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 | INFORMATIONAL LETTER |
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TRANSMITTAL: 94 INF-40

TO: Commissioners of
 Social Services

DIVISION: Economic
 Security

DATE: August 19, 1994

SUBJECT: Microenterprises and Public Assistance Recipients

SUGGESTED

DISTRIBUTION: Public Assistance Staff
 Food Stamp Staff
 Employment Staff
 Cap Coordinators
 Staff Development Coordinators

CONTACT PERSON: PA: Jeffrey Gaskell at 1-800-343-8850, extension 4-9343
 FS: County Representatives, extension 4-9225

ATTACHMENTS: Attachment A: Listing of Day Care Start-Up
 Administrative Agencies -
 Available on-line
 Attachment B: Directory of agencies who assist small
 businesses - Available on-line
 Attachment C: Self-Employment Worksheet - Not
 available on-line

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
92 ADM-37		352.12(a)		<u>PASB</u>	
92 ADM-43		352.16		XII-H 1.1 -	
93 ADM-9		352.17(b)		2.11	
91 INF-29		352.20(f)		XVI-C-3.1 -	
91 INF-58		352.22(c)		3.3	
		352.22(h)		XVI-E	
		352.23(b)(7)		XVI-F-1 - 3	
		352.31(c)			
		387.9(b)			
		387.11(g)			
		628.3(f)(3)			

The purpose of this letter is to inform social services districts (SSDs) of the various incentives available to public assistance (PA) applicants/recipients to become or remain small business owners through the removal of barriers to small businesses. The Department encourages SSDs to assist clients in the development of small businesses or microenterprises as one way of promoting work effort under the Jobs FIRST philosophy. The policy in this INF can be found in the PASB referenced on page one of this release.

Background

Historically, small business owners who were experiencing difficulties were required under Department regulation 352.12(a) to liquidate business resources and assets over the \$1,000 resource limit prior to becoming eligible for public assistance. These businesses often had the fundamentals for a potentially successful enterprise but the assets were sold off for the purpose of maintaining the basic necessities for the owner and his/her family. This was required prior to acceptance for public assistance.

Many operators of small businesses may need temporary assistance only while their business gets off the ground. Microenterprises generally take three to five years to thrive. By incubating these businesses and giving them an appropriate chance to get started, there is an incentive for a small business to be initiated, to survive and become self-sufficient.

A number of opportunities currently exist under Department regulations to support microenterprises. With appropriate assistance and guidance from the SSD, small business owners will find encouragement to start and maintain a self-sufficient microenterprise.

Existing Regulations

We encourage districts to use the following options to help small businesses grow and become self-sufficient, thereby reducing the need for further public assistance:

- o Use of the Home Relief (HR) plan of self-support. Department regulation 352.20(f) allows for the exemption of income and resources for up to one year for HR recipients who submit a plan as to how this income will be used. (If the HR recipient does not have a plan but does have a general interest in starting a business, a referral to one of the sources in Attachment B might be helpful.) Under this plan, HR recipients can purchase items relating to their work by saving funds to do so. In the effort to encourage self-sufficiency, this Department recommends that districts approve microenterprise related plans submitted by HR recipients under this regulation as an incentive to become employed and self-sufficient.

Example 1

Ms. Green runs a small beautician practice out of her home. Her business has not succeeded as she had hoped due to the limited equipment in her shop and she now finds herself on HR. Ms. Green tells her worker that if she had two more hair dryers she could increase her business and end her need for PA. Her worker suggests that if she puts together a plan to purchase this equipment with any income that she saves, then her income will not be counted or budgeted towards her PA grant for up to one year, providing she follows through with the plan. Ms. Green puts together a plan that has her saving enough money within four months to purchase the equipment. Her worker agrees to the plan and does not budget her earnings from her work during this four month period. Shortly thereafter, Ms. Green is off PA and has a successful beautician practice due to the addition of the two hair dryers she was able to purchase a month earlier.

Example 2

Mr. Constanza is a licensed real estate agent and broker who is planning on opening a Real Estate agency within the next year. Unfortunately for Mr. Constanza he has fallen on hard times and lost his good paying job as an agent, when the company he worked for failed due to poor management. He has taken a temporary job working 20 hours per week at \$5.00 a hour. In order for Mr. Constanza to start his business he needs to save up some investment capital. He is currently a HR case and when he mentions his idea to his worker, the worker encourages Mr. Constanza to put together a plan to open the business. The worker informs him that \$90 of his current earned income will be disregarded in the budgeting of his monthly grant, and that, under the HR plan of self-support he must set aside his net earned income as well as any other income he is able to save during the next one year period. Mr. Constanza saves hard and averages \$325 saved per month. By the end of the year Mr. Constanza has saved \$3,900 which has not counted against his PA case for the entire year. Mr. Constanza opens up his Real Estate agency with the money he has saved and begins his new career off public assistance and completely self-sufficient.

- o Exclusions of business equipment and tools from the \$1,000 resource limit for PA and \$2,000/\$3,000 limits for FS. Department regulation 352.23(b)(7), exempts income-producing property from the PA \$1,000 resource limit, when the property is in use or reasonably expected to be used for the client's livelihood in the near future. (For food stamps, property or work related equipment which is essential to the employment or self-employment of a household member is excluded as a resource.) This PA exclusion is meant for:
 - business and farm equipment, this includes vehicles which are in the name of the business;
 - tools used for employment;
 - livestock and produce.

Example

Mr. Sanders is a mechanic. Unforeseen circumstances left him out of work and on PA. It appears that Mr. Sanders may eventually be able to begin work again as a mechanic. Since selling off his tools would be counterproductive to getting Mr. Sanders off PA, his worker allows him to keep the tools and excludes their value from the resource limit calculation. This will allow Mr. Sanders to begin work again without having to re-purchase these tools and enable him to become a self-sufficient, productive member of the workforce.

- o Use of an accrual method of accounting for PA and the use of the PA supplementation process under the Quarterly Reporting System (QRS) rules. The accrual method of budgeting allows for expenses related to producing the goods and services to be deducted from self-employment earnings when the expenses are incurred. For Quarterly Reporting purposes, this budgeting methodology would be done over a three month period, allowing for the brief accumulation of income to be used for an expense during the quarter. These expense deductions are promulgated in Department regulation 352.17(b)(2).

Supplementation of income is allowed under Department regulation 352.31(c) and should be considered for those individuals who operate a small business and experience a temporary loss of income which was beyond the recipient's control as explained in 93 ADM-9.

Any PA supplements authorized are not to be budgeted as income for food stamps.

- o Promote family day care as a microenterprise. Pursuant to Department regulation 352.22(h) and 628.3(f)(3), recipients may choose to provide family day care as a means to becoming self-sufficient. By becoming family day care providers, group day care providers or informal child care providers, these PA recipients can enter the work force, reduce or eliminate their need of public assistance and achieve self-sufficiency. Family day care providers have various incentives available to them such as:

- Family day care provider income exemption. In addition to the usual work-related deductions from earned income, recipients who become family day care providers will have \$5 per day per child of their income disregarded for both PA and FS (unless the household documents higher costs). This disregard is to help offset the expenses the recipient incurs in providing care (i.e. snacks, toys, materials, etc.).

Examples of day care situations and specifics on the various special incentives for day care providers to become regulated can be found in 91 INF-29. An updated listing of Day Care Start-Up Administrative Agencies can be found in Attachment A to this INF.

- o Excluding business loans. Pursuant to Department regulation 352.22(c), bona fide loans (including business loans) may be excluded for ADC recipients. Disregarding business loans will give these recipients the opportunity to establish their business without the threat that loans for business expenses will be budgeted against their PA grant. This will in turn encourage ADC recipients to seek out the necessary funding required to establish and maintain a small business. Examples of bona fide loans and budgeting methodology can be found in 92 ADM-43.

In addition, Department regulation 352.16 allows for the exemption of earmarked loans from the income calculation or the resource limit for HR recipients. This exemption of loans is reserved for those loans which are limited to a specified purpose. These loans must be reviewed carefully to determine whether or not they are to be utilized for their intended purpose. These loans may assist HR recipients with the establishment of a small business or to keep a business operational.

Department regulation 387.11(g) excludes from consideration as income for FS purposes all loans (other than educational) on which payment is deferred.

- o Child care availability. Child care is available to support self-employment. Individuals who are self-employed are programmatically eligible to receive child care assistance, regardless of whether their self-employment occurs in their own homes or outside of their residences. As with all employed individuals, the amount of child care which may be authorized must be reasonably related to the hours of the employment, allowing time for transportation to and from the child care provider.

Employed recipients of public assistance who have child care expenses in order to maintain their employment are entitled to have the child care disregard applied when their grants are calculated. When a recipient is using a regulated child day care provider or a caregiver who is legally exempt from regulation and the actual child care charges exceed the child care disregard, the social services district must issue a child care supplement for the difference between the amount disregarded and the cost of the child care. Such supplemental payments are calculated automatically by ABEL and are capped by the local market rates for child care.

A recipient of public assistance who is starting a microenterprise and does not yet have earnings to be budgeted, and therefore is not eligible to receive the child care disregard and the child care supplement, may be able to receive child care assistance through the Child Care and Development Block Grant (CCDBG). Such assistance is subject to the availability of funds from the social services district's capped CCDBG allocation.

Public assistance recipients who are interested in starting a microenterprise should be reminded that when their business succeeds and they become ineligible for PA, they may be eligible to receive Transitional Child Care for up to 12 months.

- o Organization of the client's microenterprise. By assisting the recipient with information relating to formalizing the business, the recipient will be able to better manage the business. The business operation will also appear more stable to customers and creditors. Possible steps that could be taken are the establishment of a business account, the development of a business plan, the securing of a business operating certificate (DBA) or even incorporation in some instances. Attachment B has a listing of agencies and programs which may be able to assist PA clients with the indoctrination into the business environment and provide technical assistance during the incubation period including assistance in calculating business expenses and net profits.
- o Use of forms and other resources for calculating self-employment. Traditionally, recipients who are self-employed have had to provide the SSD with business records, tax records and any other information relating to their business' expense in order to prove eligibility for public assistance and food stamps. SSDs have had the difficult task of making sense out of the various accounting and business practices in order to establish this eligibility. Some SSDs have chosen to create forms for the central collection of the various business information. Attachment C is a form which was developed for the purpose of capturing the relevant information relating to businesses owned by PA recipients. This Department encourages use of this form for this purpose as a way of dealing with the complexities of business income. Another idea is to have designated workers specialize in handling these cases (as well as other earned income cases in general). The types of organizations listed in Attachment B may be able to assist SSD's and clients in preparing documentation for and calculating business income. Additional resources, such as college interns or retired executives may be available locally.

Amendments to Regulations

This Department is currently looking at ways to amend current regulations to eliminate additional barriers to microenterprises. The purpose of these proposed amendments is to assist client initiated microenterprises by providing an incubation period for these businesses. Some of the things being explored are:

- o Amending Department regulation 352.12(a) to allow for a three to five year incubation period for the microenterprise before a determination of the success of the business is made.
- o Amending Department regulation 352.17(b) to conform the definition of business expenses to the equivalent federal ADC regulation. This change will allow for a more liberal interpretation of business expenses.
- o Amending Department regulation 385.2(b)(11) to support the change to 352.12(a) and allow exemptions to the employment requirements during this three to five year incubation stage.

Waivers of the Regulations

The Department has applied for federal waivers to facilitate small business development. These waivers would:

- o Permit income to be set aside and retention of assets for future business expansion;
- o exclude personal vehicles used for business purposes; and
- o exclude payments for capital equipment and durable goods or the payments on loans for such purposes.

We will keep SSDs informed of further developments in policy regarding microenterprises.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security

FAMILY DAY CARE ADMINISTRATIVE AGENCIES

This list replaces the attachment to 91 INF-29.

REGION 1

Ms. Marlene A. Babchak, Director
ALLEGANY COUNTY COMMUNITY OPPORTUNITIES
AND RURAL DEVELOPMENT (ACCORD)
84 SCHUYLER STREET - PO BOX 573
BELMONT, NY 14813
(716) 268-7605

Ms. Maureen DeJohn
CHAUTAUQUA OPPORTUNITIES, INC.
BOX B 188 SOUTH ERIE STREET
MAYVILLE, NY 14757
(716) 366-3333

Ms. Peg Agnello Kulu, Interim Director
CHILD CARE COALITION OF THE NIAGARA FRONTIER, INC.
2254 MAIN STREET
BUFFALO, NY 14214
(716) 835-8283

Ms. Diane Ballard, Director
BUFFALO COALITION OF HOME DAY CARE PROVIDERS, INC.
43 NORTHAMPTON STREET
BUFFALO, NY 14209
(716) 885-2300

REGION 2

Ms. Annie F. Barker, Director of Education
WESTERN NEW YORK CHILD CARE COUNCIL
1344 UNIVERSITY AVENUE
ROCHESTER, NY 14607
(716) 244-3960

Ms. Carol Stevens, Director
SCHUYLER CO. CHILD CARE COORDINATING COUNCIL
208 BROADWAY
MONTAIG FALS, NY 14865
(607) 535-7964

Ms. Nancy Stanton Multer, Director
MIDDLESEX VALLEY CHILD DEVELOPMENT CTR.
12 GILBERT STREET, BOX 594
RUSHVILLE, NY 14544
(716) 554-6846/554-6890

REGION 3

Ms. Rene Hettich
BROOME COUNTY CHILD DEVELOPMENT
COUNCIL, INC.
29 FAYETTE STREET, POB 880
BINGHAMTON, NY 13902-0880
(607) 723-8313

Ms. Ellen Monsin
CHILD CARE COUNCIL OF THE FINGER
LAKES, INC.
248 GRANT AVENUE
AUBURN, NY 13021
(315) 255-6994

Ms. Paula Mello, Director
COMMUNITY ACTION PLANNING COUNCIL
OF JEFFERSON COUNTY, INC.
518 DAVIDSON STREET
WATERTOWN, NY 13601
(315) 482-4900

Ms. Susan Messenger, Program Director
MID-YORK CHILD CARE COORDINATING COUNCIL
C/O CORNELL COOPERATIVE EXTENSION
121 SECOND STREET
ORISKANY, NY 13424
315) 736-3394

Ms. Peggy Minsch
ONONDAGA COUNTY CHILD CARE COUNCIL, INC.
215 BASSETT STREET
SYRACUSE, NY 13210
(315) 472-6919

Mrs. Mary Hutchinson, Executive Director
COUNTY OF OSWEGO CHILD CARE COUNCIL
PO BOX 3046, 156 WEST SECOND STREET
OSWEGO, NY 13126
(315) 343-2344

REGION 4

Ms. Dianne Meckler, Executive Director
CAPITAL DISTRICT CHILD CARE COORDINATING COUNCIL
91 BROADWAY
ALBANY, NY 12204
(518) 426-7181

Ms. Chris Lashway, Day Care Director
JOINT COUNCIL FOR ECONOMIC OPPORTUNITY
54 MARGARET STREET
PLATTSBURGH, NY 12901
(518) 561-6310

Ms. Debi Stec, Co-Director
DELAWARE OPPORTUNITIES, INC.
47 MAIN STREET
DELHI, NY 13753
(607) 746-2165

Ms. Linda Depo, Development Director
COMMITTEE FOR ECONOMIC IMPROVEMENT
14 FRONT STREET
KEESEVILLE, NY 12944
(518) 834-7205

Ms. Marci Brunswick, Program Director
CATHOLIC CHARITIES OF DELAWARE & OTSEGO COUNTIES
9 SOUTH MAIN STREET
ONEONTA, NY 13820
(607) 432-0061

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SOUTHERN ADIRONDACK CHILD CARE NETWORK
WASHINGTON CO. MUNICIPAL CENTER
UPPER BROADWAY
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(518) 746-2349

REGION 5

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349 EAST 149TH STREET, 9TH FLOOR
BRONX, NY 10451
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Ms. Elba Belez
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2205 SEDGWICK AVENUE
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CHURCH AVENUE MERCHANTS BLOCK ASSOC, INC (CAMBA)
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Mr. Roberto Robreno, Asst. Deputy Director
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Ms. Nancy Kolben, Deputy Director
CHILD CARE, INC.
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(212) 929-7604

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LOWER EAST SIDE FAMILY RESOURCE CENTER
137 EAST 2ND STREET
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SHELTERING ARMS CHILDREN'S SERVICE
122 EAST 29TH STREET
NEW YORK CITY, NY 10016
(212) 679-4242

Ms. Rammani Wan or Mr. John Colon/Coordinator & Asst.
HAMILTON-MADISON HOUSE, INC.
50 MADISON STREET
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REGION 6

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REGION 7

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Ms. Sherry Radowitz
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OLD FARMS SCHOOL
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MICROENTERPRISE REFERRAL LIST

EOP
Peter Glassman
340 First Street
Albany, NY 12206
518-465-0622

Albany Housing Authority
Ernesta R. Walker
4 Lincoln Square
Albany, NY 12202
518-445-0711
(referrals must live in
public housing)

The Times Square
Common Ground Community
Jill Williams
255 West 43rd Street
New York, NY 10036
212-768-8989

Albany Displaced Homemaker Center
Lois Johnson
315 Hamilton Street
Albany, NY 12210
518-434-3103

Manhattan Borough Develop Corp
Ellen Chen
15 Park Row-Suite 510
New York, NY 10038
212-791-3660
(services limited to Manhattan)

Schenectady Municipal Housing
Matthew Smith
375 Broadway
Schenectady, NY 12305
518-372-3346
(referrals must live in
public or Section 8 housing)

American Friends Service Comm.
Common Works
Howie Hawkins
821 Euclid Avenue
Syracuse, NY 13210
315-475-4822
(helps in forming
cooperatives)

East Buffalo Community
Ownership Project
Chris Van Vessel
1081 Broadway
Buffalo, NY 14212
716-893-7222

Assosiation for Economic
Advancement of Our New York Women
Dina Michel-Jeune
1491 St. John's Place-1C
Brooklyn, NY 11213
718-493-4776

Office of Urban Initiatives
Dr. Taylor
101 C-Fargo Building #1
Ellicott Complex
Buffalo, NY 14261-0014
716-829-2306

Kevin Hennessy/Jose Cruz
110 Exchange Street
Geneva, NY 14456
315-781-3287

SENSES
Patti Croop
275 State Street
Albany, NY 12210
518-463-5576
(statewide referral)

WORC
Maria Brobst
1420 College Avenue
Elmira, NY 14901
607-737-5212

Accord Corp.
Charles Kalthoff
84 Schuyler Street
Belmont, NY 14813
716-268-7605

PODER, Inc.
Manuel Allende
73 Carpenter Avenue
Newburgh, NY 12550
914-561-8191

Pace University SBDC
1 Pace Plaza
New York, NY 10038
212-346-1899

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Adirondack Park Region

INTERRACIAL COUNCIL FOR BUSINESS
OPPORTUNITY

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212-779-4360
Manhattan, Bronx & Westchester
County

QUEENS COUNTY OVERALL ECONOMIC
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URBAN LEAGUE OF ROCHESTER

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Rochester, NY 14608
716-436-4377
Monroe County

Workshop In Business Opportunities

23 Gramercy Park South
New York, NY 10003
Business Service Provider
(212)982-6925
(Entrepreneurial Training)

Child Development Support Corp.

1213 Fulton Street
Brooklyn, NY 11216
Service Provider
(718)398-6738
(Child Care Training)

Small Business Development
Corporation

Kingsboro Community College
2001 Oriental College
Brooklyn, NY 11218
Service Provider
(718)368-4619
(Business Services)