Temporary Assistance Questions and Answers
Contents

Budgeting……..……..Page 2

Domestic Violence…….Page 3

District of Fiscal Responsibility……...Page 5

Resources…….. ……Page 7

General……...Page 9

Budgeting

1. **Question: An SSI parent resides with a 20 yr. old daughter who is receiving Safety Net Assistance (SNA) and a 17 yr. old son who is receiving Family Assistance (FA). These sibling's cases are co-oped. Is each case now entitled to a full shelter allowance since there are no legal lines of responsibility between the two cases?**

   Answer: No. Since the mother is legally responsible for both children, the shelter allowance for two would be prorated between the cases.

2. **Question: A recipient reports initial or increased earnings timely. The district requests the recipient to provide verification of the earnings but the recipient subsequently fails to verify the earnings. At what point does the worker move to close the case?**

   Answer: If the recipient doesn't claim good cause for failing to provide documentation, the worker should provide a request for documentation letter to the recipient on receipt of the report of initial or increased earnings and move to close the case following timely notice if verification is not received. If the recipient fails to verify initial or increased earnings, the worker should move to close the temporary assistance (TA) case even if the two-cycle disregard of initial or increased earnings has not expired.

3. **Question: A district has an applicant who is FA eligible due to his SSI wife's pregnancy. However, the case needs to be case type 12 (non cash SNA-FP) due to Drug/Alcohol issues. Would Rice budgeting apply in this case?**

   Answer: Currently, Rice budgeting that applies to SNA FNP does not apply to Case type 12 (Federally funded SNA). Therefore, the husband's budget would be for a one person case… one in the household, one in the case count.

4. **Question: A SNA client was self-employed prior to being in an auto accident. She does not receive no-fault insurance payments for lost wages but does receive mileage from the insurance company and up to $25/day for help in home. How is this income counted for TA?**

   Answer: If it is established that the woman is being reimbursed for specific items of need that resulted directly from the accident, the amounts are exempt under 352.16(a).

5. **Question: A district has an applicant who is in receipt of SSI and working. She has two children with her in the Level II facility. How does the district determine financial eligibility for the family?**

   Answer: The district will isolate the SSI mother's share of the needs. Since the mother is an SSI recipient even though she is working, none of her SSI or earned income will count against the other household members. The mother's share of the needs is the Level II amount and the Level II PNA.

   The children's needs will be the negotiated room and board amount and the PNAs ($45 each). The children's needs can be met under Family Assistance if otherwise eligible.

Domestic Violence

6. **Question: If the mom is under a durational sanction and she has children with her in the DV residential program, does TA or services pay for the children?**

   Answer: If the children are already on TA, then their per diem and PNA are paid from TA. If the children are not on TA, the mom must complete a common application for them and it must be submitted to the local district. The mom must cooperate in establishing their eligibility for TA while she is in the residential program. If she cooperated while in the residential program but leaves the residential program before she can provide the information necessary to determine their eligibility for TA or the children are found to be ineligible for TA, then the payment is made under services funding if the children are income ineligible according to the TA budget.

7. **Question: When a family in a residential program for victims of domestic violence includes an SSI individual, how should the SSI person's per diem and PNA be paid and claimed? Would the district use EAF, FA, SNA, EAA or services funding?**

   Answer: Districts must not use federal TA funding for the SSI person's needs. If the SSI person is eligible for assistance, that assistance is provided in (SNA) not EAF or FA. This is true whether the SSI individual is an adult or a child. The SSI person's eligibility and degree of need is established using TA budgeting. EAA does not cover per diems in a DV residential program. The SSI person's income is applied against her/his standard of need (her/his DV per diem and PNA). If there is a deficit, the SSI person is eligible for supplemental SNA.

   The district would only use services if the individual applied for TA but left the shelter before the face-to-face interview or before all documentation necessary to make a decision was received.

8. **Question: Is a durational sanction suspended when the individual goes into a DV shelter?**

   Answer: No, a durational sanction cannot be suspended for any reason. When a victim is on a durational sanction and within the durational sanction time period (i.e., 90 days) at the time she applies for payment for a domestic violence residential program, the local district should forward that application (and, if there is income to be budgeted, the amount of the per diem TA deficit) to the person responsible for making services funding. Title XX 200%, regular base Title XX or 50% - 50% State share Title XX determinations so that payment can be made under services funding. If the person has completed the durational period, the person must comply with TA requirements while in the residential program in order to be eligible for TA or Services funding. If the person fails to comply while in the residential program and does not receive a domestic violence waiver for that requirement, the person is not eligible for TA or services funding.

9. **Question: Does an ESNA individual who was in a domestic violence shelter have to sign a repayment agreement if rental arrears accrued on her apartment and the only category she is eligible for is SNA while in the shelter?**

   Answer: Yes, if the SSD pays the rental arrears under ESNA.

10. **Question: What happens if the DV victim is not active for TA and no application is filed?**

    Answer: In order for payment to be made under TA or Services funding, an application must be completed by the victim and submitted to the local social services agency. If there is no application, payment cannot be made. The only exception is when the victim is already in receipt of TA when she

enters the residential program. In this case, the payment to the residential program is considered to be a special need and would be paid off the TA case.

11. Question: What role does the OCFS regional office have in the application process? Where does the application go and who makes the TA and/or Services decision?

Answer: The eligibility determination for TA or Services must be made by the local social services district. However, the regional office staff can provide technical assistance to the districts regarding domestic violence rules and policies when assistance is requested by the district or is deemed necessary.

12. Question: If the DV victim is already on TA, does the district need a new application for Services funding?

Answer: If the DV victim is already on TA, the payment for the residential program would be made under TA and no application would be necessary. However, if the mom were on a sanction, she would need to complete an application for herself for Services funding for the per diem. This would be true even if her children were on TA and did not need an application for their per diem to be paid.

13. Question: Whose responsibility is it to find alternate space for the victim when the local DV residential program is full?

Answer: It is the responsibility of the local district to find shelter for a victim if the local DV provider's beds are filled. The local district can potentially work out an arrangement with the local provider to assist in finding a bed elsewhere, but the regulatory responsibility rests with the local district. The victim may locate and go into a program without the SSD's assistance if the victim wishes.

14. Question: What can the district do to find a DV placement for a male victim?

Answer: A male DV victim in need of shelter cannot be automatically excluded from a residential program. Each circumstance must be individually assessed. If it is determined that a specific male DV victim would not be appropriately placed in a specific DV shelter because it would not be conducive to the safety and/or well being of other residents at the shelter, the district must attempt to locate an alternative place to provide shelter to such person. It may be that a domestic violence safe home would be, in certain instances, a more appropriate residential program for a particular victim. While there are limited DV safe homes throughout New York State, a district could check with its OCFS regional office to learn where the closest available program may exist. Minimally, the district must provide emergency shelter and assistance to such male victim if no other available appropriate program can be located.

15. Question: If a DV victim and the family is TA eligible but has had five years of FA, how do we claim the DV costs?

Answer: The residential costs should be claimed using the following hierarchy: EAF, or FNP Safety Net Assistance, Title XX 200%, regular base Title XX, 50% State share Title XX. Non- Residential costs should be claimed as Title XX 200%.

16. Question: For a family in a DV residential program, can a 200% of poverty family be claimed to Title XX at federal reimbursement?

Answer: A family whose income is under 200% of poverty, but is not in receipt of or eligible for Temporary Assistance, should be claimed as Title XX 200%. Federal reimbursement is 100% up to a local district's allocation and thereafter 50% State Share.

17. Question: Would the 200% eligible family's DV costs be authorized through a Services case?

Answer: The 200% eligible Title XX cases should be authorized as a Services case and the authorization must have a suffix code of C in order for it to be claimed as Title XX 200%.

18. Question: For 200% Title XX, can the worker just go right to 200% and skip TA?

Answer: Not unless the victim is on a durational sanction and in the durational sanction time period. The hierarchy that has been established is TA first, Services funding if there is no TA eligibility, or TA eligibility cannot be established despite the victim's cooperation while she was in the residential program.

19. Question: Is there a hierarchy within Title XX?

Answer: Local districts would want to use up the Title XX 200% funds for those cases eligible and regular base Title XX for those not.

20. Question: Can 200% Title XX be used for non-residential services also?

Answer: Yes, as long as the family is 200% eligible.

District of Fiscal Responsibility

21. Question: What is meant by the term "placement" as it relates to homeless individuals or families?

Answer: Placement means that a district meets the immediate/emergency housing needs of a homeless individual or family by providing temporary housing or making a referral to available temporary housing in that district or another district.

The term placement as it relates to homeless individuals or families does not mean that the placing district has ongoing fiscal responsibility for the individual or family, until there is a break in need of one calendar month. However, if the placing district met the emergency housing need by placing the individual or family in temporary housing outside the district, the placing district remains responsible for the individual or family for as long as the stay in temporary housing continues and for the transition period. The transition period is the month the individual or family leaves temporary housing and the following month – assuming that the individual or family is still TA eligible.

Please note: If a district in which a homeless individual or family first applies for Temporary Housing Assistance (THA) tells the applicant(s) that there is no available temporary housing in the district, but that they should apply in another district that does have available temporary housing, the first district is considered to have "made a placement" and retains fiscal responsibility for the homeless individual or family while they remain in temporary housing and for the transition period.

22. Question: If District A believes that District B is fiscally responsible for an individual or family applying in District A, can District A meet the immediate need and send the individual or family to apply in District B?

Answer: No. The where-found district cannot assume that another district is fiscally responsible for the applicant. The procedures found in 00-INF-19 "District of Fiscal Responsibility (DFR) Procedures" must be followed when one district believes that another district is fiscally responsible for an individual or family.

23. **Question: If a person is in temporary housing in County B because County A placed the homeless individual there but he or she needs to get back to County A to comply with a County A requirement, which district is responsible for meeting the transportation need by providing bus tokens, cab fare, etc.?**

    Answer: County A.

24. **Question: When a person from out of state presents homeless in a NY district, and indicates that he/she wants to live in NY, can the district ask about the availability of any out of state housing resources?**

    Answer: The district can and should ask about the applicant's situation in the previous state. It is possible, but very unlikely in most situations, that THA could be denied based on a verified housing resource in another state.

    For example, if an applicant for THA has an apartment still available for the remainder of the month in a nearby town in a bordering state, the applicant may be required to use that resource. If that same apartment was in a distant state, it is not an available resource.

    94 ADM-20, last paragraph on page 33 provides "A homeless person has the constitutional right to travel from state to state and from district to district within the state and to declare his/her own domicile".

25. **Question: A young man (over age 21) is currently residing in the County Nursing home (in County B). He was moved there from another County (County A) to be near his parents. Although the young man traveled from place to place, he was badly beaten and hospitalized for many months while in the former district. He is pending SSI/SSD. The former district (County A) took responsibility for the Medicaid because they could not establish a county of residence. He will be leaving the Nursing Home soon and will need TA until his SSI/SSD begins. Which district is responsible for this young man's TA and MA?**

    Answer: The most likely responsible district would be County A (where he was hospitalized) since at the very least, his last residency could be tracked to that district. There is clearly a need for more information here to be more definitive. However, SSL 62.5 (d) holds the prior residence district responsible indefinitely (until there is a break in need) for "assistance and care" when someone enters a nursing home outside the district of residence.

    To fully understand DFR policy, districts need to have a firm grasp of the concept of residency.

    Residency at times can be difficult to establish. When DFR is involved, it is a critical issue since the district of prior residence is often held fiscally responsible when someone enters a particular facility type (normally, but not always, a residential, domestic violence or medical facility) that is in another district. To determine residency, a district should normally review two factors: intent and the facts. What is the individual saying is his/her residence? Do the facts contradict what is being said? Normally, when someone has a fixed place of residence and facts and intent align, residency is simple. For example:

    I live at 13 Main St in Albany NY. I'm registered to vote there. My drivers' license lists that as my address. I receive my mail there. Here, it's easy to establish that Albany is the county of residence.

    Unfortunately, due to the nature of DFR issues, many times the clientele involved are more migratory. This is particularly true when drug/alcohol issues are involved. In these instances, residency can be more difficult to establish.

When there is not a fixed place of residence, it is often more a matter of intent and just making sure the facts do not contradict what is being said. For example:

I have an alcohol problem. I moved up to this State from Florida last summer and have spent time in New York City, Utica, Plattsburgh and Albany over the past year. Generally, I have stayed at homeless shelters and have been on and off welfare. Right now, I'm in a drug/alcohol residential facility in Schenectady County. I was placed there by Albany Medical Center after I was found dangerously intoxicated on the street in Albany County. I had been living near a highway in Albany County and was not receiving welfare.

Here, the client would primarily be the source of information to establish residency. A statement from him would be sufficient to show that Albany was the last county of residence. Incidentally, since Albany County was not involved in the placement of the client, Schenectady County would end up the DFR (unless temporary absence is also indicated).

26. Question: If an individual from County A is admitted to an adult home in County B, is County A the district of fiscal responsibility?

Answer: Yes, County A would be the responsible district under the medical rule found in SSL 62.5 (d) see (GIS 02 MA/006).

Resources

27. Question: Under the new lump set aside provisions, is it possible that a district might not have to close a case when the amount of the lump sum exceeds the resource limit set aside and a period of ineligibility has been calculated?

Answer: Yes. This might occur when the client uses the remainder of the lump sum for the other set asides that if acquired within 90 days of receipt of the lump sum result in further shortening (possibly voiding the closing). These set asides are:

- an automobile exempt from the resource limit because it is needed to seek or retain employment or for travel to and from work activities (maximum amount $9,300 or higher if set by district);
- a resource exempt bank account such as a first or replacement automobile account for the purpose of purchasing an automobile to seek or retain employment (maximum amount $4,650), or a college tuition account for the purpose of paying tuition at a two-year post-secondary educational institution (maximum amount $1,400);
- a resource exempt burial plot; or
- a resource exempt bona-fide funeral agreement (maximum amount $1, 500).

The following example will illustrate. A family with needs of $400 receives a lump sum of $5,000 on 10/5. The family has non-exempt resources of $300. The district must allow a resource set aside of $1,700. The family is ineligible for 8 months with a remainder of $100 to count in the 9th month. The agency processes the closing for 11/1 (effective date of notice). The head of household also purchases and verifies on 10/18 before the case is closed that a car for work costing $3,300 has been purchased. The closing would be voided. The ineligibility is shortened before the case is closed.

28. **Question: Can the $1,400 resource exempt account that is earmarked for paying tuition at a two-year post-secondary –educational institution be set up for children (regardless of age) and adults in the household?**

Answer: Yes. There are no age restrictions in the law. Also, the law does not limit these to one per household.

29. **Question: What happens to the household when the person for whom the exempt two-year post-secondary-educational college fund is set up for leaves the household?**

Answer: Since the college fund was established in the name of the individual who left the household, the household's eligibility must be redetermined without the presence of that individual or consideration of the amount of the college fund as an available resource to the remaining household members. If the individual who left remains on assistance through his/her own case, then the district must continue to monitor the account. If the individual goes off assistance but then later applies for assistance, the district where the individual resides must check to see what happened to the college fund account and continue to monitor the account as an exempt resource if the fund has not been misused.

30. **Question: Is the interest in these two-year post-secondary-educational college tuition fund accounts exempt also?**

Answer: Yes, as long as it is retained in the account for the purpose of paying college tuition and the individual account has not reached $1,400. If the account were already at $1,400, the interest would be countable unearned income in the month received and a nonexempt resource thereafter.

31. **Question: Is there a time limit on how long the recipient can set up the exempt two-year post-secondary-educational tuition fund before actually starting school?**

Answer: No. The law doesn't specify any time limit. It is likely some recipients will set up accounts for their recipient children.

32. **Question: If a client stops attending school permanently or is unable to due to medical reasons, is an exempt two-year post-secondary-educational college tuition fund account automatically counted towards the resource limit?**

Answer: The law says the funds have to be for the purpose of tuition costs and cannot be used for any other purpose. If a client acknowledges that they will no longer be attending school permanently then it cannot be contended that the funds are for the purpose of tuition costs. These funds would become a nonexempt resource beginning with that month. However, it would be a very rare instance where someone would acknowledge that they would never go back to school.

33. **Question: If a case is closed due to a lump sum and during the ineligibility period the household has a utility shut off, can the utility expense be paid?**

Answer: Yes, the utility expense can be paid. According to 131 (s), utility shut offs are not subject to the ineligibility period for lump sums, therefore if the family is eligible for EAF or ESNA, the utility shut off can be paid.

General

34. Question: When children are placed into foster care (FC) from an active TA case, the shelter and fuel portion of the TA grant is continued provided that the Services Plan calls for the return of the child to the home. Since a case can be FA based solely on that FC child, must we include the child(ren) temporarily absent in FC on the LDSS: 3209 or NYC LDSS: 3517 for federal reporting purposes? If so, should the child be identified as "08-Inactive-Excess Restricted Income/Non-applying HH member"/"04 - No (MA) Coverage - Ineligible", or as a TA active child "07 - Active"/"04" since shelter and fuel costs are paid on the child's behalf?

Answer: Children in foster care must be included on the LDSS-3209 when they are temporarily absent from the TA household and their share of the shelter and fuel (if appropriate) are continued. The children's Individual Disposition Status Code should be "07 - Active". The children's MA Coverage Code should be "04 - No coverage - Ineligible" since the children will receive MA through the FC case, not the TA case.

35. Question: For federal reporting requirements, is a caretaker relative required to report their income and resources at application and recertification?

Answer: Yes, caretaker relatives of children for whom the caretaker is not legally responsible must provide information about their income and cash resources, even when the caretaker is not applying for or receiving Temporary Assistance. The caretaker relative may provide their information by stating their income and cash resources. SSDs are not required to verify the income and resources of non-applying, non-legally responsible household members that do not affect the amount of benefits for which the household would be eligible. The caretaker's information must be input into the Upstate ABEL Data Collection Screen. If a caretaker relative refuses to provide the information the entire case is denied or discontinued.

36. Question: If a district uses EAF funds to make an emergency utility payment under SSL 131-s for an SSI household, does the district issue a 6-month guarantee to the utility company on behalf of the SSI household?

Answer: Yes. If the household is categorized as an SSI household (see Energy Manual, Section "Emergencies General"), the district must issue a six-month guarantee regardless of whether the payment is made using EAF or EAA funds.

37. Question: How does the concept of an "unforeseen occurrence" apply to the determination of eligibility for temporary housing assistance?

Answer: The provision in 18 NYCRR 372.2(a)(4) that the emergency must be the result of an occurrence that could not have been foreseen and was beyond the control of the individual could result in the denial of EAF. Districts must make this determination on a case-by-case basis. However, the sudden and unforeseen provision is not a provision for ongoing TA or for emergency Safety Net Assistance (ESNA).

Due to the higher standard of need, when an individual or family is in temporary housing, even those with income that would normally be too high for Temporary Assistance eligibility, may be eligible for ongoing assistance. If so, the temporary housing is paid under the Family Assistance category. If the family is not eligible for Family Assistance (i.e., had received 60 months of assistance) and the family is denied EAF based on the unforeseen and beyond the applicant's control provision, the local district must still explore the family's eligibility for either ongoing SNA or ESNA to pay for the temporary housing.

38. Question: Is there any limit on the number of times that a district can make a diversion payment for the same family?

Answer: No, but districts must determine that the payment will keep the person self-sufficient and off of recurring TA. For example, the shelter may be currently unaffordable, but a district may still want to pay it so that the person's employment is not disrupted and this may give the family more time to relocate more affordable housing. The family may also have more income expected in the near future due to a raise, etc.

39. Question: What posters are mandated by DTA to be in the district client waiting areas?

Answer: The following are mandated:

- The National Voter Registration Act Poster
- The LDSS-3814 "Temporary Assistance Additional Allowance and Other Help" flyer.
- Food Stamp Complaint Procedures (LDSS-8036, Revised 2/00)
- And Justice For All (AD-475B, Revised 12/99)
- Will You Receive Food Stamps After Cash Assistance Ends (English)
- Will You Receive Food Stamps After Cash Assistance Ends (Spanish)
- Language Poster

There are also two available HEAP posters but they are not mandated.

41. Question: When a parent fails or refuses to provide or help validate a SSN for a child, who is sanctioned for TA? Is the parent or the child sanctioned?

Answer: The adult is sanctioned for refusing to file for/or validate a SSN. The penalty is an incremental sanction, that is, the adult's needs are removed. In addition, the child's needs are also removed due to lack of a SSN (or proof that one has been filed for).

The appropriate CNS individual reason code (individual sanction code in NYC) is used as follows:

For the parent:

E21-Failure to Provide Child's SSN

For the child:

F17-Failure to Validate Incorrect SSN, or
F20(NYC), F21(Upstate) - Failure to Provide SSN

42. Question: When an applicant/recipient provides a SSN Card in their maiden name and it fails validation, but the client has, or is in the process of filing for divorce, can the district require the individual to apply for a SSN Card in their married name?

Answer: The individual can be known by whatever name that she chooses, but she must use the same name for TA and SSA.

43. Question: When is it appropriate for a district to accept verbal confirmation of eligibility information? The source book refers to collateral contacts but does not specify what contacts are acceptable. (for example: wage information at recertification, household composition, etc.)

Answer: Written documentation is the best. However, when the client who has attempted to get the information but cannot, the district must assist the client. The district can accept the verbal confirmation from a primary source such as a landlord's office to verify rent or household composition, an insurance company to verify the equity value of an insurance policy, or an employer to verify employment wages or the reason why a former worker is no longer employed. If the source is one that would require an additional verbal or written source (i.e. secondary source), then one verbal contact is not enough. (See the LDSS-2642 for the kinds of proof that can be accepted on their own and those that require a second, separate source. For example, to verify household composition, one statement from a non-relative landlord will do. However, two statements from other persons would be required. If necessary, verbal confirmation can be accepted at application, under care and at recertification.

When the information is verified verbally, the worker must note in the case record the source of the information, the date, and completed details of the information provided so that it will be available in the event of a fair hearing or a case review.

45. Question: For Temporary Assistance, must an overpayment have resulted from the intentional concealment or withholding of information in order to pursue an IPV?

Answer: No. Under 18 NYCRR 359.3 it is not necessary that an actual overpayment was caused by the fraudulent behavior. This is true for any TA IPV for the period January 31, 2001 or later. January 31, 2001 is the effective date of the regulatory change.

For TA IPV's for the period January 30, 2001 or earlier, an overpayment must have resulted from the fraudulent actions.