



Office of Temporary and Disability Assistance

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Administrative Directive

Section 1

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Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
02 ADM-02 94 ADM-20 08 INF-9 03 INF-25 88 INF-59		352.6(f) 397.5(k)	SSL 303(1)(k)	TASB - Chapters 12 and 16	

Section 2

I. Summary

This Administrative Directive (ADM) advises social services districts (districts) of policy changes related to the storage of furniture and personal belongings as a result of amendments to 18 NYCRR § 352.6(f) and 18 NYCRR § 397.5(k). These policy changes affect both Temporary Assistance (TA) (includes EAF), and Emergency Assistance to Adults (EAA).

II. Purpose

The purpose of this ADM is to provide information to districts about policy changes related to the storage of furniture and personal belongings as result of amendments to 18 NYCRR § 352.6(f) and 18 NYCRR § 397.5(k).

III. Background

Applicants/recipients (A/Rs) for/in need of an allowance to pay for storage of furniture and personal belongings are often facing critical housing issues. Most often these A/Rs are, or are about to become, homeless and are living in temporary housing*, Social Services Law (SSL) § 303(1)(k) and 18 NYCRR § 397.5(k) authorize an allowance for storage under Emergency Assistance for Adults (EAA). Authorization for an allowance for storage for TA programs does not exist within the SSL. This Office recognized the need for storage of furniture and personal belongings in these situations as critical for the re-establishment of the A/R's home once permanent housing is secured and as such, promulgated 18 NYCRR § 352.6(f) which provides authority for an allowance of storage for TA programs.

Prior to recent amendments, 18 NYCRR § 352.6(f) and NYCRR § 397.5(k) did not place restrictions on the types and amounts of furniture and personal belongings A/Rs could place in storage nor did they prohibit an A/R from accumulating additional furniture and personal belongings while in temporary housing. This lack of specificity has resulted in varying district procedures, confusion on applicability and increasing costs to districts and the State.

The amendments to 18 NYCRR § 352.6(f) and NYCRR § 397.5(k) provide consistency and clarity and align the storage policy with the policy for establishing a home and the replacement of furniture as found in 18 NYCRR § 352.7. Additionally, the amendments will help A/Rs understand when districts must provide an allowance for storage as well as what items can be stored under State rules. The amendments also enhance the ability of districts to provide cost effective storage and ensure that a uniform policy is applied statewide.

**Temporary housing, for the purpose of determining eligibility for a storage allowance, includes but is not limited to: homeless shelters, shared housing and hotels/motels. Shared housing may be deemed permanent housing at the discretion of the district based on the facts of the case. Congregate Care facilities are not considered temporary housing.*

IV. Program Implications

Amendments to 18 NYCRR § 352.6(f) and NYCRR § 397.5(k) establish restrictions on the types and number of items for which storage allowances can be provided. Additionally, the amendments restrict storage to items in the A/R's possession at the time the circumstance necessitating the storage occurred. For the purpose of storage allowances "possession" means the furniture and personal belongings the A/R has access to and is currently using. Items that have been placed in storage prior to a request for an allowance of storage are not eligible for a storage allowance as they are not currently being used and therefore are not considered to be in the possession of the A/R. Storage of furniture and personal belongings in the A/R's possession at the time of a request for storage allows A/Rs to re-establish a household when they transition from temporary housing to permanent housing.

The furniture stored must not exceed the amount needed for the household** size and is restricted to the appropriate rooms and items found in SCHEDULE SA-4a Initial or Replacement Cost of Essential Household Furniture, Furnishings, Equipment and Supplies of 18 NYCRR § 352.7. Personal belongings are restricted to the amount needed for the household size and must be reasonable in number and total volume. Districts may implement a standardized amount of allowable items based on the household size but must apply the process consistently to all households requesting storage allowances. A listing of allowable types of furniture and personal belongings can be found in Section V.C. below.

***For the purpose of storage allowances a household means the TA household and, if applicable, the furniture and personal belongings of children not residing with the TA household, for whom an adult member of the TA household is legally responsible. Examples of this would be a child who visits the household for visitation due to a custody agreement or a child placed in foster care with the goal of family reunification.*

There is no regulatory limit on the amount that can be paid for storage. Although a district must use the most cost effective storage option available, whatever is necessary to store the allowable furniture and personal belongings must be paid. Additionally, there is no regulatory authority to provide an allowance to pay for additional fees (e.g. late fees, access fees, insurance) other than storage fees. Fees can only be paid if they are a mandatory cost and the storage unit could not be rented without the fees included as part of the monthly storage fee.

An allowance for storage is not part of the TA standard of need and it must not be included in the ABEL budget. The items which constitute the standard of need can be found in SSL § 131-a.

V. Required Action

An allowance for storage must be provided when storage of furniture and personal belongings becomes necessary due to relocation, when an A/R is evicted and is not moving directly into permanent housing or when an A/R is in temporary housing (for whatever reason). The A/R must be eligible for TA or EAA and have no other storage options available. Districts are not required to provide a storage allowance for the time period prior to the A/R applying for an allowance for storage. A storage allowance must be provided from the time the A/R is determined eligible for the allowance until the circumstances necessitating the storage cease to exist or the A/R is found ineligible for TA or EAA, whichever comes first.

To meet an emergency/immediate need such as storage, districts must explore all available resources and income, including available resources in the community, before the district can grant assistance. For more information on the application of income and resources to meet an emergency need see 02 ADM-02 “Meeting the Emergency/Immediate Needs of Temporary Assistance (TA) Applicants/Recipients”.

Districts must use the most cost effective storage option available and must only provide a storage allowance for items allowed to be stored which are in the A/R’s possession at the time the circumstance necessitating the storage occurred.

To provide cost effective storage, districts have the option to:

- Discuss with an A/R whether it would be more beneficial to the household to have the district provide an allowance for replacement furniture when needed rather than provide storage allowance for these items. The A/R must voluntarily agree to accept the replacement furniture instead of a storage allowance and if they do not, eligible A/Rs must be provided with a storage allowance. Additionally, a storage allowance must be provided if the TA household requests storage for personal belongings.
- Standardize storage spaces based on the household size by contacting one or more storage companies to inquire what size storage unit is required for each household size based on the approved items for storage. Districts choosing to implement standardized storage space approvals must apply the process consistently to all requests for storage.
- Enter into a contract with one or more storage providers.
- Require an A/R to use the least expensive storage option.

- Limit the payment of storage fees to business entities or licensed business entities only.
- Require the A/R to provide a list or “inventory” of the items they are requesting to be stored.

A. Request for a Storage Allowance

1. Applicants

When a TA applicant states they have an emergency or immediate need such as the need for a storage allowance the district must conduct a same day interview, explore available income and resources including community resources, determine an applicant’s eligibility for a storage allowance and provide a same day notice using LDSS-4002 “Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance” (LDSS-4002). The LDSS-4002 should contain a list of the items that have been approved for storage. Applicants include those applying for ongoing assistance and those seeking emergency assistance only to meet a specific need.

2. Recipients

When a TA recipient states they have an emergency or immediate need such as the need for a storage allowance the district must require the recipient to complete a LDSS-3815 “Request for an Additional Allowance by a Public Assistance Recipient” (LDSS-3815). The district must conduct a same day interview, explore available income and resources including community resources, determine an applicant’s eligibility for a storage allowance, and provide a same day notice (LDSS-4002). The LDSS-4002 should contain a list of the items that have been approved for storage.

TA recipients may request a storage allowance by phone or by mail. A face-to-face interview is not required. When a TA recipient requests an additional allowance over the phone, a district worker must complete a LDSS-3815. The district worker must include all details stated by the recipient and must sign and date the LDSS-3815. The completed LDSS-3815 and a LDSS-4002 must be mailed to the recipient.

B. Eligibility for a Storage Allowance

Districts must explore an A/R’s available resources and income, including available resources in the community, before the district can provide a storage allowance. Districts must not provide assistance to A/Rs who refuse to use such resources.

If the district determines the A/R has no available resources to meet the storage, the district must then determine if the A/R:

- is eligible for TA or EAA;
- has a need for storage due to relocation, eviction or temporary housing; and,
- has no other storage option available.

The A/R continues to be eligible for a storage allowance as long as they remain eligible for TA or EAA and the circumstances necessitating the storage continue to exist, and no other storage option is available.

If an A/R refuses temporary housing the A/R must still receive a storage allowance if there is a need and no other storage option is available. A/Rs who refuse permanent housing without good cause are not eligible for a storage allowance.

C. Allowable Furniture and Personal Belongings to be Stored

Storage allowances are limited to the allowable furniture and personal belongings listed in V.C.1. and V.C.2. which are in the household's possession at the time the circumstance necessitating the storage occurred.

1. Furniture

The amount of furniture which can be stored must not exceed the amount needed for the household size and is limited to the following items:

- Living room
- Bedroom
- Kitchen (excluding appliances)
- Refrigerator
- Bathroom
- Cabinet for linens
- Stove for heating

Districts must determine the allowable amount and types of items under each category above that can be stored the same as they would if they were authorizing purchases to establish a home or to replace furniture lost in a fire, flood or other catastrophe. For more information on establishment of a home or replacement of furniture see chapters 12 and 16 of the Temporary Assistance Source Book (TASB).

2. Personal Belongings

Personal belongings to be stored must not exceed the amount needed for the household size and must be reasonable in number and total volume. The reasonable number and total volume is determined at the fair, reasonable, consistent discretion of the district on a case-by-case basis.

For the purpose of storage, personal belongings are those items not listed in C.1. above and are limited to the following:

- Legal and identification documents
- Kitchen items, such as tables and chairs, cookware, appliances, dishware, glassware and utensils
- Bedding and towels
- Clothing of the household members
- Washing machine and/or dryer
- Assistive medical equipment
- Items needed for employment, excluding business inventory
- Household electronic devices
- Items needed for educational purposes
- Personal keepsakes,^{***} including children's toys, high chairs and changing tables can be stored at the fair, reasonable, consistent discretion of the district on a case-by-case basis

****For the purposes of storage allowances, personal keepsakes may include a variety of items that either have sentimental or functional value.*

D. Examples

1. Single Applicant

A single homeless applicant applies for temporary housing assistance (THA) and requests a storage allowance. The district conducts a same day interview and determines the applicant, a self-employed carpenter, is not eligible for on-going safety net assistance (SNA). However, the applicant is eligible for emergency safety net assistance (ESNA) and the district meets the immediate need for shelter by securing temporary housing for the applicant.

The applicant is eligible for a storage allowance as they have been found eligible for ESNA, have a need for storage due to being placed in temporary housing and the district has determined no other storage option is available. The district requests a list of furniture and personal belongings the applicant has in their possession. The applicant states they have clothes, bedding, two beds, a dresser, a couch, a microwave and carpentry tools in a friend's garage but they must be moved.

The district determines the applicant's clothes, one bed, bedding for one bed, dresser, couch, microwave and carpentry tools can be stored. The district provides the applicant with notice, LDSS-4002 "Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance".

The carpentry tools are an approved item for storage as they are needed for employment.

2. Single Recipient

A single recipient calls the district to request temporary housing and a storage allowance due to an eviction. The recipient has found permanent housing they can move into in two weeks. The recipient is eligible for a storage allowance as they are currently in receipt of TA, have a need for storage due to being placed in temporary housing and the district determined there are no other storage options available. The district requests a list of furniture and personal belongings to be stored. The recipient states they have a kitchen table and two chairs, a full size bed, two couches, a loveseat, a television, clothes, bedding, towels, cookware, glassware, and a snowmobile that has a resource value of \$500.00.

The district approves storage for two weeks, of all listed items with the exception of one couch and the snowmobile. The district restricts the amount of clothing, bedding, towels, cookware and glassware to the amount needed for a household of one.

The district completes the LDSS-3815 "Request for an Additional Allowance by a Public Assistance Recipient" and notice LDSS-4002 "Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance" and mails them to the recipient.

3. Applicant, Household of Three

A mother and her two children apply for on-going assistance and have an eviction. Due to the eviction, a storage allowance is requested. The district conducts a same day interview and determines the mother and her two children are eligible for family assistance (FA). The district meets the immediate need for shelter by securing temporary housing.

The mother and her two children are eligible for a storage allowance as they have been found eligible for FA, have a need for storage due to being placed in temporary housing and the district has determined that no other storage option is available. The district requests a list of furniture and personal belongings the mother and children have in their possession. The list includes clothes, beds, dressers, a couch, a loveseat, and a dining table with four chairs; a television, a computer, cookware, dishware, glassware, utensils, bedding, towels and the children's toys.

The district approves a storage allowance but restricts the storage to three beds, three dressers, a couch, a loveseat, a dining table with four chairs; a television and a computer. Additionally, the district restricts the amount of clothes, cookware, dishware, glassware, utensils, bedding, towels and children's toys to the amount needed for a household of three. The children's toys meet the definition of personal keepsakes. Personal keepsakes can be stored on a case-by-case basis at the fair, reasonable, consistent discretion of the district.

The district provides the applicant with notice, LDSS-4002 "Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance".

4. Recipient, Household of Two

A father and his child are in receipt of FA and are being relocated due to water problems at their current residence. The father has secured immediate permanent housing and called the district to request a storage allowance as the permanent housing is smaller than their previous housing and won't accommodate all of their furniture and personal belongings.

The district denies the recipient's request for a storage allowance because even though he is in receipt of TA and no other storage options exist, the circumstances necessitating the storage no longer exist because the family has permanent housing.

The district completes the LDSS-3815 "Request for an Additional Allowance by a Public Assistance Recipient" and notice LDSS-4002 "Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance".

E. Notice Requirements for Changes to or Discontinuance of Storage Allowances

1. Notice Requirements for Applicants

When applicants for TA assert that they are in need of an allowance for storage, they must be provided with a LDSS-4002: Action Taken on your Request for Assistance to Meet an Immediate Need or a Special Allowance. The LDSS-4002 must be provided to applicants at the time of interview and must include how the district will meet the immediate need or the reason for denial if the district determines there is no immediate need to be met.

Storage allowances authorized pending a full TA eligibility determination are considered a pre-investigative grant. A pre-investigation grant is a grant of assistance to meet an immediate need for a specific essential item when an immediate need is determined to exist, but financial eligibility has not been fully established by the completed verification and documentation process. Until the final determination of ongoing eligibility is made and while the application for recurring assistance is still under investigation, individuals in receipt of a pre-investigation grant are considered TA applicants. For more information, see TASB Chapter 5 section J.

2. Notice Requirements for Recipients

When recipients of TA request an allowance for storage, they must be provided with a LDSS-4002: Action Taken on your Request for Assistance to Meet an Immediate Need or a Special Allowance. The LDSS-4002 must be provided to recipients the same day the request is made and must include how the district will meet the immediate need or the reason for denial if the district determines there is no immediate need to be met.

Whenever a storage allowance is changed or discontinued, appropriate timely and adequate notice, including conference and fair hearing rights, must be provided to the TA recipient. Manual notices must be used as the Client Notice System (CNS) does not have the capability to produce automated notices for storage allowances.

VI. Systems Implications

There are no system implications.

VII. Effective Date

This policy change is effective immediately and must be applied to all new requests for storage of furniture and personal belongings. A/Rs who currently receive a storage allowance must have their storage allowance continued for currently stored belongings under the previous policy until the current need for storage no longer exists. Any requests for additional storage must be processed under the new policy.

Issued By

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