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## Informational Letter

### Section 1

<b>Transmittal:</b>	02 INF 11
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	April 22, 2002
<b>Subject:</b>	Clarification of Claiming Hierarchy for Persons in Residential Programs for Victims of Domestic Violence and Homeless Family Shelters, including Tier I and Tier II Homeless Shelters
<b>Suggested Distribution:</b>	Temporary Assistance Directors Food Stamp Directors Staff Development Coordinators WMS Coordinators Fair Hearing Staff Medicaid Staff CAP Coordinators HEAP Coordinators Domestic Violence Liaisons Finance Directors
<b>Contact Person(s):</b>	Central Team (TA) at 1-800-343-8859; extension 3-9344, Eastern Team (FS); extension 3-1469, Western Team (HEAP); extension 3-0332, Metro Team, (212) 383-1655.
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
02 ADM-2 01 AMD-3 98 ADM-3 97 ADM-20 94 ADM-20 94 ADM-11 94 LCM-153					

## **Section 2**

### **I. Purpose**

The purpose of this informational letter is to provide clarification on claiming hierarchy information presented in 94 ADM-11, "Domestic Violence: Eligibility and Payment for Residential Services for Victims of Domestic Violence" and in 94 ADM-20, "Preventing Homelessness and Providing Assistance to Homeless Persons". This information impacts the category of assistance under which districts authorize benefits on behalf of applicants/recipients who are in a homeless family shelter, including Tier I or Tier II shelters, or in a residential program for victims of domestic violence.

### **II. Background**

Prior to federal welfare reform, states were not allowed to claim the costs of items, other than items of basic needs, under Aid to Dependent Children (ADC) Program. However, the costs of services could be met through the separate federal category of Emergency Assistance to Needy Families with Children (EAF). Because of the large services component in the homeless shelter and domestic violence residential program rates, local districts were instructed in 94 ADM-11 and 94 ADM-20 to use EAF whenever possible for families in these programs. Generally income is not budgeted for EAF purposes. Rather all available income and resources are explored and must be utilized by the family to meet their emergency. However, even though EAF was the preferred method of claiming for families in these situations, local districts were instructed to budget income for these cases as if FA or SNA were being claimed. The rationale for this was that most of these families would have been eligible for recurring FA or SNA because of the high shelter costs, but EAF was being used due to the services component in these housing situations.

With the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, states were given a great deal of flexibility in how they use the TANF Block Grant to meet the needs of families with children. There is no federal prohibition against using the TANF Block Grant money for meeting the cost of services associated with these shelters or residential programs. Under the TANF Block Grant, New York State funds two programs, Family Assistance (FA) and EAF. FA is intended to cover recurring basic needs and EAF is intended to cover short-term emergency needs not provided for under FA, generally not to exceed four months.

Whereas EAF had been used to meet the emergency needs of undocumented persons, PRWORA prohibited the use of TANF (including EAF) funds for undocumented persons.

### **Program Implications**

Because of these federal changes, districts are instructed to use recurring TA categories of assistance (FA, SNA-FP, cash and non-cash SNA), for families in homeless shelters and residential programs for victims of domestic violence. EAF would only be used in those rare circumstances where there is no eligibility for recurring assistance. An example would be a family with a car which exceeds the resource limit but it cannot be liquidated right away. EAF would be used until the car was liquidated. Districts are reminded that the high cost of homeless shelters and residential programs for victims of domestic violence increase the standard of need for families in these facilities and that all applicants/recipients in homeless shelters or domestic violence residential programs must utilize their available and accessible resources to meet their shelter or residential program costs.

Applicants/recipients of benefits under TA categories of recurring assistance are subject to all regular program requirements. Districts must remember that applicants/recipients who are victims of domestic violence may receive a waiver for one or more of these requirements (98 ADM-3).

EAF cannot be used to meet the emergency needs of undocumented persons.

**Issued By**

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**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**