

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

September 9, 2011

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TO: Commissioners, TA Directors, FS Directors, Employment Coordinators, Staff Development Coordinators, WMS Coordinators, Fair Hearing Staff, Medicaid Staff TOP/CAP Coordinators

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

SUBJECT: Temporary Assistance Payments for Emergencies Resulting from Hurricane Irene and Tropical Storm Lee

EFFECTIVE DATE: Immediately

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

The purpose of this GIS is to provide additional guidance, in conjunction with GIS 11TA/DC017 issued on August 26, 2011, regarding the provision of Temporary Assistance (TA) to meet the immediate and emergency needs associated with the effects of Hurricane Irene and subsequent Tropical Storm Lee.

Although there are no waivers of TA eligibility requirements because of the recent flooding, there are existing emergency assistance programs available to meet the immediate and emergency needs that resulted primarily from floods. In addition to items of need specified in each emergency program, all emergency programs will cover food, shelter (including emergency shelter), furniture, and clothing replacement. Property and equipment repairs/replacements, including heating and plumbing equipment, also may be provided, as specified in 18 NYCRR § 352.4(d), 352.7(b)&(e) and 397.5(h). Additionally, districts may issue specific nonrecurring TA emergency payments, including vehicle repairs, as a diversion payment on an active Food Stamp (FS), Medicaid (MA) or denied TA case, in accordance with the policy outlined in 03 ADM-8 and 03 INF-35.

While an individual or family may have income or resources that would ordinarily exceed the income and resource eligibility standards for recurring TA, these individuals and families, nevertheless, may be eligible for one of the emergency programs listed below. For these programs, only available income and immediately accessible resources are counted in determining eligibility.

Districts are reminded that the income standard for Emergency Safety Net Assistance (ESNA), of 125% of the current Federal income official poverty line income limitation, does **not** apply when the emergency is the result of a fire, flood or other like catastrophe. Therefore, this limit is not applicable for ESNA provided as a result of this emergency and must not be used.

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Applicants for emergency assistance must pursue and use available income and accessible resources to eliminate or reduce the need of direct or indirect assistance. Districts must use the following guidelines in determining if income is available or a resource is accessible.

- Resources must be readily accessible, liquid or easily converted to cash. For example, if FEMA is available and provides funds to replace refrigerators, then a referral and application to FEMA, or any type of homeowner's insurance is appropriate. In the interim, while the claim is pending, if the district determines the emergency need to be immediate in nature requiring same day resolution, the district must provide an otherwise eligible applicant with emergency assistance.
- Income must be actually available and readily accessible at the time of the emergency or immediate need in order to be considered available. For example, if rent is due in two weeks and the applicant will have the funds to make the payment in two weeks, the emergency is met with the applicant's income and emergency assistance is denied.
- Pursuant to 02 ADM-02, income or resources that are credibly earmarked to meet specific basic essential items or needs, food or other items of need identified in Part 352 of 18 NYCRR, must not be considered available to meet the emergency need. For example, if the applicant states that their next paycheck or bank funds are going to be used to pay an imminent mortgage payment, the district must consider the income or resource as earmarked and unavailable to meet the current emergency.

Emergency Programs

Emergency Assistance to Families with Children (EAF) must be provided immediately by a social services district to or on behalf of a needy child under that age of 18 or age 18 and who is a full-time student regularly attending a secondary school or the equivalent level of vocational or technical training and any other member of the household in which he or she is living. EAF covers all of the items, conditions and amounts specified in Part 352 of 18 NYCRR, as well as services necessary to cope with emergency situations.

Emergency Safety Net Assistance (ESNA) must be provided for the effective and prompt relief of identified emergency needs that cannot be provided for under EAF or Emergency Assistance for Adults (EAA). ESNA is limited to the items, conditions and amounts specified in Part 352 of 18 NYCRR.

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Note: The income standard for ESNA eligibility, of 125% of the current Federal income official poverty line, does **not** apply when the emergency is the result of a fire, flood or other like catastrophe. Therefore, this limit is not applicable for ESNA provided as a result of this emergency and must not be used.

Emergency Assistance to Adults (EAA) must be provided to meet the emergency needs of SSI recipients. Resources that are excluded from consideration by the Social Security Administration also are excluded when determining eligibility for EAA. EAA covers the items specified in Part 397 of 18 NYCRR.

TA Application

When individuals and families apply for TA emergency assistance at the district or at one of the designated Disaster Assistance Centers, the State prescribed application form (LDSS-2921) must be completed and signed by the applicant. The applicant also must have a face-to-face interview on the day the application is submitted.

Current TA recipients are not required to submit an application for emergency assistance and may request such assistance by telephone or mail. A face-to-face interview is not required for such assistance. However, a same day interview must be conducted upon receipt of the request, which can be conducted over the telephone.

All established processing timeframes and notice requirements remain unchanged, including the requirement to notify each applicant in writing using the LDSS-4002, as to whether the application for assistance has been granted (and what is being granted) or denied.

However, the following requirements may be delayed for affected TA applicants:

- Finger imaging;
- FEDS/EVR; and
- Non-Homestead property selling requirements.

Although districts can delay these requirements temporarily, to deal with the immediate crisis, districts must enforce the requirements when the crisis subsides.

TA Documentation

Ordinarily, persons claiming an immediate need must provide, at a minimum, verification of identity, household composition and citizenship status. Many persons affected by the flood may have lost their documents in the flood or be unable to retrieve them from their home. Districts are reminded that collateral statements may suffice for documentation in this situation. Please see Documentation Desk Guide (LDSS-2642). **The delay or inability to meet documentation requirements at application must not interfere with providing needed emergency assistance provided the applicant is cooperating.**

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Upstate Systems Implications

It is unknown at this time whether federal funding will be available to reimburse districts for the emergency assistance provided to victims of the flooding. However, it is imperative that districts track affected cases/payments in the event such funding does become available. Districts should enter on the pay lines on Screen 6/9, of the LDSS 3209, Special Claim Code "J" regardless of Payment Type Code.

WMS error reference table 1910, found at http://otda.state.nyenet/dta/wmserror/WMS_Error.pdf, provides a listing of allowable payments on the qualifying case types supporting the issuance of nonrecurring TA emergency payments on an active Food Stamp (FS), Medicaid (MA) or denied TA case. Special Claim Code "J" is also required for any payment using this procedure.

NYC Systems Implications

See GIS 11TA/WMS032