

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

Barbara B. Blum  
Commissioner



[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

**ADMINISTRATIVE DIRECTIVE**

TRANSMITTAL NO.: 79ADM-46  
[Income Maintenance]

Date: August 8, 1979

TO: Commissioners of Social Services  
Walker v. Shang et al, Clarified Procedures  
SUBJECT: Concerning the Authority of Social Services Officials to Receive and Dispose of a Deed, Mortgage, or Lien for a Public Work Project (PWP) Participant.

SUGGESTED DISTRIBUTION:

Commissioners

CONTACT PERSON: Any questions concerning this directive should be addressed to Zan Mayo, Office of Employment Programs, by calling 1-800-342-3715, extension 4-9229, or Robert Fabbricatore, extension 4-9105.

I. PURPOSE

The purpose of this directive is to clarify state policy concerning the repayment of assistance when a social services district has a mortgage lien (or a deed) on any real property owned by a PWP participant.

II. BACKGROUND

Section 106 of the Social Services Law permits the social services officials responsible for the administration of home relief to take a mortgage lien (or a deed) on any real property owned by a person to whom public assistance and care is given. A release of the lien is permitted upon payment of all expenses incurred for the support of the person and for repairs and taxes paid on such property.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
		385.10	106 164	26	

In the case of Walker v. Shang et al, the New York State Supreme Court, Appellate Division, Second Judicial Department, held "that the legislative intent in enacting section 164 of the Social Services Law was that an employable person receiving home relief would be required to perform work assigned to him by the social services agency furnishing such relief, but that the amount he received should be treated as earnings or wages." Further, the court ruled that payment for the number of days worked by an employable home relief recipient assigned to a public works project to enable him "to earn" up to the amount of the budget deficit, must be credited against such a mortgage lien.

III. PROGRAM IMPLICATIONS

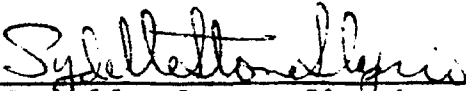
The court order does not abrogate Section 106 or 164 of the Social Services Law. The authority of social services officials to receive and dispose of a deed, mortgage, or lien and assign home relief employables to PWP is affirmed.

Districts are still required to place home relief employables in PWP but must determine the amount "earned" by the PWP participant and reduce the mortgage lien by that amount.

For unemployable home relief recipients and other individuals not placed in PWP for any reason, state policy is unchanged.

IV. REQUIRED ACTION

Districts are required to review currently held liens, determine whether the property owner participated in PWP, and if so, release or reduce the amount of the lien. Case records should be appropriately documented to reflect this action.

  
Sydelle Stone Shapiro  
Deputy Commissioner  
Income Maintenance