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Governor

NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
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Commissioner

## Local Commissioners Memorandum

### Section 1

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| <b>Transmittal:</b>                    | 03 LCM 1  |
| <b>To:</b>                             | Local District Commissioners  |
| <b>Issuing Division/Office:</b>        | Division of Temporary Assistance                                    |
| <b>Date:</b>                           | February 24, 2003   |
| <b>Subject:</b>                        | Clothing Allowance Under the Emergency Assistance to Adults Program |
| <b>Contact Person(s):</b>              | Central Team: 1-800-343-8859 extension 49344                        |
| <b>Attachments:</b>                    | None  |
| <b>Attachment Available On - Line:</b> |   |

### Section 2

#### I. Purpose

The purpose of this Memorandum is to inform social services districts (SSDs) that, in accordance with 18 NYCRR 397.5 (a) and (f), a clothing allowance may be provided to individuals who are eligible for Emergency Assistance for Adults (EAA), including individuals who reside in adult homes.

#### II. Background

Some Supplemental Security Income (SSI) recipients who reside in adult homes have been unable to maintain their current clothing in a safe and sanitary condition and, due to a lack of available funds, are unable to purchase new clothing. The lack of suitable clothing may endanger the SSI recipient's health and safety. To assist SSI recipients in obtaining adequate clothing, 18 NYCRR 397 EAA, is available to meet identified needs of SSI recipients that, if not met, would endanger the health, safety or welfare of the individual. SSDs are reminded that in accordance with 397.1(b), the replacement or repair of clothing is an emergency need that must be met if the need might jeopardize the individual's health, safety or welfare. In addition, NYCRR 397.5 (a) and (f) provide for the authorization of a clothing allowance.

### **III. Program Implications**

Districts are reminded that they may provide a clothing allowance to individuals who are eligible for Emergency Assistance for Adults (EAA), including individuals who reside in adult homes, under the following conditions:

1. The clothing is lost or rendered useless due to burglary, theft or vandalism. All such losses must be reported to local law enforcement officials and the SSD must verify the loss before the allowance is approved.
2. The clothing is lost due to fire, flood or similar catastrophe. (See below for more detail regarding what might constitute a catastrophe in this context.) All such losses must be reported to the SSD and the SSD must verify the loss before the allowance is approved.
3. The clothing is necessary to enable an SSI recipient to move to a private residence including an adult home from a nursing home, hospital (including state psychiatric facilities) or other institution. Such assistance can only be authorized once in an individual's lifetime.

A clothing allowance may be authorized to an eligible individual if the clothing is necessary when a person moves to a private residence, including an adult home, from a nursing home, hospital (including state psychiatric hospitals) or other institution and the clothing expense cannot be paid from the individual's regular income.

A clothing allowance may also be authorized to an individual residing in an adult home if the individual's clothing is lost or rendered useless due to burglary, theft, vandalism, fire, flood or other catastrophe and the clothing expense cannot be paid from the individual's regular income.

All available income must be used to meet the emergency before an EAA clothing allowance can be issued. SSI recipients, including residents of adult homes, have monthly income that may be available to meet the cost of clothing. Residents of adult homes in receipt of SSI receive a monthly Personal Needs Allowance (PNA) of one hundred twenty four dollars. The purpose of the PNA is to provide residents with the funds necessary to pay for their own basic living expenses including the cost of clothing. If an individual is determined eligible for a clothing allowance the amount for clothing cannot exceed the amounts in Schedules 18 NYCRR 352.7 schedule SA-4b. For a single adult that amount is eighty- nine dollars.

Individuals who have recently moved from a nursing home, hospital or other institution to an adult home, or those eligible individuals residing in an adult

home who have an emergency need that must be met because their clothing was lost, rendered useless due to burglary, theft, vandalism, fire, flood, or similar catastrophe that threatens the health and safety of the individual such as, the individual's clothing has deteriorated to such an extent and the individual's inability to replace the clothing could result in harm to the individual's health and safety, may be eligible to receive an EAA clothing allowance.

There is no change in the current EAA application process or eligibility process. All EAA program criteria must be adhered to including that applicants must apply for benefits on the LDSS-2921 common application, "Eligibility for Medical Assistance, Food Stamp Benefits, Services and/or Child Care Assistance", have a face- to- face interview and verify the circumstances surrounding the emergency.

If an individual receives an EAA clothing allowance and also receives Food Stamp benefits, the clothing allowance payment is considered a Food Stamp lump sum payment and therefore is excluded from consideration as income for Food Stamp benefits.

**Issued By:**

**Name:** Patricia Stevens

**Title:** Deputy Commissioner

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