

**GENERAL INFORMATION SYSTEM**  
**Center for Employment & Economic Supports**

**February 11, 2009**

Page: 1

**TO:** Commissioners, TA Directors, FS Directors, WMS Coordinators, CAP/TOP Coordinators, HEAP Coordinators, Staff Development Coordinators

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

**SUBJECT:** 2009 Emergency Program Income guidelines for Emergency Safety Net Assistance (ESNA) and Emergency Assistance to Needy Families with Children (EAF)

**EFFECTIVE DATE:** April 1, 2009

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

Emergency Safety Net Assistance (ESNA)

The income standard for ESNA is 125% of the official Federal Poverty Guideline. The United States Department of Health and Human Services (HHS) updates these Guidelines annually. This standard **does not apply:**

- If the emergency is the result of a fire, flood or other like catastrophe; or
- If the emergency energy assistance is granted in accordance with Department regulations 18 NYCRR §352.5 (c), (d) and (e) to prevent disconnection of or to restore utility (natural gas and electricity) service, or to arrange for an emergency delivery of non-utility (other than natural gas and electricity) heating fuel.

**Note:** Districts do not have the authority to authorize TA benefits for emergency non-utility (other than natural gas or electricity) fuel deliveries when the non-utility fuel is used solely for domestic purposes, such as cooking or heating water.

Some former recipients of Family Assistance (FA), the Child Assistance Program (CAP) and Safety Net Assistance (SNA-FP) are no longer eligible to receive federally funded recurring assistance due to having reached the State 60-month time limit. However, these former recipients may still be eligible to receive emergency assistance under the federally funded Emergency Assistance to Families with Needy Children (EAF). Districts must explore the use of EAF for these applicants for emergency assistance before authorizing benefits under ESNA.

**Note:** Districts must remember that ESNA considers the total gross income of the applying household, but EAF considers only the available gross income on the day of application when determining if the household passes the EAF 200% of poverty test.

Districts must also explore the use of diversion payments to meet the needs of these former recipients of FA, CAP and SNA-FP who are now applying for recurring temporary assistance (TA), if authorizing such a payment will divert the applying household from the need for on-going assistance. When issuing diversion payments, districts must apply EAF resource/income criteria, not the ESNA income standards, or those for recurring FA or SNA. For further information on diversion payments, see 03 INF-35, "Clarification of Temporary Assistance Diversion Payment Types for Families".

**GENERAL INFORMATION SYSTEM**  
**Center for Employment & Economic Supports**

**February 11, 2009**

Page: 2

These guidelines are effective April 1 of each year and are effective until March 31 of the following year. The following new guidelines will be effective April 1, 2009 until March 31, 2010:

**2009 ESNA 125% OF Federal Income Official Poverty Level Guidelines**  
**(Adjusted Annually)**  
**By Family Size**

Household Size	Annual	Monthly (Rounded)
1	\$13,538	\$1,128
2	18,213	1,518
3	22,888	1,907
4	27,563	2,297
5	32,238	2,686
6	36,913	3,076
7	41,588	3,466
8	46,263	3,855
Additional Person	\$4,675	\$390

**Emergency Assistance to Needy Families with Children (EAF)**

Unlike ESNA, when determining financial eligibility for EAF, districts must evaluate the gross available income of the applicant on the date of application to determine if it is at, or below, 200% of the federal poverty level for that household size or if the household is financially eligible to receive TA. The 200% of the federal poverty level gross available income standards do not apply to households receiving child protective, child preventative or other child welfare services paid for under EAF. Unlike ESNA, the gross available income test for EAF does apply when determining an applicant's eligibility for EAF pursuant to department regulations 352.5 (c), (d) and (e) to prevent or restore utility (natural gas and electricity) service, or to arrange for an emergency delivery of non-utility (other than natural gas and electricity) heating fuel. Districts must evaluate an applicant's eligibility for ESNA when such applicant with this type of energy related emergency and who was previously determined ineligible for the Home Energy Assistance Program (HEAP) or when HEAP is not available, and who is determined income ineligible for EAF on the date of application.

When considering EAF as the category of payment, districts must first look at all income or resources immediately available to meet the need of the household. For further information, please see 03 ADM-11, "Emergency Assistance to Families (EAF) Changes to Part 372 of 18 NYCRR 372 and to the TANF State Plan".

**GENERAL INFORMATION SYSTEM  
Center for Employment & Economic Supports**

**February 11, 2009**

Page: 3

**200% of Federal Poverty Level Guidelines**  
**2009 EAF Gross Income Test (Adjusted Annually)**  
**By Family Size**

Size of Family Unit	Federal Poverty		200% Federal Poverty Guideline	
	Annual	Monthly (Actual Rounded)	Annual	Monthly (Actual Rounded)
1	\$10,830	\$ 902	\$21,660	\$1,805
2	14,570	1,214	29,140	2,428
3	18,310	1,526	36,620	3,052
4	22,050	1,838	44,100	3,675
5	25,790	2,149	51,580	4,298
6	29,530	2,461	59,060	4,922
7	33,270	2,772	66,540	5,545
8	37,010	3,084	74,020	6,168
Additional Person	\$ 3,740	\$ 312	\$ 7,480	\$ 623

If the applicant's available gross income on the date of application is above 200% of the appropriate federal poverty guideline based on family size, the district must not make the payment under EAF and must seek alternative solutions. For a discussion on using available income and resources to meet emergency/immediate need situations, see Administrative Directive 02 ADM-2, "Meeting the Emergency/Immediate Needs of Temporary Assistance (TA) Applicants/Recipients".

**Note: Districts must use appropriate payment types (Upstate) and opening codes (Downstate) when authorizing emergency payments under either ESNA or EAF**

HEAP Implications

Districts must explore the availability and eligibility of HEAP before utilizing TA programs for energy and energy related emergencies. Districts must follow HEAP eligibility guidelines and program dates as outlined in the most recent version of the HEAP Manual.

Food Stamps Implications

Diversionary requirements of TA do not apply to food stamps. Districts must process applications for food stamps even if diverting applicants from TA and encourage applications from those expressing concerns about not having enough food or money to buy food (food insecurity).

As always, on the day of application filing, all households that are applying for food stamp benefits, including those also applying for cash benefits, must be screened to determine if they are eligible for expedited processing of their food stamp benefits. For those households that found eligible for expedited processing, the district must issue the benefits within the required timeframe.

The federal poverty levels for food stamp program eligibility determinations are adjusted each October. The income guidelines provided in 08TA/DC019 (August 14, 2008) remain in effect for the food stamp program.