continued eligibility for FEPS at the new residence.

New

Role of the RAU in FEPS Cases

- **Post-Eviction Cases** – When FEPS is approved in a post-eviction case in order to restore the applicant/participant to the apartment, the FEPS provider will apply to RAU on behalf of the participant for court-ordered legal/marshal fees to add to the rent arrears approved by the State in the FEPS approval.
- **FEPS “To Move” Cases** – In a FEPS “to move” case (State approved FEPS in a new apartment), the FEPS provider typically requests moving expenses from RAU on behalf of the participant (first month's rent, security deposit voucher, one half month broker's fee [if applicable]).
- **One-Time RAU Grant Possibility for FEPS Participants** – FEPS rules allow a one-time RAU approval for rent arrears for FEPS participants where the arrears have accrued because of the failure or inability of the family to pay its share of the rent under the FEPS approval. RAU will review these requests in accordance with standard policies and procedures.


**REQUIRED ACTION**

Applicant/participant comes to Job Center to apply for FEPS

FEPS Referrals

If an applicant/participant comes into the Job Center to report rent arrears and/or apply for aid relating to rent arrears, the JOS/Worker must complete an In-Center Referral on the **Action** tab of the **Activities Management** screen in the Paperless Office System (POS) to send the applicant/participant to the Homelessness Diversion Unit (HDU).

The JOS/Worker must:

- Select **In-Center Referral** on the **Action** Queue and click **Start**.
- Select **Change Case Data** for participants and **Non-Food Emergency/Special** Grant for applicants on the **Select Activity** window.
- Enter a case comment for all actions performed on a case by clicking on the case comments icon  or <ALT>M on the keyboard.

After meeting with the applicant/participant, the HDU Worker will enter Code **164A** (Refer to CBO for FEPS) in NYCWAY and refer him/her to an authorized FEPS preparer.

Referral for initial FEPS applications

For the initial FEPS application, Form **W-450E** with attachments must be completed and given to the applicant/participant.

Referral for FEPS modifications

For a FEPS modification referral, the **FIA-1108** form must be completed and given to the participant. In addition, the JOS/Worker must check the HRA OneViewer for the original FEPS approval letter that was issued by OTDA. This letter will indicate the FEPS provider that submitted the FEPS application. The participant must be referred to this provider, if available. If the original FEPS provider is not available, the referral must be sent to another major FEPS provider.

**Exception:** The Legal Aid Society and Legal Services NYC process FEPS approvals, however, they generally do not process FEPS modifications. Therefore, if the Legal Aid Society or Legal Services NYC obtained the original FEPS approval, the referral for the modification should be to another major FEPS provider (e.g., BronxWorks, CAMBA, Catholic Charities, or Queens Community House) and not to the original provider.

The JOS/Worker must, if applicable, scan and index current documentation to support the FEPS modification (e.g., court documents, lease, landlord agreements, OTDA FEPS approval [if not in HRA OneViewer], etc.). The JOS/Worker must also inform the participant to bring current documentation that may support the FEPS modification to the FEPS provider and provide any needed copies from the OneViewer to the participant.

FEPS Approval

Refer to the [Worker's Guide to Codes manual](#).

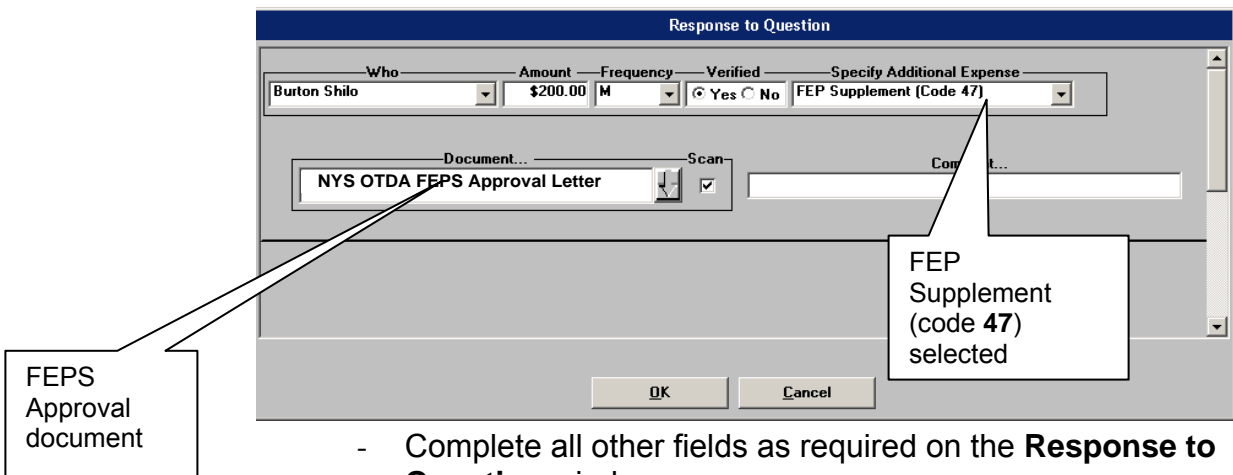
For FEPS cases do not use code **31** (Pre-CA Rent Arrears) to issue rent arrears for applicants.

After receiving the FEPS approval letter, the Job Center FEPS Liaison must:

- issue a Direct Vendor E-check for the approved arrears amount and period as indicated on Item **4** of the FEPS approval letter (see **Attachment A**). Use Special Grant Code **W5** (Recoupable) and/or **W6** (Non-Recoupable) for rent arrears. The FEPS approval letter will indicate whether the arrears are recoupable or not.
- arrange for Direct Vendor rent checks to be delivered to the authorized FEPS preparer, the Housing Court, or to be picked up by the landlord.

**Note:** Participants in a subsidized job who are approved for FEPS must be immediately removed from the subsidized job and given a new assignment.

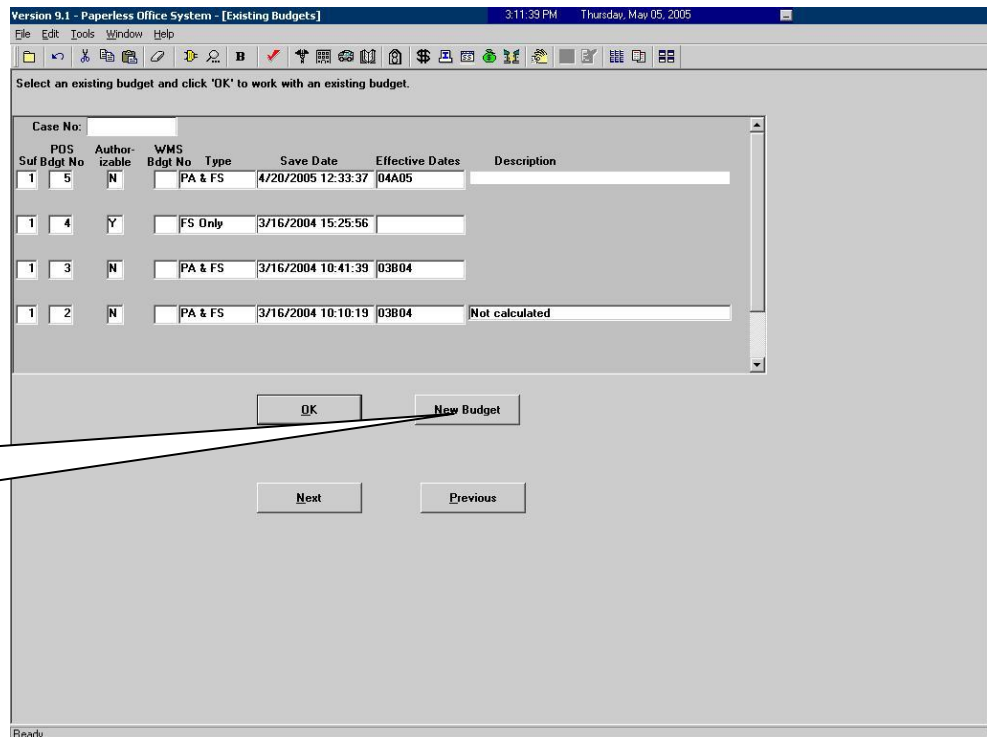
- complete the questions in the **Shelter** window with current shelter information, including shelter type and actual shelter amount:
  - Answer “Yes” to the **Has Additional Expenses? Specify** question in the **Other Expenses** window:
    - In the **Specify Additional Expense** drop-down in the **Response to Question** window, select FEP Supplement (Code **47**) and complete the fields in the **Response to Question** window.
    - Select **FEPS Approval Letter** from the **Document** drop-down box.



- Complete all other fields as required on the **Response to Question** window.
- Click **OK** to save the responses.

Multi-Suffix FEPS budgeting instructions are on page 15.

- After closing the **Response to Question** window, the **Has Additional Expense? Specify** window will reappear.
- Access the **Screen Picklist** to go to the **Budget** window by:
  - Clicking **Window** then **Screens**, or
  - Pressing <F12> on the keyboard.
- Select **Budgets** to go to the **Existing Budget** window.

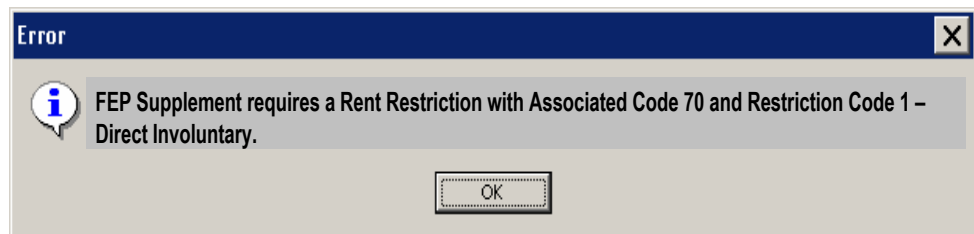


Click on New Budget to go to the Budget window.

- On the **Existing Budget** window, click **New Budget** to go to the **Budget** window.

Edits on Budget window

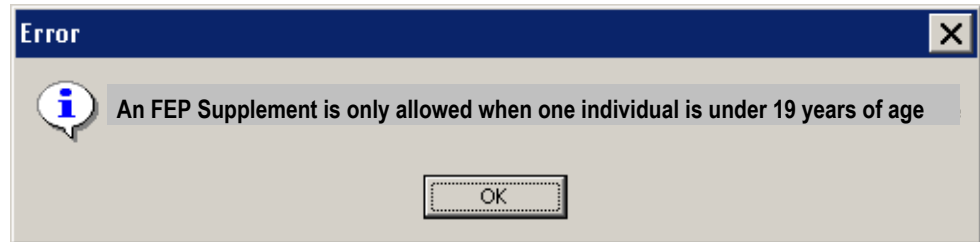
If the case is eligible for the additional needs type Code **47** (FEP Supplement), but a restriction type of **1 – Direct Involuntary** is not selected, the following error message appears:



If additional needs type Code **47** (FEP Supplement) is selected, but there is no individual under the age of 19 on the CA or SNAP case, the following error message appears:

Revised

Upon receipt of this error message, FEPS must be removed when there is no person under age 19 on the case.



Click **OK** to remove the error message and ensure that the shelter allowance is placed under Direct Vendor rent restriction and that the CA or SNAP household has at least one person under the age of 19 before continuing with the budgeting process. If there is no person under age 19 on the case, FEPS must be removed.

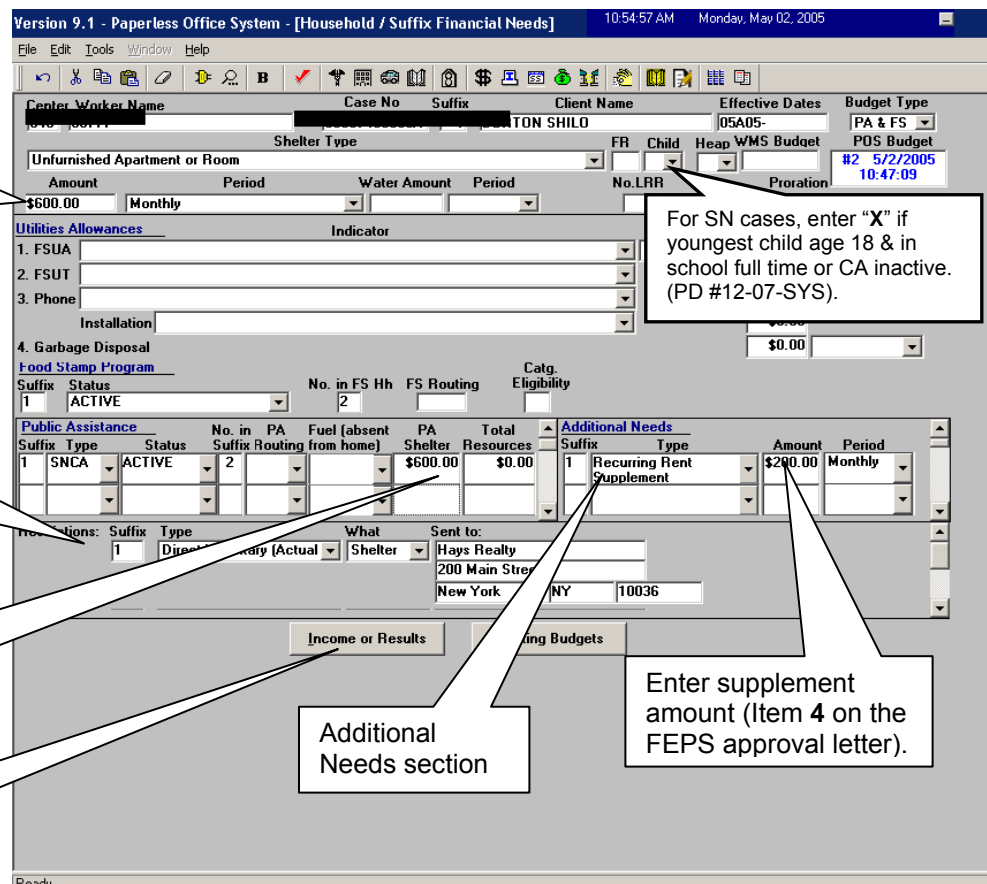
**Household/Suffix Financial Needs screen**

Enter the Food Stamp shelter amount (Item 8 on the FEPS approval letter).

Complete the fields in the Restriction section to restrict the rent.

Enter the CA Shelter amount (Item 1 on the FEPS approval letter).

Click the Income or Results button to continue.



- Create a new budget in the **Budget** window. POS will carry over the information from the **Shelter** and **Other Expenses** windows.
- Using the FEPS approval letter, enter the shelter and supplement amounts on the **Household/Suffix Financial Needs** screen as follows:
  - In the **Amount** field, enter the Food Stamp shelter amount (item **8** on the FEPS approval letter), which is calculated by deducting the supplement amount (Item **4** on the FEPS approval letter) from the total shelter amount (Item **7** on the FEPS approval letter).
  - Enter the CA shelter amount (Item **1** on the FEPS approval letter) in the **CA Shelter** field.
  - In the Additional Needs section, verify that additional needs type Code **47** (FEP Supplement) is selected and enter the supplement amount (Item **4** on the FEPS approval letter).
  - Restrict the rent by:
    - entering the suffix number;
    - selecting **Direct Involuntary** from the **Type** drop-down menu;
    - selecting **Shelter** from the **What** drop-down menu; and
    - entering the landlord information in the **Sent to** fields.
- Click the **Income or Results** button to continue with the other budgeting screens.
- Authorize the budget on the POS Turn Around Document (TAD).

After the case has been budgeted, a Client Notice System (CNS) notice will be generated. For applicants, if the CNS Notice is suppressed, the Action Taken On Your Application (**LDSS-4013A NYC/LDSS-4013B NYC**) must be prepared and sent to the applicant advising him/her of the action taken on his/her case.

- Enter Action Code **164B** (FEPS Approved) in NYCWAY to indicate the FEPS approval has been processed.

Revised

#### Multi-Suffix FEPS Budgeting

Multi-suffix cases will have to be budgeted directly in WMS, as POS does not support multi-suffix case actions.

- If the case is a multi-suffix case, the WMS Household/Suffix Financial Data Screen (**NSBL02**) must be completed as follows:
  - Enter a proration indicator of **N** (All CA Suffixes Receive an Unprorated CA Shelter Allowance and Prorated Basic and Home Energy Allowances) or **S** (All CA Suffixes Receive an Unprorated Shelter Allowance, Full Basic and Home Energy Allowance) in the Shelter Proration Indicator (**PRO IND**) field.

- Enter the maximum CA shelter amount for each suffix in the PA Shelter Amount (**PA SHEL**T) field in accordance with the suffix household size.
- Calculate the Adjusted Shelter Amount by using the Shelter Amount on the lease, minus contributions from third party, SSI recipients (NCA status) on the case, and/or the applicant/participant, if any.
- Add the **PA Shelter** allowance for all suffixes and subtract the amount from the Adjusted Shelter Amount calculated above. If the result is higher than the maximum FEPS amount allowed for the total household size, use the maximum FEPS amount allowed as the FEPS Supplement Amount. Otherwise, the result is used as the FEPS Supplement amount.
- Enter additional needs type Code **47** in the PA Additional Needs Type (**PA: ADDL: TY**) field and the FEPS supplement amount in the **AMT** field on the line of the suffix receiving the FEPS supplement.
- Enter Actual Shelter Amount (lease amount) minus the calculated FEPS Supplement amount in the **NEEDS: SHEL**T: **AMT** field.

For FEPS multi-suffix cases, a proration indicator of **N** or **S** is required even when there are legal lines of responsibility between the two suffixes (e.g. FA children on suffix 1 and SNA noncitizen mother on suffix 2).

Each suffix will receive the maximum CA shelter allowance for that suffix size. The FEPS supplement is the difference between the actual or adjusted shelter cost (if there are third party or SSI contributions) and the total CA shelter for both suffixes, up to the maximum FEPS Supplement Amount allowed for the suffix size. The FEPS supplement for a multi-suffix household may be different from what is indicated on the FEPS Approval Letter. The applicant/participant is expected to pay for the difference (if any), between the Shelter Amount on the lease, and the sum of CA Shelter Allowance, FEPS Supplement, and any other contributions.

For multi-suffix cases, rent restriction is mandatory, using the same guidelines applicable to single suffix cases.

Example:

Actual Shelter Expense	<b>\$1100</b>
Third Party Contribution	<b>- \$100</b>
Adjusted Shelter Amount	<b>\$1000</b>
Suffix 1: 2 FA children Maximum CA Shelter Amount	<b>\$283</b>
Suffix 2: 1 SNA adult Maximum CA Shelter Amount	<b>+\$277</b>
Total CA Shelter amount	<b>\$560</b>



Adjusted Shelter Amount	<b>\$1000</b>
Total CA Shelter Amount	<b>- \$560</b>
FEPS Supplement (Multi-Suffix)	<b>\$440</b>

**Note:** If FEPS is being entered on a multisuffix case, only one suffix can receive the supplement and a proration indicator of **N** or **S** will be required.

- Once the Budget is saved and the Budget number displayed, enter the Budget number on the TAD.
- After the case has been budgeted, a manual notice must be sent to the participant informing him/her of the change in his/her grant. For applicants, the Action Taken On Your Application (**LDSS-4013A NYC/LDSS-4013B NYC**) must be prepared and sent to the applicant advising him/her of the action taken on his/her case.

**Note:** CNS notices are not produced for Multi-Suffix cases. Workers must send a manual notice to inform the applicant/participant of any changes to the case. CNS notices are produced for Single-Suffix cases.

- Enter Action Code **164B** (FEPS Approved) in NYCWAY to indicate the FEPS approval has been processed.

#### Restoration of FEPS

A participant who has been removed from CA due to excess income, had his/her line sanctioned or his/her case closed for other reasons can have his/her FEPS restored, without needing to have a court proceeding, if he/she resides at the same address as at the time of the line sanction or case closing and if:

- his/her CA case is reopened within 12 months after it was closed due to excess earnings;
- the noncompliant individual on the CA case regains eligibility within twelve months; or
- a closed CA case (closed for reasons other than excess income) is reopened within twelve months.

In each of these instances, a FEPS application must be submitted by an authorized FEPS preparer to OTDA.

Note that in addition to this restoration of FEPS, a family that is evicted or vacates an apartment as a result of a court proceeding which qualifies for FEPS will remain eligible for one year from the date of eviction, provided all other FEPS eligibility requirements are met at the time of applying for FEPS. However, if the family enters the shelter system, FEPS eligibility will end six (6) months after entry into the shelter, unless the applicant/participant via the FEPS provider can present good cause to OTDA as to why the period should be extended (but in no event can it be extended beyond one year from eviction).

New

CA Recertification Interviews

JOS/Workers must check to see if the participant is receiving FEPS at CA recertification interviews.

JOS/Workers must check whether FEPS is in place at the time of the CA recertification interview to ensure that FEPS is not removed. JOS/Workers must review the current active budget before answering the **Has Additional Expenses? Specify** question in the **CA Recertification Interview** Activity. If the participant is in receipt of FEPS, the JOS/Worker must answer **Yes** and select the **Copy Data** button to replicate the FEPS data into the **Response to Question** window. If necessary, FEPS information can also be updated as per instructions provided in the FEPS Approval section of this policy directive.

**PROGRAM IMPLICATIONS**

Paperless Office System (POS) Implications

Code **47** (FEP Supplement) is available in POS and has been added to the **Has Additional Expenses? Specify** window to accommodate this supplement.

Code **W5** (Supplement FEPS rent arrears [recoupable]), and Code **W6** (Supplement FEPS rent arrears [non-recoupable]) have been added to the **Grants Data Entry** window to accommodate this supplement.

The New York State OTDA FEPS Approval Letter has been added to the **Document** drop-down menu.

Supplemental Nutrition Assistance Program (SNAP) Implications

FEPS will not be counted as income for SNAP purposes. Therefore, the actual shelter amount entered on the budget must not include the FEPS supplement amount.

Medicaid  
Implications

The receipt of FEPS does not affect Medicaid eligibility.

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

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

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**FAIR HEARING  
IMPLICATIONS**

Avoidance/  
Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

Conferences

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen.

In Model Centers, the Receptionist at Main Reception will issue an FH&C ticket to the applicant/participant to route him/her to the FH&C Unit and does not need to verbally alert the FH&C Unit staff.

The FH&C AJOS/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 AJOS/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 that the outstanding Notice of Intent needs to be withdrawn for other reasons, the FH&C AJOS/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY 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/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form (LDSS-3722), change the 02 to an 01 if the case has been granted aid continuing (ATC), or prepare and submit a CA Recoupment Data Entry Form (LDSS-3573) to delete a recoupment. The AJOS/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, the AJOS/Supervisor I will explain to the applicant/participant why he/she cannot settle the issue(s) in conference (SIC). The AJOS/Supervisor I must complete an M-186a.

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

Evidence Packets All Evidence Packets must contain a detailed history, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY “Case Notes” screens.

**REFERENCES** NYC Shelter Supplement Proposal Family Eviction Prevention Supplement (FEPS)  
03-ADM-07  
18 NYCRR 352.3(a)(3)

**RELATED ITEM** [PD #12-07-SYS](#) Revision to the Welfare Management System (WMS) Software Release Version 2012.1


**ATTACHMENTS**

**Attachment A** Notification of Acceptance for a Family Eviction Prevention Supplement (Sample)

**FIA-1108** Family Eviction Prevention Supplement (FEPS) Modifications – FEPS Provider Referral Form (Rev. 2/20/14)

**FIA-1108 (S)** Family Eviction Prevention Supplement (FEPS) Modifications – FEPS Provider Referral Form (Spanish) (Rev. 2/20/14)

**W-450E** Referral Form to Community Based Organizations (Rev. 2/20/14)

 Please use Print on Demand to obtain copies of forms.

# ATTACHMENT A



Andrew M. Cuomo  
Governor

NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY NEW YORK 12243-0001

## NOTIFICATION OF ACCEPTANCE FOR A FAMILY EVICTION PREVENTION SUPPLEMENT

Client:	Case No:	Job Center:
Address:	Adults:	Children:

### RENT SUMMARY

### ARREARS SUMMARY

<b>1. PA Shelter Amount (Shelter Schedule)</b>		<i>Arrears Requested:</i>	
2. Excess Rent from F&O (if applicable)		<i>Recoupable:</i>	
<b>3. Total of (1) + (2)* (PA Shelter)</b>		<i>State Dated Checks:</i>	
<b>4. FEPS Supplement Amount (Code 47)</b>		<i>Non-Recoupable:</i>	
5. Total Rent Payable by HRA = (3) + (4)*		<i>In excess of shelter Amt:</i>	
6. NPA Rent Contribution to Landlord:		<i>Prior to Application:</i>	
7. Total Stated Rent = (5) + (6)		<i>Period Covered:</i>	
<b>8. Actual Rent (FS Shelter) (7 - 4)</b>			

\*Excess rent amount in (2) to be paid directly to the Landlord by the FEPS recipient out of the F&O grant until restriction is implemented.

If the regular PA grant and/or F&O grant is not sufficient to allow for HRA payment of the total in (3) on account of other income of the FEPS recipient PA household, the FEPS recipient must make up the shortfall by direct payment to the landlord.

Dear :

*This agency has reviewed your letter and agrees to provide the requested supplement (exclusive of any requested legal costs), summarized above, on condition that your client agrees to vendor or other restricted payment. The additional sums above the shelter allowances provided as "excess" are not subject to any current recoupments and may not be the subject of recoupment.*

*Please note that this approval is limited to the summarized facts and circumstances. Any change concerning the client's household composition, the rental unit's location, or the amount of the prospective rent or the requested arrears (except for an amount corresponding to rent accruing while the present request was pending) that increases the amount of rent supplement requested must be specifically approved. A copy of the Application must be submitted along with this letter to HRA for payment to be made.*

Sincerely,

Phyllis Morris  
Acting Deputy Commissioner  
Center for Employment and Economic Supports

Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Center: \_\_\_\_\_

### Family Eviction Prevention Supplement (FEPS) Modifications FEPS Provider Referral Form

We strongly recommend that you see a Family Eviction Prevention Supplement (FEPS) provider **as soon as possible**, because:

- The number of people on your Cash Assistance (CA) case has gone up and you may be entitled to an increase in the FEPS rental supplement.
- The number of people on your CA case has gone down. As a result, your FEPS supplement **has been taken off your budget and the rent HRA has been paying to your landlord has gone down.** You should see a FEPS provider as soon as possible to see if you are still eligible for FEPS and get FEPS put back on your budget in the right amount.
- Your rent has gone up and you may be entitled to an increase in your FEPS rental supplement.

**Please note that if you delay seeing a provider, you can lose the chance to increase your FEPS rental supplement amount or get your FEPS put back on your budget.**

You can contact any FEPS provider in your area to see if they process FEPS modifications. If you are not sure where to go, you may want to try:

\_\_\_\_\_  
FEPS Provider

\_\_\_\_\_  
Address

Please bring your most current documents that may support your FEPS modification (such as court documents, lease, landlord agreements, OTDA FEPS approval) to the FEPS provider.

Fecha: \_\_\_\_\_

Número del Caso: \_\_\_\_\_

Nombre del Caso: \_\_\_\_\_

Centro: \_\_\_\_\_

## Modificaciones al Suplemento de Prevención de Desahucio de Familias (FEPS) Formulario de Envío del Proveedor de FEPS

Nosotros le recomendamos a usted encarecidamente que se reúna con un proveedor de FEPS **cuanto antes posible**, porque:

- El número de personas en su caso de Asistencia en Efectivo (CA) se ha aumentado y puede ser que usted tenga derecho a un aumento en el suplemento de alquiler de FEPS.
- El número de personas en su caso de Asistencia en Efectivo se ha disminuido y, como resultado, su suplemento de FEPS **ha sido eliminado de su presupuesto y el alquiler que la HRA ha estado pagando a su casero se ha reducido.** Usted debe reunirse con un proveedor de FEPS lo antes posible para que su presupuesto vuelva a incluir FEPS en la cantidad correcta.
- Su alquiler se ha aumentado y puede ser que usted tenga derecho a un aumento en su suplemento de alquiler de FEPS.

**Favor de notar que si usted se demora en reunirse con un proveedor, puede perder la oportunidad de aumentar la cantidad de su suplemento de alquiler de FEPS o de lograr que se vuelva a incluir FEPS en su presupuesto.**

Usted puede comunicarse con cualquier proveedor de FEPS en su local para averiguar si tramitan modificaciones de FEPS. Si no está seguro(a) de adónde acudir, puede remitirse a:

\_\_\_\_\_  
Proveedor de FEPS

\_\_\_\_\_  
Dirección

Favor de traer sus documentos actuales que puedan apoyar su modificación de FEPS (tales como los documentos de la corte, el contrato de arrendamiento, el acuerdo del casero, la aprobación de FEPS de la Oficina de Asistencia Temporal y Asistencia para Incapacitados, Office of Temporary and Disability Assistance [OTDA]) al proveedor de FEPS.

Referral for FEPS   Other \_\_\_\_\_

Report Date: \_\_\_\_\_

**Referred To**

- BronxWorks
- C.A.M.B.A.
- Catholic Charities
- Queens Community House
- N.A.I.C.A.
- Legal Aid/Legal Services
- N.Y.L.A.G.
- Other \_\_\_\_\_

Case Number: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Center: \_\_\_\_\_

**Office of Homelessness Diversion  
Referral Form to Community Based Organizations**

**Address**

Category

\_\_\_\_\_

Zip Code

Case Composition    Number of Adults    Number of Children

\_\_\_\_\_

**Sanction Status**

If anyone in the Household is SANCTIONED:

SAMPLE

Indicate his/her Name: \_\_\_\_\_ Sanctioned: \_\_\_\_\_

Reasons for SANCTION: \_\_\_\_\_

Corrective ACTION: \_\_\_\_\_

**Rent Status**

Actual Rent    Amount Budgeted

\$ \_\_\_\_\_ \$ \_\_\_\_\_ If RENT is restricted, indicate:  Direct Vendor  Two-party

**Third Party Information**

Last

3rd Party's contribution Toward Rent    Relationship to Participant

First

\$ \_\_\_\_\_ per \_\_\_\_\_

**Telephone Number**

**Address**

**If Participant is Represented by Another Agency, Indicate:**

Zip Code

Agency's Name: \_\_\_\_\_  
Contact's Name: \_\_\_\_\_  
Contact's Telephone Number: \_\_\_\_\_

Caseworker's Name: \_\_\_\_\_

**Include the Following Items With Your Referral:**

Caseworker's Phone Number: \_\_\_\_\_

- (1) Copies of All Court Documents
- (2) Printout of WMS Case Inquiry Screens:
  - (a) 10 Months of Benefit Insurance Screen (#3)
  - (b) WMS Case, Suffix, Ind., Summary Screen (#22)
  - (c) WMS Associated Names and Addresses Screen (#2)
- (3) Landlord Agreement    (4) Lease

Supervisor's Name: \_\_\_\_\_

Date: \_\_\_\_\_