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 | ADMINISTRATIVE DIRECTIVE |  
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TRANSMITTAL: 90 ADM-13

TO: Commissioners of  
 Social Services

DIVISION: Income  
 Maintenance

DATE: April 18, 1990

SUBJECT: Eligibility Criteria for Emergency Home Relief

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 SUGGESTED

DISTRIBUTION: Public Assistance Staff  
 Medical Assistance Staff  
 Food Stamp Staff  
 Directors of Social Services  
 Staff Development Coordinators

CONTACT

PERSON: Call 1-800-342-3715 and ask for the following:

Income Support: Maureen Standish, extension 3-6555  
 Food Stamps: County Representative, extension 4-9225  
 Energy-Related: Energy Liaison, extension 4-9321  
 Medical Assistance: County Representative,  
 extension 3-7581  
 New York City, (212) 587-4853

ATTACHMENTS: There are no attachments to this ADM.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
78 ADM-55		Part 352	SSL-131	PASB	GIS
83 ADM-47		Part 370	Chapter 895	Section	89IM/DC035
86 ADM-7		Part 385	of the	IX-F	
87 ADM-51			Laws of 1981	FSSB Section	
				XI-G	

I. PURPOSE

The purpose of this directive is to advise local social services districts of an amendment to Department regulation 370.3 which sets forth additional detailed eligibility criteria for receipt of emergency Home Relief.

II. BACKGROUND

Section 370.3 of Department regulations authorizes the provision of emergency and short-term Home Relief to provide for the effective and prompt relief of identified needs. Emergency and short-term assistance is limited to the items and amounts found in Part 352 of Department regulations. In order to terminate or modify such grants as quickly as possible, local districts must provide necessary supervision as circumstances require. A short-term case is a case in which need is presumed to continue for a period of less than three months. However, cases in which frequent reapplications for assistance are made are not to be considered short-term. Recently subdivision (b) of section 370.3 was amended to add additional criteria to avoid use of emergency Home Relief in certain situations where recurring requests occur while assuring that persons truly in need of emergency Home Relief receive it.

III. PROGRAM IMPLICATIONS

This amendment should lessen abuse or potential abuse of this emergency program, while maintaining its integrity as a viable program to meet the emergency needs of those persons not eligible for recurring public assistance or Emergency Assistance to Needy Families with Children (EAF).

IV. REQUIRED ACTION

Local social services districts must authorize emergency Home Relief only under the conditions in Department regulation 370.3 including the following added conditions:

1. There is an identified emergency need. An emergency is a serious occurrence or situation needing prompt action;
2. The individual or family is without income or resources immediately available to meet the emergency need. Resources include, but are not limited to, such things as cash, bank accounts, credit cards, the ability to obtain advance wages from the current employer and community resources;

3. The emergency need cannot be met under the Emergency Assistance to Needy Families with Children (EAF), Home Energy Assistance Program (HEAP), Aid to Families with Dependent Children (ADC), including PG-ADC, or Home Relief (HR) programs; and
4. The emergency did not arise because the applicant failed to comply with the requirements of Part 385 of Department regulations relating to employment and training and was therefore sanctioned or disqualified from receiving assistance, pursuant to section 385.14(e) of Department regulations.
5. State and Federal reimbursement will not be available for any allowance for shelter arrears issued more than once in a twelve month period. If EAF has already been used to pay shelter arrears, then the use of emergency Home Relief for shelter arrears within the same twelve month period would not be eligible for reimbursement.

For recipients of recurring ADC or HR, rental arrears would be paid under Department regulation 352.7 (g)(5) as an advance allowance, subject to recoupment. Federal and State reimbursement would continue to be available for rent arrears paid under ADC or HR. EAF and emergency Home Relief would not be used to pay rental arrears for ADC or HR recipients.

For applicants of recurring ADC or HR who are determined eligible for ADC or HR and who have rental arrears when they apply, rental arrears can be paid under ADC or HR as per Department regulation 352.7(g)(4) and would still be eligible for state and federal reimbursement.

For each of the above circumstances the ongoing shelter allowance should be placed on restriction.

The intent of amended Department regulation 370.3 is that State and Federal reimbursement is not available for arrears payments when emergency Home Relief (NPA applicant for emergency assistance only) is used to pay rental arrears where rental arrears have already been paid within the previous twelve months under either EAF or emergency Home Relief.

NOTE: Social Services Law Section 131-s specifies the circumstances under which emergency financial assistance can be authorized to prevent the termination of or to restore utility services to both PA and NPA households. Recoupment of such emergency assistance can only be considered when a PA recipient has not utilized his/her public assistance grant for purposes intended. Local districts must refer to Department Regulations 352.5(b), (c), (d), and (e) and Administrative Directive 87 ADM-51, Statewide Energy Assistance Policy, for the appropriate procedures to be followed when handling energy-related emergencies.

6. Emergency Home Relief must not be used to meet needs during a period of ineligibility for public assistance due to the receipt of a lump sum in accordance with Department regulation 352.29(h).

All requirements in Department Regulation sections 370.3(a),(c),(d) and (e) remain in effect.

As with any public assistance rent arrears payment, the reasonableness of the request must be taken into consideration when determining whether to pay rental arrears under emergency Home Relief. Local districts must use their discretion when determining reasonableness. For example, a local district must consider a client's ability to meet future rental obligations. If arrears occurred because the apartment is too costly for the client and it is unlikely that continued rental obligations can be met, an alternative to paying the arrears may be more preferable. For example, the local district determines that the client cannot meet the rental obligation on their income, there is no third party to assist with the rent, and income is not likely to increase in the near future. As an alternative to paying the arrears, placement in temporary housing with assistance in relocating to more affordable housing may be more appropriate than paying the arrears.

V. SYSTEMS IMPLICATIONS

None

VI. FOOD STAMP IMPLICATIONS

The portion of the emergency Home Relief payment made by a local district on behalf of a PA household, to meet an emergency or a special need in the household, which exceeds the normal public assistance grant, is excluded as income when calculating food stamp benefits. Likewise, an emergency Home Relief payment made by a local district on behalf of a non-PA household, to meet an emergency or special need of the household, is excluded as income when calculating food stamp benefits.

VII. MEDICAL ASSISTANCE IMPLICATIONS

Emergency Home Relief payments made to Home Relief - related Medical Assistance only recipients shall be disregarded as income when determining Medical Assistance eligibility.

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VIII. EFFECTIVE DATE

This directive is effective May 1, 1990 retroactive to December 25, 1989.

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Oscar R. Best, Jr.  
Deputy Commissioner  
Division of Income Maintenance