

NEW YORK STATE  
 DEPARTMENT OF SOCIAL SERVICES  
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



CESAR A. PERALES  
 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.: 84 ADM-42  
 [Income Maintenance]

TO: Commissioners of Social Services

SUBJECT: Water Allowances for Public Assistance Recipients

DATE: November 30, 1984

SUGGESTED DISTRIBUTION:  
 All Public Assistance Staff  
 All Medical Assistance Staff

CONTACT PERSON: Any questions concerning this release should be directed to Pat Chmielewski, Bureau of Income Support Programs, by calling 1 (800) 342-3715, extension 4-9327. MA questions may be directed to your County representative at extension 3-7581.

**I. PURPOSE**

The purpose of this directive is to advise local social services districts of a settlement in the case of Henley v. Romano and Perales concerning the Department's policy and required action regarding water allowances for public assistance recipients.

**II. BACKGROUND**

Previously, Department Regulation 352.3(b) required local social services districts to provide an allowance for water charges only to public assistance tenant recipients who were obligated to pay water charges as a separate charge. Department Regulation 352.4(b) required that water charges for homeowner recipients had to be included in the recipient's overall shelter maximum.

As a result of a settlement in the case of Henley v. Romano and Perales, Department Regulations 352.3(b) and 352.4(b) have been amended to require local social services districts to provide an allowance for water charges to both homeowner recipients and tenant recipients who are obligated to pay water charges as a separate charge.

**FILING REFERENCES**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		352.3(b) 352.4(b) 360.28 360.5(c)(7)			Source Book Section XIII-D-1

DSS-296 (REV. 8/82)

### III. PROGRAM IMPLICATIONS

The statewide impact of this policy change is expected to be minimal in terms of both cost and administrative effort.

### IV. REQUIRED ACTION

#### A. Water Allowances for Homeowner Recipients

At the time of the next regular client contact or recertification, the local social services district must review the public assistance case to determine if there is a homeowner recipient in the case and if the household pays for water as a separate charge. If so, the local district must rebudget the case with the water as a separate allowance in the amount actually paid, and provide a payment retroactive to August 1, 1984, where eligible.

#### B. Water Allowances for Tenant Recipients

Local social services districts must continue to provide a water allowance to tenant recipients who are obligated to pay for water as a separate charge to a vendor. Department Regulation 352.3(b) has been amended to specify that the recipient must be billed by the vendor. Local districts must not provide a water allowance to tenant recipients who are billed for water charges by the landlord, since this is part of the tenant's rent and must be included in the shelter maximums.

Note: Department regulations do not permit local district maximums on the amount of water allowances. Since there is no State Standard, local districts must provide the water allowance in the amount paid by the recipient to the vendor.

#### C. WMS Implications

ABEL will be modified to accommodate this change. Budgets with an Effective FROM Date of August 1, 1984 or later and a water amount input with Shelter type "03 - Own Home," will have water budgeted as an item of need separate from the shelter allowance. Districts will be notified via GIS as to the date this change will be available on Production.

Districts will also be sent an extract of affected cases (coded Shelter Type 03, with a separate entry for water charges) to identify those which might require additional payments retroactive to August 1, 1984.

#### D. MA Implications

Local social services districts shall provide a water allowance for all persons obligated to pay water charges in all situations where the PA standard of need is used in determining medical assistance eligibility.

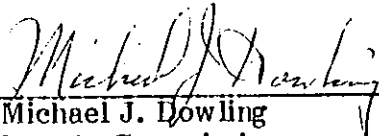
E. MBL Implications

MBL will be modified to calculate water as a separate item of need when input with Shelter Type '03' - Own Home. This change will affect all budgets with a From Date of August 1, 1984 or later. Districts will be notified via a GIS message when this modification will be available on Production. Districts will also be sent a report of cases currently on the MBL file, which have shelter code 03 and a water amount. These cases may require rebudgeting.

Districts are requested to manually compute budgets in which the Shelter Type is '03' - Own Home and water is an item of need. A list of those budgets should be kept for entry into the logic when change is available on Production.

V. EFFECTIVE DATE

The effective date of this directive is December 1, 1984, retroactive to August 1, 1984.

  
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Michael J. Dowling  
Deputy Commissioner  
Division of Income Maintenance