

March 27, 1998

Re: ADMINISTRATIVE DIRECTIVE

SUBJECT: Safety Net Assistance Program (Welfare Reform Act of 1997)

Transmittal Number: 97 ADM-21

Date: October 24, 1997

Dear Sir or Madam:

Attached you will find two replacement pages for the Administrative Directive referenced above. Please note that replacement pages were originally sent on March 18, 1998, which have been revised. Please replace pages 7 and 8 to incorporate revisions to Section IV (Required Action), Subsection B. 2. (METHOD OF PAYMENT - Non-Cash Assistance (in order of hierarchy). We apologize for the inconvenience.

Sincerely,

Patricia A. Stevens  
Deputy Commissioner  
Division of Temporary Assistance

For example, if an individual received twenty-four months of cash in Safety Net Assistance and then becomes eligible for Family Assistance (i.e., has a child), the family can only receive Family Assistance for thirty six months. After this time, they could receive non-federally participating, non-cash Safety Net Assistance.

2. **Non-Cash Assistance (in order of hierarchy)**

Non-cash Safety Net Assistance benefits must be paid in the following manner. This methodology does not apply when a person is in the cash Safety Net Assistance program and the grant is restricted for mismanagement or administrative ease.

SSDs must provide the recipient with proof of the restricted payment upon request by the recipient.

a. **Shelter Assistance**

SSDs must make a payment for shelter by direct payment, two-party check or other form of restricted payment to a vendor, up to the maximum allowance amount. SSDs may make a payment for a recipient's shelter in excess of such maximum, up to the deficit amount, if the recipient requests that such excess amount be paid.

These shelter payments are subject to the provisions of Section 143-b of the Social Services Law, often referred to as the Spiegel Act. This law allows SSDs to withhold restricted rent when there are violations of health and safety codes.

SSDs must make payment for shelter by a two-party check upon the request of the recipient. However, SSDs are not precluded from making a direct payment to the vendor whenever it finds that the recipient has persistently failed to make payment for rent without good cause in accordance with Part 381 of Department regulations.

b. **Utility Assistance (including fuel for heating)**

SSDs must make a restricted payment for utilities on behalf of non-cash Safety Net Assistance recipients who pay separately for these costs.

Utilities include domestic energy costs (energy required to supply lights, cooking and hot water), fuel for heating and expenses classified as a utility (i.e. water) which the applicant/recipient is obligated to pay as a separate charge to a vendor and an allowance is made for the amount to be paid.

The amount restricted from the grant for domestic energy costs must not exceed the average monthly billing amount of the recipient's domestic energy costs. However, when a recipient's domestic energy/heating bill is required to be on restricted payment as a result of recipient mismanagement, the provisions of NYCRR 352.5(f) apply.

The amount restricted from the grant for fuel for heating must not exceed the fuel for heating allowance.

The amount restricted from the grant for expenses classified as a utility must not exceed the actual expense.

The SSD may pay the entire amount of the heating bill at the written request of the recipient, with appropriate reconciliation. This non-cash Safety Net Assistance provision of the Welfare Reform Act of 1997 differs from the current practice of automatically paying the entire heating bill when a recipient is on restricted payment and then periodically reconciling. Now, for recipients of non-cash Safety Net Assistance, the SSD must get the recipient's written permission before the entire heating bill can be paid.

However, Social Services Law 131-s mandates and procedures take precedence when the applicant/recipient is threatened with a shut-off when they present themselves to the SSD.

c. Personal Needs Allowance

SSDs must provide each household with a cash personal needs allowance, if there is sufficient money in the grant, equal to twenty percent (20%) of the sum of the basic allowance, statewide home energy allowance (HEA) and the statewide supplemental home energy allowance (SHEA) for the appropriate household size.