



**George E. Pataki**  
Governor

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

**Robert Doar**  
Acting Commissioner

## Informational Letter

### Section 1

<b>Transmittal:</b>	04-INF-07
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	March 5, 2004
<b>Subject:</b>	Temporary Assistance Questions and Answers
<b>Suggested Distribution:</b>	Temporary Assistance Directors; Food Stamp Directors; Medical Assistance Directors; Staff Development Coordinators; Transitional Opportunities Program Coordinators; Child Assistance Program Coordinators
<b>Contact Person(s):</b>	Central Team at 1-800-343-8859, extension 4-9344. For Medical Assistance: Upstate Regional Representative at (518) 474-8216; New York City Representative at (212) 268-6855
<b>Attachments:</b>	Temporary Assistance Questions and Answers
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
03-ADM-8 03-ADM-7 03-INF-35 03-INF-7 03-INF-4 02-ADM-2 01-ADM-7 01-ADM-4 01-ADM-3 00-LCM-8 00-INF-3 99-ADM-7 95-INF-43 93-ADM-4		350 350.4 351.1 (b)(2) 351.2 351.20 351.21 352 352.2(c) 352.3(a) 352.3(a)(1), (2),(3) 352.3(a)(ii) 352.3(d) 352.30 352.31(5) 352.32 (e) (2)(iii) & (iv) 352.5(c)(d) 352.7(g)(3) 352.7(g)(4) 352.7(3) 369.4		Employment Manual 1300.4  TASB 9-E, 9-K, 11-B & C, 13-D, 13-G, 14-D, 17-C, 17-D, 20-E, 21-E, 23-C, 27-C	

		370.3 370.10 372 372.2 381.1(c) 381.3(c) 397 1300.4			
--	--	--	--	--	--

**Section 2**

**I. Purpose**

This release contains the most recent set of questions and answers on Temporary Assistance (TA) issues.

**II. Background**

The Questions and Answers attached to this document relate only to TA and do not include Questions and Answers from Food Stamps (FS) or the Home Energy Assistance Program (HEAP), although DTA continues to be responsible for all issues and questions relating to TA, FS, and HEAP.

If you have questions regarding this release, please contact the Central Team directly at the above referenced number. Policy issues relating to FS and HEAP should continue to be directed to the appropriate policy or regional team.

**III. Program Implications**

Medicaid policy may differ from TA policy. Sanctions or requirements applying to cash programs may not apply to Medicaid. Any questions about Medicaid policy should be referred to the county's Department of Health (DOH) local liaison.

**Issued By**

**Name: Patricia A. Stevens**

**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**

**Temporary Assistance Questions and Answers**

**Index**

<b>Shelter Allowance Increase</b>	<b>Page</b>	<b>2</b>
<b>Grandfathering</b>	<b>Page</b>	<b>4</b>
<b>Shelter Supplement</b>	<b>Page</b>	<b>5</b>
<b>Public Housing</b>	<b>Page</b>	<b>6</b>
<b>Restrictions on FA Cases</b>	<b>Page</b>	<b>6</b>
<b>Cooperatively Budgeted Cases</b>	<b>Page</b>	<b>6</b>
<b>Dependent Relative Only Cases</b>	<b>Page</b>	<b>8</b>
<b>Shelter Arrears Limitations</b>	<b>Page</b>	<b>10</b>
<b>EAF</b>	<b>Page</b>	<b>12</b>
<b>Diversion</b>	<b>Page</b>	<b>13</b>
<b>Payments off MA/FS Cases</b>	<b>Page</b>	<b>17</b>
<b>Federal Reporting Requirements</b>	<b>Page</b>	<b>19</b>
<b>Changing Case Types/Authorization</b>	<b>Page</b>	<b>20</b>
<b>Time Limits</b>	<b>Page</b>	<b>20</b>
<b>Other</b>	<b>Page</b>	<b>21</b>

## **Shelter Allowance Increase**

- 1. Question:** Will the increase in the shelter allowance increase the standard of need?

Answer: Yes.
- 2. Question:** In order for an applicant/recipient to receive the higher shelter allowance, does the child have to be on TA?

Answer: No. The child does not have to be in receipt of TA. The child only has to be residing in the same dwelling unit.
- 3. Question:** Does the child have to be related to the TA recipient in order for the TA recipient to receive the higher shelter allowance?

Answer: No.
- 4. Question:** How does the district document that a child is in the household?

Answer: The district would use the normal means of documenting this such as landlord statement, school verification (showing child's address), and birth certificate for age.
- 5. Question:** Must the district verify that there is a child in the dwelling unit in order to give the single SNA adult a shelter allowance based on the higher shelter schedule?

Answer: Yes. The district must verify household composition and the child's age. Lacking that proof, the applicant gets the lower schedule.
- 6. Question:** If the applicant/recipient does not provide verification of the child's age, which shelter allowance do they receive or is the shelter allowance withheld?

Answer: The district would not withhold the shelter allowance pending verification of the child's age. The client would receive the lower allowance until the child's age was verified.
- 7. Question:** Is a statement from the landlord appropriate documentation of the presence of a child in the dwelling unit or the recipient's attestation?

Answer: Yes. Documentation is required and a landlord statement is acceptable. You cannot just take the recipient's attestation.
- 8. Question:** If the child in the dwelling unit is in another TA case or in the FS case, is that sufficient documentation?

Answer: Yes.
- 9. Question:** How does the district track a NPA child, who qualified the single adult for a higher shelter allowance, is still in the household?

Answer: While there is currently no way to track this on the system, recipients must verify household composition at recertification.

- 10. Question:** **If an applicant/recipient fails to report an NTA child has left the dwelling unit (and there are no other children in the dwelling unit), does the district pursue over-grants, and IPV?**
- Answer: The district would calculate an overpayment and possibly an IPV if the situation justifies it.
- 11. Question:** **If a client is on restricted rent, will the district have to change the amount of payment to the landlord to the higher amount?**
- Answer: Yes. If the current restricted amount is less than the actual rent. Since the restricted amount will increase, timely and adequate notice is required. If the client had already requested the full rent (in excess of the shelter allowance) restricted and paid to the landlord, then no adjustment will be made to the restricted payment.
- 12. Question:** **If a recipient is receiving room and board and there is a child in the dwelling unit, not on assistance, will the shelter allowance maximum that is used in the room and board calculation be based upon the higher or lower shelter allowance?**
- Answer: It will be calculated using the shelter allowance with children or without children based upon the presence of a child in the dwelling unit.
- 13. Question:** **What is the shelter allowance for single recipients in sober houses if there is a child also residing in the house?**
- Answer: See answer to Question 12.
- 14. Question:** **Will section 8 households receive the shelter increase?**
- Answer: Yes. They will receive the actual rent up to the new shelter maximum.
- 15. Question:** **Does a 19 year old SNA single man residing with a 17 year old girlfriend who is not on TA receive the higher shelter standard?**
- Answer: Yes.
- 16. Question:** **Do child only cases receive the shelter allowance with children?**
- Answer: Yes.
- 17. Question:** **In order to receive the shelter allowance with children amount, does the child have to be in the dwelling unit on a full-time basis?**
- Answer: No. In the case of joint custody, both households would be eligible to receive the shelter allowance with children amount. However, if the custody arrangement allows the child to visit the parent applying for TA, and there are no other children residing in that parent's household, the applicant is only eligible to receive a visitor's allowance for the period when the child is in his/her home, and would receive the shelter allowance without children amount.

**18. Question: If all the children in a TA household are temporarily placed into foster care with a plan to re-unite the family in the future, does the TA case continue to receive the shelter allowance with children amount?**

Answer: The household of a child placed into foster care while in receipt of TA continues to receive that portion of the foster care child's TA grant for fuel and shelter for maintenance of a home for as long as the child remains temporarily absent. The shelter allowance given is the shelter allowance with children amount.

**19. Question: If a single individual rents a room where a child lives, but does not verify the presence of a child or pregnant woman, will the single individual get the shelter allowance with children?**

Answer: No. They will get the shelter allowance without children unless they verify the presence of a child or pregnant woman.

**20. Question: If a non-TA family with children has a bona fide landlord/tenant relationship with a SNA single or childless couple living in the same dwelling unit, does the SNA case receive the shelter allowance with children amount?**

Answer: Yes. The SNA single or childless couple is eligible to receive the shelter allowance with children amount. If this is a room and board situation, the maximum room and board allowed is based on this schedule.

## **Grandfathering**

(applies only to NYC, Westchester, Suffolk and Nassau)

**21. Question: During the two-year period, what happens if there are modifications/changes to the family's current living situation.**

Answer: State staff will still process those but will not approve increases. Moves may be approved provided that the move is to an apartment that is the same or a lesser cost. A higher amount may be approved in the rare, valid health and safety situation.

**22. Question: Can present court-ordered supplement cases move into a county shelter supplement program before the end of the two-year grandfathering period?**

Answer: Yes. But, if less beneficial to the family, they cannot be compelled to move from court-ordered cases to the shelter supplement.

**23. Question: If the rent increases due to a normal lease renewal, will the client have to come up with that additional money?**

Answer: Yes. The supplement provided through the court order will not be increased. Therefore, any increase will be solely the recipient's responsibility.

**24. Question: If a third party contributor had to pay some of the rent, how will the increase to the shelter and the decrease to the court-ordered case affect the contributor's obligation?**

Answer: The third party's obligation would remain the same.

**25. Question:** Will new court ordered cases be allowed during the two years?

Answer: That depends on the court approval of the shelter regulations. It is possible that the court will order the continuation of each individual shelter lawsuit (Jiggetts, Hedgepeth, Golden, Sharp, Holmes).

**26. Question:** Will Jiggetts formula change from the pre-11/1/03 schedule times 2 plus 10% to the post-11/1/03 schedule times 2 plus 10%?

Answer: No. The formula based on pre-11/1/03 amounts will continue.

## **Shelter Supplement**

**27. Question:** For the purposes of a shelter supplement plan, will OTDA be defining what a high homeless population is?

Answer: No. That is best left up to each local district to determine based upon the unique housing circumstances in the district. (Refer to 03-ADM-7)

**28. Question:** Will the supplement be reimbursed at the same rate as the regular shelter allowance?

Answer: Yes. The supplement will receive the same reimbursement as the shelter allowance according to the category of assistance under which it is paid (i.e., Family Assistance or Safety Net Assistance).

**29. Question:** If the county wishes to discontinue the shelter supplement, does it have to get State approval to stop (i.e. fiscal problems)?

Answer: Yes. The county must get approval before discontinuing the local shelter supplement.

**30. Question:** If the district has interveners in shelter litigation who are already receiving a supplement under the litigation and our new rental supplement is higher, can we switch them to the higher shelter supplement?

Answer: Yes. They can be offered but the client cannot be compelled. Grandfathering is no longer available after one calendar month.

**31. Question:** Will fair hearings be allowed on the supplement?

Answer: Yes.

**32. Question:** Why can't desk reviews be done on supplements similar to the ones done on the TSS cases rather than having fair hearings?

Answer: The TSS regulation specifically allows for desk reviews. The supplement regulations do not. They are subject to fair hearings.

**33. Question:** Who is going to decide the amount of the supplement?

Answer: The local district has the discretion to propose the amount of the shelter supplement in their plan. However, OTDA must approve the plan.

**34. Question: Can a district develop and submit a plan to offer a Shelter Allowance Supplement that includes a provision for hard to place individuals (i.e. such as sex offenders, large families and multiple barrier families)?**

Answer: Districts have considerable discretion in identifying the target population on whose behalf they are seeking to provide shelter supplementation. However, whether the target population is a broad segment of the caseload population or a specific individual group, it is essential that the need for such supplementation be adequately justified. As long as the district can support the need for supplementing a particular group's shelter rate, and meet the other approval criteria as outlined in **03-ADM-7**, the plan will be considered for approval.

### **Public Housing**

**35. Question: Is there any plan for the State to communicate to the Public Housing Authorities the change in the shelter allowances?**

Answer: No. Although the Division of Housing and Community Renewal (DHCR) has posted the information about the shelter increase to their website.

**36. Question: If a public housing authority charges rent based on a percentage of the household's income rather than the approved welfare rent schedule, can the family receive the shelter increase?**

Answer: Yes. These cases will have to be manually re-budgeted and will be allowed rent as paid up to the appropriate "with child" or "without child" shelter schedule.

### **Restrictions on FA Cases**

**37. Question: Can a FA recipient request a fair hearing if we determine to restrict his rent based upon administrative ease?**

Answer: Yes. The recipient can request a fair hearing and one will be scheduled.

**38. Question: If a district chooses to restrict a FA case shelter allowance for administrative ease, must all FA cases be restricted?**

Answer: No. A district can choose to restrict for administrative ease on a case-by-case basis.

**39. Question: For the FA restriction, can the district only restrict up to the shelter allowance or can the district restrict the actual shelter paid?**

Answer: Unless the district gets permission from the recipient to restrict more, districts may restrict only the shelter allowance.

### **Cooperatively Budgeted Cases**

**40. Question: If each co-op case has a different worker, how will each worker opening the cases know how many persons are in the other co-op case?**

Answer: Districts should follow local procedure on how to identify co-op cases and numbers of persons in the co-op cases. ABEL will read the number in the 'HH' and 'CA' field and determine the amount of the actual rent which the case is responsible for. It will then



provide a shelter allowance based upon this amount. Having the co-op cases split between different workers will have nothing to do with the budgeting process.

In NYC, the separate TA households living together are in one multi-suffix case.

**41. Question: Does the co-op policy for non-legally responsible households apply if each household has a bona fide tenant relationship with the landlord?**

Answer: These are not considered co-op cases. The amount of the shelter allowance granted to each household is based on actual rent paid by each household under the bona fide landlord agreements, as long as the landlord is not a TA recipient.

**42. Question: If there are no lines of legal responsibility there is no proration at all. Why are the co-op budgeting and the codes necessary?**

Answer: Proration is done on the actual rent. This is done for 3 reasons:

- 1) There could be a single economic unit
- 2) To be sure the cases within the same household don't receive combined shelter allowances that exceed the actual rent
- 3) To maximize total shelter allowances paid to both cases

There is no proration at all for separate economic units, but there may be cases where there are no lines of legal responsibility where they are not separate economic units and the Basic, HEA and SHEA are prorated.

**43. Question: In a case where a mother and a son who is under age 21 and reside in one apartment, should the district prorate all allowances?**

Answer: Yes. There are legal lines of responsibility. For food stamp (FS) benefits, because the child is under 22, the parent and child comprise one FS household. FS benefits would be issued in one of the co-op cases and would be based on inclusion of both TA grants as income for FS.

**44. Question: When budgeting a "Danks" Essential Person (EP), does the district use the proration indicator "S" (separate economic unit, no legal lines of responsibility) or proration indicator 1 through 9?**

**The codes that the question refers to are upstate codes.**

Answer: A Danks EP is one who has no legal lines of responsibility between him or herself and the members of the FA unit and who is a separate economic unit from the FA members. When the Danks EP is included in the same case with the FA members, proration indicator 1 –9 would be used to ensure that both the EP and the FA members receive the appropriate unprorated allowances. For example, if the household included an FA mom and her child and the Danks EP, the FA mom and child are entitled to the full standard of need for two and the EP is entitled to the full standard of need for one. Enter 03 in the household (HH) and 03 in the case (CA). Since there is one EP on the case, enter "1" in the proration indicator on ABEL. The resulting standard of need (S.O.N.) is the full S.O.N. for two plus the full S.O.N. for one.

Only enter a number greater than "1" in the proration indicator if there are legal lines of responsibility between the EPs or the EPs are a single economic unit. An example is of a 24-year-old FA mom and her two young children. The mom's own mother and 19-year-old brother are included in the FA household as EPs. There are no legal lines of

responsibility between the FA eligible members and the EP members. However, there are legal lines of responsibility between the EP mother and her 19-year-old son. On ABEL, enter 05 in the HH and 05 in the CA. Enter “2” in the proration indicator. The resulting ABEL budget will show a S.O.N. that is the total of the full S.O.N. for three plus the full S.O.N. for two.

In rare situations it may be necessary to have the EP on a separate case. In that event, the use of the shelter proration indicator “s” is appropriate.

For NYC, please refer to page 109 in the Public Assistance Budgeting Manual for treatment of Danks EPs.

**45. Question: Will there be changes to the Authorization Change form (LDSS-3209) as a result of the proration changes?**

Answer: No. None are necessary.

### **Dependent Relative Only Cases**

**46. Question: Is OTDA providing local districts with a list of dependent relative only cases? If not, how are dependent relative only cases identified?**

Answer: No. The State is not providing districts with a list of dependent relative only cases. A universe of cases that include dependent relative cases may be identified through the WRTS system for districts having access to COGNOS Impromptu by selecting out upstate cases where all children (under age 18) are coded with the Individual Disposition Code of “08-Inactive”, with an adult (generally over age 18) coded with an Individual Disposition Code of “07-Active”.

Districts are reminded that they have until next contact, but no later than the next recertification to make this change. There are no overpayments calculated for this period. If the TA household should have received a higher grant, the district must calculate the underpayment back to November 1, 2003.

In NYC, these cases are identified by finding cases with an adult active on the TA case and the adult and a child active on the Food Stamp case.

**47. Question: Is there a CNS code for a call in letter to call in dependent parents to evaluate new filing unit requirement?**

Answer: No. Local districts should use their local procedures for calling in recipients. However, the districts must include the informational notice provided in 03-ADM-7 with the call in letter.

**48. Question: If we review a one-person Family Assistance case at recertification, do we provide the notice regarding having to apply for the children at this time?**

Answer: Yes.

**49. Question: Under the new Dependent Relative Only regulations, must stepparents apply?**

Answer: No. However, stepparent deeming must be done if the non-applying stepparent has income. The stepparent of a child under the age of 22 must be included in the child's Food Stamp household.

- 50. Question:** **In a household where there is a mom, a stepfather, a child of the mom and a common child, are all brought into one case?**
- Answer: Yes. Once the stepparent and spouse have a child in common, all are required to apply and be included in the same filing unit.
- 51. Question:** **Why would stepparents not be pulled in if the mother had to apply for her child and the stepfather resided with the family?**
- Answer: The social services law 131-c and 18 NYCRR 352.30(a) provides for an exemption for stepparents. However, stepparent deeming would be done to determine the amount of the stepparent's income available to the filing unit.
- 52. Question:** **If a child or a second parent in the household now has to apply and the district has to count the income, the district needs to show the individual as applying in order to get the correct budget. How does this square with the MA continuation policy that says that only the person who has been on TA all along gets the 4-month child support or the 12-month TMA extension?**
- Answer: The new applying members are added to the TA case at the same time as the closing transaction is being done. The system will look at the CIN's of all case members, including the new members and will decide whether an MA extension is appropriate for each member, except that when the system looks to see if a CIN received TA for 3 of the past 6 months, it only looks under the case number of the case being closed. Therefore, even if the new members had received TA for 3 of the past 6 months on a different case, the new members would not get a TMA extension.
- 53. Question:** **Is the CNS case closing code E32 the correct code to use on dependent parent only cases who must apply for their child(ren) ?**
- Answer: Not necessarily. E32 (Excess Income – Increased Support Collection – MA Extension 4 months) is the correct closing code to use if the reason for the case closing is the addition of a child whose support income is causing the case ineligibility. However, the case may be closing for a different reason. For example, if one of the individuals now required to apply for TA has earned income and that income is causing the case ineligibility, then E31 (Excess Income – Increased Earnings – TMA Eligible) is the appropriate code. Separate determinations of continued eligibility for Food Stamps must be made.
- 54. Question:** **If a mother now has to apply for her two children, one of whom receives \$100 in child support, does the district budget this income or will the mother get the \$50 pass-through?**
- Answer: First the district must budget the child support using income source "06 – Child Support Payments" (Income source 14 in NYC). \$50 will be disregarded and the balance of the child support will be counted. If the household is financially eligible, change the income source to "13 – Child/Spousal Support Assigned to the Agency" (Income source 61 in NYC) starting with the month following the case opening. For example, a mother receives child support payment twice a month. Her TA case is opening on the 24<sup>th</sup> of the month. She has already received the two support payments in the month. Budget the support using income source "06" (or 14 in NYC) in the initial month. ABEL will disregard the first \$50 of the support income. In the budget for the following month, change the child support income source to "13" (or 61 in NYC). When "13" (or 61 in NYC) is used, none of the income is counted against the TA grant since the support is assigned to DSS. When current support is collected by DSS, the family will receive up to the \$50 as a pass-through payment.

**55. Question: If the child is on the food stamp case and we already know the child support amount, does the parent still have to come in to apply for the child or can we just add the child?**

Answer: Yes. The parent must apply for the child. The mother may have child support cooperation obligations. There may be other members of the household that may need to apply.

**56. Question: With the elimination of dependent parent only cases, will the household calculation for daycare be effected?**

Answer: If the family remains eligible for TA, then the childcare guarantee remains in effect for the parent(s) who require childcare in order to work. If the family refuses to apply for a required member or becomes ineligible for TA due to countable income (other than earned income or child support), the family will have to apply for child care as a low income family.

If the family loses TA eligibility due to earned income or child support income, including the income of a new case member, the family would get transitional child care, if otherwise eligible.

### **Shelter Arrears Limitations**

**57. Question: If there is a household headed by an SSI parent, does the shelter arrears policy apply to that household? If yes, would the SSI parent be eligible for a second arrears payment within five years if the first one were made before the parent was on SSI?**

Answer: In this situation, the first shelter arrears payment would be made under EAF or the category of assistance and the shelter arrears limitation policy would not apply to the subsequent shelter arrears payments as long as the SSI parent remained in the household. However, these subsequent shelter arrears payments would be made under EAA.

**58. Question: If a district does not have an arrears exception policy, can someone who does not qualify for an arrears payment request a fair hearing?**

Answer: Yes. An applicant/recipient can request a fair hearing and a fair hearing officer will determine if the applicant/recipient was denied arrears in accordance with the Office Regulations.

**59. Question: If the local district has an exception policy and someone requests a fair hearing, what will the fair hearing officer use?**

Answer: The fair hearing officer will determine if the local district is adhering to the local policy. That is why the local district should have their policy in writing.

**60. Question: Does the shelter arrears limitation apply to EAF, EAA, and ESNA?**

Answer: The arrears limitation does apply to EAF and ESNA but does not apply to EAA.

- 61. Question: If the local district makes a shelter arrears limit payment as a diversion payment, does the limit still apply?**
- Answer: Yes.
- 62. Question: Do shelter arrears payments made prior to November 1, 2003 count?**
- Answer: No. The new shelter arrears policy began on November 1, 2003.
- 63. Question: Has OTDA developed a notice to inform recipients of the shelter arrears limitation?**
- Answer: No. It would be up to the local district, especially since any exception policy would be different for each county. OTDA plans to add some general informational language in the next revision of the client booklets.
- 64. Question: If a person has re-paid all of his prior shelter arrears payment through a repayment agreement, can he get another shelter arrears payment?**
- Answer: No. Unless it is allowed in the local district exception policy.
- 65. Question: Do shelter arrears received in another county count towards the limit?**
- Answer: Yes.
- 66. Question: How will the shelter arrears limitation be tracked?**
- Answer: Currently, there is no way to do this on WMS. Depending upon district need, DTA is looking into developing a way to track these payments, possibly by adding it to a clearance report that can also be used in inter-county moves. Until such time, districts will have to manually track the payment of shelter arrears.
- 67. Question: Will the Emergency Safety Net Assistance Shelter Arrears Repayment Agreement that is attached to 95 INF-43 be revised to reflect the change in shelter arrears policy?**
- Answer: Yes, but until it is revised, local social services districts should make pen and ink changes to page 2 of the agreement, first sentence in the second full paragraph beginning with "I understand that I will not be eligible for subsequent shelter arrears assistance...." to reflect their shelter arrears exception policy if they have one. If the district does not have a shelter arrears exception policy, this sentence should be crossed out.
- 68. Question: Is relocation a possible solution for those who request assistance with rent arrears for a second time within a five-year period?**
- Answer: Yes. Districts must explore alternative solutions to immediate needs shelter situations if the applicant is otherwise eligible for assistance, but because of the six months in five years limit on shelter arrears and the established district exceptions to this policy, is ineligible for arrears.

**69. Question:** If a household receives a shelter arrears payment and becomes homeless within the 5 year period, can the family be placed in temporary housing such as a mission, and can the current month's rent and security be paid when permanent housing is found?

Answer: Yes. The limitation only applies to shelter arrears payment.

**70. Question:** Can a district adjust its shelter arrears exception policies once established?

Answer: A district may modify their shelter arrears policy at any time as long as policy is applied consistently across the caseload. OTDA does not have to approve exceptions.

**71. Question:** If someone gets a shelter arrears payment in one case and then goes into another case, can they get another arrears payment within 5 years?

Answer: That depends on who that person is. If the individual in the new case were a child at the time of the previous arrears payment, the individual would not affect the new household's eligibility for an arrears payment. If the individual was an adult, head of household, or an other than grantee (OTG) at the time of the previous arrears payment, then the individual's presence will cause the ineligibility of the present case for a rent arrears payment, unless the district has an exception policy.

**72. Question:** A case receives a shelter arrears and the case contains a 17 year old. The 17 year old later moves into her own apartment and is facing eviction. Does the limitation apply to her?

Answer: No. Unless the 17 year old was a minor head of household.

**73. Question:** In a case where the parent is on SSI and the children are under age 19, can the parent receive a second arrears payment under EAA?

Answer: Yes.

## **EAF**

**74. Question:** For EAF eligibility what happens when an applicant applies on Friday and the applicant has 200% of the federal poverty income available to meet their need but no one in the local district takes an action on the application, and the applicant comes in on Monday and the money is spent, how should the application be handled?

Answer: On Friday, the applicant is ineligible for EAF based solely having gross available income in excess of 200% of the federal poverty income level. If notice of the denial was not provided on Friday, then it must be provided on Monday. The individual can reapply on Monday and if the gross available income is less than 200% of the federal poverty income level, EAF cannot be denied for that reason although it may still be denied on Monday for another reason such as the applicant having enough income or resources to meet the emergency.

**75. Question:** Does the "sudden and unforeseen" EAF policy apply to ESNA?

Answer: No. There is no such provision in ESNA.

**76. Question:** Does the “sudden and unforeseen” EAF policy apply to non-utility fuel emergencies?

Answer: Yes. This policy applies to non-utility fuel emergencies but not to utility related emergencies. If a district determines that the non-utility fuel emergency was not sudden and unforeseen and the applicant does not therefore meet eligibility criteria for EAF, the district must then explore the use of ESNA to ameliorate the emergency. The sudden and unforeseen provision does not apply to ESNA.

## **Diversions**

**77. Question:** Is there any limit on the number of times a district can issue a payment to divert a household from needing ongoing TA benefits?

Answer: No. Local districts have flexibility to approve or deny an applicant’s frequent requests for an EAF diversion payment but districts must use their judgment to determine that the payment will promote self-sufficiency and prevent the household from needing ongoing TA benefits.

**78. Question:** What happens if an employed applicant is eligible for a payment to divert them from needing ongoing TA but they are still eligible for TA?

Answer: It is not mandatory that applicants for TA who are eligible to receive ongoing benefits accept a diversion payment instead of ongoing assistance payments. The local district must be diligent in explaining to the applicant the benefits of receiving a non-assistance diversion payment instead of an assistance payment that counts towards the State 60-month time limit. If the applicant agrees to accept a diversion payment instead of ongoing assistance the applicant must withdraw in writing their application for ongoing assistance. If the applicant refuses to accept the diversion payment instead of ongoing assistance the local district must issue ongoing TA benefits.

**79. Question:** Must an applicant have a job to be issued a payment to divert them from needing ongoing TA?

Answer: No. An applicant is not required to have a job at the time the payment is made, but the local district must use their judgment to determine that a payment will promote self-sufficiency and prevent the household from needing ongoing TA benefits.

**80. Question:** Can shelter arrears be paid when diverting an applicant household from needing ongoing TA?

Answer: Yes. If the payment promotes self-sufficiency and prevents the need for ongoing TA benefits. If EAF is used to pay the shelter arrears, due to federal reporting requirements, WMS diversion payment code F6 - Diversion Rental Payment (Upstate WMS) must be used. If ESNA is used to pay shelter arrears, the applicant must sign a rental arrears repayment agreement.

**81. Question:** When a family is applying for just a shelter arrears payment to get or keep a job, should we be using F6?

Answer: Yes. When the family is eligible for EAF and meets the criteria for diversion payments.

- 82. Question:** **Is there a difference in reimbursement to the county between a payment to divert a family from needing ongoing TA benefits and a regular EAF payment?**
- Answer: No. There is no difference in the reimbursement because payments made to divert a family from needing ongoing TA are EAF payments. There is no separate reimbursement of diversion payments because diversion is not a category of assistance.
- 83. Question:** **If there is a working family that owes 3 months of shelter arrears, they are still employed and the emergency is not unforeseen, can the shelter arrears be paid to divert the family from needing ongoing TA?**
- Answer: Yes. The sudden, unforeseen and beyond the applicant's control provision of EAF does not apply when issuing payments to divert a family from receiving ongoing TA benefits.
- 84. Question:** **Are the local districts mandated to explore the affordability of housing before a payment of rental arrears is issued to divert a household from needing ongoing TA benefits?**
- Answer: Yes. Local districts must explore the ability of a household to afford future rent before a rental arrears payment is made to divert a household from needing ongoing TA. A local district may be flexible with the shelter affordability requirement and pay shelter arrears even if there is evidence that a household can not pay future rent if after careful review, it is determined that a payment for shelter arrears is needed to maintain self-sufficiency. For example, an employed person applies for assistance to meet rental arrears. The local district determines that the housing is not affordable. However, to ensure the stability of the household so that employment is not disrupted and progress towards self-sufficiency is maintained, the local district decides that its better to pay the arrears and assist the applicant in locating more affordable housing within a specified time period.
- 85. Question:** **Does the frequent reapplication policy apply when diverting household from needing ongoing TA benefits? Is the policy the same for ESNA as EAF?**
- Answer: There is flexibility to approve or deny an applicant's frequent requests for an EAF diversion payment (WMS payment types D7, D9, F5 and F6) if a local district is reasonably certain that a diversion payment will enable a family to become or remain self-sufficient and avoid the need for ongoing TA. During the eligibility process, the local district should review the applicant's current situation and look to the future to evaluate if there are changes that will eventually allow the family to become totally self-sufficient. For example, an applicant applies more than once for a payment of car insurance. The local district may determine that paying the car insurance more than once is reasonable because in the near future, the applicant has the potential to meet future car insurance payments by receiving an anticipated increase in wages, or a reduction in car insurance expense is expected. However, districts may also choose to make initial diversion payments only after agreement is reached with the applicant that specific steps such as, a second job, increased work hours or different transportation plans, will be taken to prevent a repetition of the same crisis.
- 86. Question:** **Are WMS diversion payment types subject to recoupment or recovery when appropriate?**
- Answer: Yes. When Office regulations require districts to recoup a diversion payment that had been made to an individual that has now returned to assistance, the district must follow normal recoupment initiation procedures. For example, the amount of a shelter arrears payment over the shelter maximum would be recoupable if the client came back on



assistance. Likewise, districts have the option of taking a lien and recovering full or partial assistance granted in some instances under sections 104 and 104-b of the Social Services Law. WMS diversion payments are treated the same as any other EAF payments for the purposes of recoveries when a lien is taken by the district under these sections of law. WMS diversion payment types are also included when a real property lien is taken.

In addition, a district can also recover an overpayment at closing by any of the normal means the district uses to recover overpayments. In other words, the district pays a shelter arrears as a diversion payment, and there is no case to recoup from. The district can, after the payment is made, initiate recovery of the amount over the shelter allowance--by sending a letter, entering into a payment agreement, forwarding to a collection agency, taking a lien when they give payment, etc.(all the normal ways).

**87. Question: Is reimbursement to the county the same for payments to divert households from needing ongoing TA, as it would be for EAF or ESNA?**

Answer: There is no difference in reimbursement to the county between a payment to divert a household from needing ongoing TA and a regular EAF or ESNA payment because payments to divert individuals from receiving ongoing TA are not a category of assistance.

**88. Question: What is the difference between using the D7 - Transitional Services Payments (Upstate WMS) and D9 - Diversion Transportation Payment (Upstate WMS) instead of using Welfare to Work (WTW)?**

Answer: D7 - Transitional Services Payments (Upstate WMS) and D9 - Diversion Transportation Payment (Upstate WMS) are non-assistance payments so there are no time limit implications. Also when appropriate D7 - Transitional Services Payments and D9 - Diversion Transportation Payment (Upstate WMS) must be used so that correct federal reporting data can be collected.

**89. Question: Can WMS diversion payment type F5 - Diversion Payment (Upstate WMS) be used to pay for a homeowner's property taxes?**

Answer: Yes. If the household is eligible for EAF, (the sudden and unforeseen provision does not apply) and the payment will prevent the family from needing ongoing TA, F5 - Diversion Payment (Upstate WMS) can be used to pay property taxes.

**90. Question: Can WMS diversion payment type F6 - Diversion Rental Payment (Upstate WMS) be used to pay for the first month's shelter for applicants with a job who are homeless instead of the regular shelter code?**

Answer: If the household is eligible for EAF, (the sudden and unforeseen provision does not apply) and the payment will prevent the family from needing ongoing TA, F6 - Diversion Rental Payment (Upstate WMS) can be used to pay current month's rent and rental arrears but not first month's rent.

**91. Question: Can D7 - Transitional Services Payments be used on only closed cases?**

Answer: No. D7 - Transitional Services Payments can be used at application or at the time of a case closing.

**92. Question: Are the WMS diversion payment codes in the code cards?**

Answer: The payment types can be found on the LDSS-4398 WMS Data-Entered Codes.

- 93. Question:** **When is a WMS diversion payment code (D9, F5, F6 and D7) used as opposed to a regular EAF payment?**
- Answer: To use a WMS diversion payment type (D9, F5, F6 and D7) the family must be eligible for EAF (the sudden and unforeseen provision does not apply). The need cannot be a utility shut off, security deposit or broker's finder's fee; there must be a reasonable chance that a nonrecurring payment will divert the family from needing ongoing TA and the assistance payment must meet the criteria of the specific WMS diversion payment type (D9, F5, F6 and D7).
- 94. Question:** **Why can't security deposits be included as a payment to divert a household from needing ongoing TA, particularly when it means someone will be able to keep their job?**
- Answer: Allowing security deposits as a payment to divert a household from needing ongoing TA would complicate the collection of fiscal federal reporting data. Since the payment of security deposits is not a mandated data element for federal reporting, for diversion they are not an allowable payment type.
- 95. Question:** **Should districts be coding all EAF homeowners' repairs for employed people as a F5 - Diversion Payment (Upstate WMS)?**
- Answer: No. F5 - Diversion Payment (Upstate WMS) must not be used unless it meets the criteria listed in section D of 03 INF-35.
- 96. Question:** **Is D9-Diversion Transportation Payment used at application if it's not really diverting an applicant from receiving ongoing TA?**
- Answer: If there is not a reasonable chance that issuing a nonrecurring transportation payment will enable an applicant family to avoid the need for ongoing assistance then a WMS diversion payment type including D9 - Diversion Transportation Payment should not be used.
- 97. Question:** **Can car repairs be made using ESNA?**
- Answer: No. Car repairs are not an item of need in 18 NYCRR 352. Payments made to applicants for ESNA are limited to assistance listed in 18 NYCRR 352. The availability of supportive services should be explored.
- 98. Question:** **Can a D-9 Diversion Transportation Payment be used to authorize the payment of gasoline and car payments?**
- Answer: Yes. WMS diversion payment type D9 - Diversion Transportation Payment can be used to pay for gasoline. This payment type may also be used to issue a nonrecurring payment for car payment(s) if the applicant family is employed, demonstrates the ability to pay future payments and the payment diverts the family from needing ongoing TA.
- 99. Question:** **If a family is using rent-to-own as a means of securing furniture, can a local district make a payment to purchase furniture as a means of increasing the applicant's disposable income, promote self-sufficiency and avoid the need for TA?**
- Answer: No. Payments to divert a household from needing ongoing TA are used to meet a short-term immediate need. A family that pays for rent to own has no immediate need

therefore a payment to divert a family from needing ongoing TA would not be appropriate.

**100. Question: Is the payment of shelter arrears to divert applicants from needing ongoing TA exempt from the provision that a household receives one rental arrears payment not to exceed six months of rental arrears in a five year limit?**

Answer: No. Unless a district has guidelines that will allow more than one payment the six months of arrears in a five-year limit applies.

**101. Question: If the local district cannot use the EBT system for diversion payments, can we still authorize payments as checks to clients?**

Answer: Yes. Checks are permissible when appropriate. (currently applicable for upstate only)

### **Payments off MA/FS Cases (Currently Applicable for Upstate ONLY)**

**102. Question: If an allowable TA payment is issued on an active FS or active Medicaid case using an unregistered application, how does a local district know what payments if any have been issued?**

Answer: WMS and BICS inquiry must be completed.

**103. Question: Is there a COGNOS report to track payments that are issued on active NTA – FS or active Medicaid cases?**

Answer: No. The State does not provide a COGNOS report but districts can develop and implement one that meets their needs.

**104. Question: Can a burial payment be issued on an active Medicaid case at case closing when the MA recipient has died?**

Answer: Yes. If the local district has elected to issue burial payments on a MA case, the burial payment can be made with a case closing transaction type.

**105. Question: If a case is clocking down, would a supportive services payment instead of a WMS diversion payment type be used?**

Answer: WMS diversion payment types D9, F5 and F6 are for applicants only so they would not be allowed with a clock down closing transaction. WMS diversion payment type D7 - Transition Services is allowed at the time of application or at the time of a case closing when the households for which these payments are made are no longer in receipt of ongoing FA, or non-cash SNA/FP because of employment and they have an employment-related expense that if not met will result in the continuation of an ongoing TA case. It is important to correctly identify when to use a WMS diversion payment type over another WMS payment type because the WMS diversion payment types are used to report required data to the federal government. If a State fails to comply with federal reporting requirements a significant fiscal penalty may be imposed against the State.

- 106. Question:** What if a local district has an open FS case for a woman and her mother who lives with her but is not on her case dies. The woman applies for burial for her mother. Can the local district make the payment off of the daughter's FS case?
- Answer: No. Allowable payment types including burial payments may be made on the case of the individual for whom the payment is intended. In this circumstance, the mother is not a recipient on the daughter's FS case, so a payment for the mother must be issued on her own case, not on her daughter's.
- 107. Question:** Can a burial payment be issued on an active FS or active Medicaid case using closed case maintenance?
- Answer: No. A closed case maintenance transaction is not an allowable transaction type when issuing a burial payment on an active FS or active Medicaid case.
- 108. Question:** Where would a local district keep the Common application when a payment is issued on an active NTA – FS or on an active Medicaid case? In the food stamp or MA case record?
- Answer: If an allowable TA payment is issued on an active NTA-FS or Medicaid case a normal TA case must be maintained. The purpose of this is to maintain records that are essential for tracking TA overpayments, repayment agreements, recoveries and audits. To allow districts flexibility, local districts may choose to keep these records where they best meet the needs of the department's operations.
- 109. Question:** Can allowable payments be issued as checks when issuing on an active NTA-FS, active Medicaid case or at the time of a TA denial?
- Answer: Yes. Any cash payments authorized on an active NTA-FS or active Medicaid case must be done in the form of a check. If a payment is authorized as a vendor payment the Vendor ID field on screen six of the APPTAD or LDSS-3209 must be complete.
- 110. Question:** Can a HEAP payment be issued on an MA or FS case?
- Answer: HEAP payments can continue to be issued on a FS case type but not on a Medicaid case type.
- 111. Question:** Can D9 - Diversion Transportation Payment (Upstate WMS) be used to pay applicant job search expenses?
- Answer: Yes. D9 - Diversion Transportation Payment (Upstate WMS) may be used to provide nonrecurring employment related transportation expenses for applicant job search activities, while TA eligibility is being determined. To receive this benefit, the household must be categorically eligible for EAF and meet all income and resource requirements of EAF (except the sudden and unforeseen provision) and the payment must promote self – sufficiency and prevent the need for ongoing TA.
- 112. Question:** Can D7 - Transitional Services Payments (Upstate WMS) be issued using closed case maintenance?
- Answer: No. A closed case maintenance transaction is not an allowable transaction type when issuing D7 - Transitional Services Payments.

- 113. Question: Does an allowable payment type issued on an active NTA-FS or active Medicaid case show up on the clearance report?**
- Answer: Yes. To assist workers in identifying cases that have had a TA or TANF Services payment issued on a NTA-FS or Medicaid case, a unique indicator (\$CASH) has been added to the clearance report. This new field indicates to the worker that an allowable payment was previously authorized. The new field heading is located below the 'Case Type' heading, and the Diversion Pay Type is listed on the Clearance Report, directly below these headings. The clearance report will only identify that a TA or TANF Services payment was made on another case type. To access actual benefit information the BICS must be used.
- 114. Question: Can a local district make domestic violence residential program payments, either through TA or services funding Title, on an active Medicaid case or an active NTA-FS case MA?**
- Answer: No. Payments on an active FS, active MA and at the time of a TA denial are limited to the listing of allowable payments found in 03 ADM- 8, Attachment A.
- 115. Question: Why can't the EBT system be used when issuing payments on an active FS or active Medicaid case?**
- Answer: The Electronic Benefits Transfer (EBT) system cannot be used because the system is not set up to allow TA payments on a Medicaid case and since the majority of payments issued using this process will be single issued vendor payments, the cost of using EBT is prohibitive.
- 116. Question: Is there a CNS notice for issuing allowable payments on an active NTA-FS or active Medicaid case?**
- Answer: No. CNS is not available because the LDSS-4002 "Notice of Acceptance/Denial to Meet an Immediate Need or Special Allowance" is used to notify the household of the decision concerning diversion payments and CNS does not support this notice. Therefore, a manual notice is needed.

For Food Stamps, any individual who is a required household member must provide income and resources verification. Required Food Stamp household members include adults other than parents who are providing parental control for children under the age of 18.

## **Federal Reporting Requirements**

- 117. Question: To satisfy federal reporting requirements, do non-applying caretakers of children have to verify their income and resources as a condition of eligibility?**
- Answer: No. However, certain non-applying household members as a condition of eligibility must provide information on their income and resources as required by federal reporting requirements, but do not have to verify the information provided. Non-applying household members who must provide certain information, including income and resource information, under federal reporting requirements include:
- Non-recipient parents (SSI, ineligible alien status, incrementally sanctioned) of children applying for or receiving TA.

- Caretaker relatives of children for whom the caretaker is not legally responsible or receiving TA.
- The minor siblings (under age 18) of the minor children applying for or receiving TA. This does not include children of the non-legally responsible relative who are not related to the minor applying children by blood, marriage or adoption.

This reporting requirement affects all FA and SNA-FP cases, and individuals in receipt of TA under cash SNA or non-cash SNA-FNP if they are ineligible for federally funded assistance as a result of federal welfare reform (State 60-month time limit, alien status). Further information may be found in 01 ADM-4, GIS 03 TA/DC014 and ABEL Transmittal 03-03, and in Office Regulation 351.1(b)(2).

## **Changing Case Types/Authorization**

**118. Question: If a district uses a past authorization from/to date which reduces a case's time limit counts can a district retroactively use correct authorization from/to date to correct the time limit counts?**

Answer: No. Districts can only correct a case type time count through the Tracking System's Override Function.

## **Time Limits**

**119. Question: Does the authorization from date, when a category change is made, have to be changed to the date the change occurred?**

Answer: Yes, or the individual's time limit counts will most likely be reduced.

**120. Question: A case is SNA because the adult in the household is not exempt from the 60 month time limit. The adult now has a documented medical incapacity that makes the case eligible for FA, but the district has failed to re-categorize the case to FA in a timely manner. Can the local district retro claim the case as FA?**

Answer: No. The cases have already been reported to the federal government as Maintenance of Effort (MOE).

**121. Question: Is there any consideration on using the 3 month incapacity exemption as a criteria for exemption from the time limits?**

Answer: No.

**122. Question: A family is in SNA because of the State sixty-month time limit and the adult(s) in the household begin to receive SSI, what case action is necessary?**

Answer: State law provides a time limit exemption for adults receiving SSI. The children in the household can return to FA. No retroactive adjustments are made. Federal and State laws on time limits make time counts irrevocable when the adult was eligible for the assistance paid. If the adult is accepted for SSI in January retroactive to November no adjustment of the time limit counts is made because the adult was eligible for the assistance paid in November and December. In January, the first month the adult began receiving SSI the family would be returned to FA with the adult as a 08 individual. The individual's employability code must be changed to Code 44 (In Receipt of SSI) and a "T" time limit exemption indicator must be entered on WMS Screen 3 because the adult received SSI after the receipt of sixty-months of assistance, which makes the case time limit exempt.

Workers must also remove State/Federal Charge Code 63 from each individual in the household because they no longer qualify for Maintenance of Effort (MOE) credit upon being returned to FA.

## **OTHER**

**123. Question: Does an 18 year old with zero income living with siblings and parents have to be on TA?**

Answer: No. The 18-year-old must, however, be included in her parents' Food Stamp household.