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Governor

**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
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Commissioner

## Administrative Directive

### Section 1

<b>Transmittal:</b>	05-ADM-07
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	April 6, 2005
<b>Subject:</b>	Review of Reapplications for Temporary Housing Assistance
<b>Suggested Distribution:</b>	Temporary Assistance Directors, Food Stamp Directors, Staff Development Coordinators, WMS Coordinators, Fair Hearing Staff, CAP Coordinators
<b>Contact Person(s):</b>	Cash Assistance Bureau, Division of Temporary Assistance (518) 474-9344
<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.
03 ADM-08 02 ADM-02 96 ADM-20 94 ADM-20 86 ADM-07 03 INF-34 00 INF-15 95 INF-31		350.3 351.8 (c)(4) 352.35 370.3 372 397	SSL 133	TASB Section 5 (I.)	

### Section 2

#### I. Purpose

The purpose of this directive is to address situations of multiple applications for temporary housing assistance. While previous directives have advised local social services districts regarding the provision of temporary housing assistance, it is the purpose of this release to specifically address situations of multiple applications for temporary housing assistance within a 90 day time period. The directive will clarify circumstances when the local social services districts may decline to provide shelter pending the social services district's determination of a re-application for temporary housing assistance.

As with other administrative directives issued by this office, this directive sets forth procedures concerning a public assistance benefit that local social services districts must follow. To the extent that

any local procedure, practice or law provides for the treatment of re-applicants differently than provided for in this directive, such local law is hereby preempted.

This directive is also intended to underscore that individuals are primarily responsible for finding their own housing and that government provided temporary housing assistance is a last resort.

## **II. Background**

In certain circumstances, when heads of household make re-applications for temporary housing assistance after having been found ineligible within the previous 90 days because of an available housing resource, it may be appropriate for a district to provide a pre-investigation grant.

State regulations provide that when eligibility has not been established, but districts determine an immediate need exists, a pre-investigation grant of assistance shall be made in accordance with Office regulations. 18 NYCRR 351.8(c) (4), see also NY SSL 133. State regulations also provide that emergency circumstances include situations in which the applicant or the applicant's household has no shelter. 18 NYCRR 351.8(c)(3). Districts are required to assess the emergency situation and if an immediate need is determined to exist, meet the immediate need the same day the applicant comes into the office. The district must first determine if an emergency situation exists, then determine if the emergency constitutes an immediate need and, finally, how to resolve the emergency/immediate need. This directive clarifies when districts pre-investigation grants of temporary housing assistance are appropriate based upon immediate needs.

There are instances in which immediate need may be present in an application for temporary housing assistance notwithstanding that the person has applied for such assistance within the preceding 90 days, been found ineligible, and nonetheless applies again. This directive clarifies those instances when a district must conclude that a person who has applied for temporary housing assistance and was found ineligible within the last 90 days because of the availability of a housing resource, is nonetheless in immediate need at the time of a subsequent application, and consequently must be provided with temporary housing assistance. This directive also clarifies the circumstances under which a district may conclude that a person who has applied for temporary housing assistance and was found ineligible within the last 90 days because of the availability of a housing resource, is not in immediate need and is not entitled to receive temporary housing assistance during the investigation of his or her application for emergency assistance.

## **III. Program Implications**

This new release will assist local districts in meeting their responsibility for providing temporary housing assistance to re-applicants. It also clarifies that government provided temporary housing assistance is a last resort, and for previously denied re-applicants, is only available upon a showing of a material and bona fide change in circumstances.

The Office seeks to ensure that eligible re-applicants receive temporary housing assistance as quickly as possible, and that the process of reviewing the applications of persons recently found ineligible does not delay the provision of temporary housing assistance to those in immediate need. Therefore, in addition to the specific criteria set forth below, this directive includes an allowance for other circumstances deemed to meet locally established definitions of an acceptable material change that would constitute reason for a full investigation and the provision of overnight shelter to a re-applicant for temporary housing assistance.

#### **IV. Required Action**

When a re-applicant who has applied within the past 90 days and has been found ineligible for temporary housing assistance applies again, an immediate need is present and a pre-investigation grant of temporary housing assistance shall be made when:

- (a) the re-applicant asserts new facts establishing that the re-applicant is a victim of domestic violence and the alleged perpetrator of the violence lives in the same residence the re-applicant did immediately prior to submitting the application or is aware of the re-applicant's current address and presents a clear and ongoing threat to the re-applicant; or
- (b) the re-applicant asserts new facts establishing that the re-applicant or the primary tenant has been evicted from the residence where the re-applicant lived immediately prior to submitting the application; or
- (c) the re-applicant asserts new facts establishing that the re-applicant's child(ren) is/are a victim of child abuse and the alleged perpetrator of the abuse lives in the same residence the re-applicant did immediately prior to submitting the application or has access to the re-applicant's household.

In such circumstances, an immediate need is demonstrated and the district shall make a pre-investigation grant of temporary housing assistance pending the determination of eligibility. In addition, immediate needs requiring a pre-investigation grant of assistance may exist in other circumstances. In all circumstances, the district shall consider the threat to the health and safety of the re-applicant or family, the sufficiency of available information concerning the re-applicant's eligibility for temporary housing assistance, and the possibility that material change(s) may have taken place since the time of the previous application.

In releasing this directive this Office seeks to balance the needs of persons found ineligible for and reapplying for shelter with the needs of all shelter applicants, who should obtain a prompt determination of eligibility and placement into shelter. It is expected that local social service districts shall administer this administrative directive with judgment and discretion, and that the districts may determine that an immediate need exists in circumstances other than those presented herein, on a case-by-case basis.

Districts are reminded that all applications for temporary housing assistance must be acted on promptly and consistent with State regulations and existing directives, including the provision of a written notice of denial or acceptance setting forth the re-applicant's rights to challenge such denial.

Districts can apply to the Office for approval of a policy to use a period longer than the 90 days described in this directive, but not to exceed 180 days. In order to receive approval, districts must show that based on local circumstances the longer period is necessary to effectively provide temporary housing assistance to eligible households.

#### **Examples**

##### **Example 1**

A household applied for temporary housing assistance on September 1st claiming that it could not return to its doubled up situation, living with the head of household's uncle. The household was found ineligible on September 10<sup>th</sup> because the family in fact could remain in the uncle's home. The same household applied again on November 1<sup>st</sup> that same year, this time alleging that the uncle has become physically abusive toward the head of household and/or the children. An immediate need exists because of the allegations of domestic violence/child abuse and a pre-investigation grant of assistance shall be provided.

#### Example 2

The same scenario as example 1, except that when the household applied again on November 1<sup>st</sup>, the family claimed that the uncle was evicted from his house and that they had nowhere to go. An immediate need exists because of the alleged eviction and a pre-investigation grant of assistance shall be provided.

#### Example 3

The same scenario as example 1, except that when the household applied again on November 1<sup>st</sup>, the family claimed that the living situation had become intolerable and the uncle stated that they could no longer stay there. An immediate need requiring a pre-investigation grant of assistance may be absent because there has been no allegation of domestic violence, child abuse or eviction unless there are other extenuating circumstances, to be evaluated on a case by case basis, indicating that the family cannot return to the uncle's home.

### V. Systems Implications

There are no systems issues.

### VI. Effective Date

Immediately

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#### Issued By

**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** Temporary Assistance