

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

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TO: Commissioners; TA Directors; FS Directors; CAP/TOP Coordinators

FROM: Russell Sykes, Deputy Commissioner, Center for Employment and Economic Supports

SUBJECT: Public Housing Authority Shelter Allowance Change in Approval Process

EFFECTIVE DATE: August 15, 2007

CONTACT PERSON: Temporary Assistance Bureau at 1-800-343-8859; ext. 4-9344

The purpose of this message is to advise local social services districts (LSSD's) of the passage of State legislation which amended the Social Services Law (SSL) in relation to the calculation of the shelter allowance for individuals and families receiving Public Assistance (PA) and residing in city, state or federal public housing. The changes became law effective August 15, 2007, and amended section 131-a of the SSL.

Prior to this legislation, PA recipients living in public housing would be eligible for a shelter allowance based on the greater of (1) the shelter allowance for public housing found at 18 NYCRR 352.3 (d) (1) ; or (2) the amount payable pursuant to a modified shelter allowance schedule pursuant to 18 NYCRR 352.3 (d) (1) (i). Public Housing Authorities (PHAs) have historically submitted requests to the Office of Temporary and Disability Assistance (OTDA) for modified public assistance rent schedules. PHAs that submitted such a request were generally granted an increase of up to 10% once in a 12 month period. Most PHAs outside of New York City have requested increases regularly. Thus, most PHAs are at or very near the shelter maximums and the change discussed herein will effect very few PHAs outside of New York City.

The change provides for a third way for determining the shelter cost that PHAs may charge and LSSD's may allow in the PA standard of need. Effective August 15, 2007, PHAs are authorized to charge 50% of the shelter maximums found in 18 NYCRR 352.3 (a). Effective August 15, 2008, PHAs may charge 75% of shelter maximums found in 18 NYCRR 352.3 (a). Effective August 15, 2009, PHAs may charge 100% of the shelter maximums found in 18 NYCRR 352.3 (a).

PHAs may continue to request one increase in a 12 month period from OTDA and each rent on the modified schedule will generally be approved for either 10 % or the accelerated rate, whichever is higher, up to the maximum shelter allowance.

Effective August 15, 2009, PHAs will no longer be required to have a modified welfare rent schedule. Rather, PA tenants residing in public housing units will receive rent as paid up to the LSSD maximums found in 18 NYCRR 352.3(a).

Please note that the above discussion relates to public housing units in which all members receive public assistance. Long standing policy based on 18 NYCRR 352.3 (d) (ii) already provides for rent as charged up to the shelter maximum when the PHA calculates rent based on a percentage of household income. When that PHA calculation results in an amount that is higher than the modified schedule amount, the LSSD can allow that amount up to the private housing maximums.