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| INFORMATIONAL LETTER |
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TRANSMITTAL: 94 INF-49

TO: Commissioners of
Social Services

DIVISION: Economic
Security

DATE: October 26, 1994

SUBJECT: Duplicate Rent Payments

SUGGESTED

DISTRIBUTION: Public Assistance Staff
Food Stamp Staff
Medical Assistance Staff
Staff Development Coordinators

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ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		352.31(d)			

The purpose of this letter is to clarify Department policy regarding recoupment of duplicate rent payments when a public assistance recipient on restricted rent moves from one apartment to another.

Generally, all public assistance overpayments are subject to recoupment or recovery. However, this letter informs social services districts (SSDs) of an exception to this general rule.

When a recipient moves from one apartment to another and is on restricted rent, duplicate rent payments are often made by the SSD. This happens when a recipient fails to provide timely notice of the move to the SSD, or when the SSD fails to act in a timely manner upon notice provided by the recipient, and rent is sent to both the former and new landlords. Timely notice from the recipient about the move, for the purpose of this policy, is interpreted as being at least 5 business days prior to the move.

Once the SSD has been informed by the recipient of a pending move, the SSD has the responsibility to act upon this information in a timely manner. If the SSD acts in a timely manner after receiving the notification of the move and, because the recipient did not inform the SSD in sufficient time to make the change and duplicate rent payments are made, the duplicate rent must be recouped. However, if the recipient does provide the SSD with notice in time for the SSD to make the change and the SSD does not act timely and duplicate rent payments are made, the duplicate rent payments must not be recouped from the recipient.

Efforts should be made to recover the duplicate rent payment from the former landlord for the periods the recipient did not reside at the premises. If the landlord is uncooperative in returning the rent to the SSD, and the recipient notified the SSD in a timely manner, there should be no recoupment against the recipient. The rationale for this policy is that, despite the recipient complying with public assistance rules and not benefiting from the overpayment (i.e., he or she neither received the services nor the duplicate grant), the rent was sent to the former landlord through no fault of the recipient.

Example

On July 16, Ms. Benes decides to move to another apartment on the first of August. She notifies the SSD of this change on the 17th of July. The SSD does not make the appropriate changes until after the first of August and a duplicate rent payment is made. In this case, the client provided the agency with sufficient time to make the necessary adjustments to her case. Therefore any recovery of the duplicated payment must be against the landlord of the previous apartment and not against Ms. Benes.

Example

On September 15, Mr. Kramer decides to move to another apartment on the first of October. He forgets to notify the SSD of this change until September 27, three days before the move. The agency processes the change but unfortunately a duplicate rent payment goes out to the previous landlord. In this case, since the client did not provide the SSD with the change in address in a timely manner, a recoupment for the duplicate payment may be made against Mr. Kramer's case.

The information contained in this release will be incorporated in the next Public Assistance Source Book update.

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