TA Policy - Questions and Answers

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Temporary Housing Assistance (THA)

Assessment

1. Q. What is included in a THA Assessment?

   A. THA assessment is the evaluation of an applicant/recipient's housing-related TA and care needs. This includes, but is not limited to: availability of housing; the need for THA; employment and educational needs; the need for protective services; the ability to live independently; and the need for treatment of physical or mental health impairments, including substance abuse. For more information, see 18 NYCRR 352.35(b)(1) and 16 ADM-11.

   While the THA assessment may include an evaluation of an applicant/recipient's employment and educational needs, it should be noted that completion of the THA assessment would not fulfill the employment assessment requirements, unless the THA assessment includes all of the required elements outlined in 18 NYCRR 385.6 for TA households with dependent children or 18 NYCRR 385.7 for TA households without dependent children.

2. Q. When must a THA assessment be completed?

   A. The district must conduct a THA assessment at the time THA is requested or as soon as possible thereafter. For more information, see 16 ADM-11.

3. Q. What action is taken when an applicant/recipient applies for THA and fails to comply with a THA assessment?

   A. When the applicant/recipient fails to cooperate with completing the assessment as required by 18 NYCRR 352.35(c) and the failure is not due to a mental or physical incapacity, the district must deny THA. The person may immediately reapply for THA, and if compliant and found otherwise eligible, must be provided with THA.

   If THA is denied and the household is otherwise eligible for TA, the household is still eligible for the Basic Allowance, the Home Energy Allowance, the Supplemental Home Energy Allowance, a restaurant allowance and any other special needs allowance as applicable. In addition, if the applicant/recipient incurs a permanent shelter cost after THA has been denied, they are eligible for a regular shelter allowance. For more information, see 18 NYCRR 352.35(c)(1); 352.35(b)(4) and 16 ADM-11.

4. Q. What documents can the district require an applicant/recipient to submit to verify that housing with friends or relatives is unavailable?

   A. A housing resource is defined as available when it is within the control or ability of the applicant/recipient to live at the residence or when the individual has permission from the owner, tenant, landlord or other party responsible for the resident to live there. If the applicant/recipient claims they do not have control or permission, they must support those claims with clear, convincing, and credible evidence.

A district can verify the unavailability of informal housing with friends and relatives by requiring that the applicant/recipient provide documentation such as a note from the potential housing resource. Applicants/recipients who are unable to produce this minimal documentation should be asked to explain the reasons for the inability to produce this documentation. For example, an applicant/recipient may not be able to contact the housing resource by phone or in person, or there is not enough time left in the day for the applicant/recipient to verify the situation. In such a situation, the district should ask the applicant/recipient for collateral sources who can help to establish the unavailability of housing. A district must make every reasonable effort to contact these collateral sources. If the district cannot verify that the housing is unavailable from the collateral contact, but an immediate need is determined to exist, then the applicant/recipient must be provided with THA until the district verifies that the housing resource is available or unavailable.

Applicants/recipients who are unable to explain why they cannot produce documentation or who refuse to provide collateral contacts without good cause, must be denied assistance for failure to cooperate. For more information, see 16 ADM-11.

5. Q. Can a district make collateral contact with a landlord even though the tenant is the applicant/recipient's sister, who is not on the case?

   A. Yes, this would be considered a collateral contact. Collateral contacts may also include neighbors, religious leaders, shelter providers, etc.

6. Q. May a parent in a household that is receiving THA refuse permanent housing because it is out of the current school district, or because it is geographically out of the district?

   A. This would depend on the actual circumstances. 18 NYCRR 352.35(c) requires that families residing in temporary housing seek other alternative housing and not unreasonably refuse to accept such housing. School districts and geographical considerations would need to be weighed by the district and a judgment made by the district as to whether the refusal was unreasonable.

Independent Living Plan (ILP)

7. Q. Is an Independent Living Plan (ILP) required for households that are applying for or in receipt of THA?

   A. An ILP is not required for every household. A district or their designee is strongly encouraged to develop ILPs if the district determines that such a plan would assist the applicant/recipient to secure and maintain housing other than temporary housing. However, the completion of an ILP (also known as a services plan) is required for those families receiving THA in a Tier II or 18 NYCRR Part 900 family regulated shelters.

8. Q. Can an ILP be revised?

   A. Yes. Some situations in which an ILP may need to be revised are:

   - Domestic violence is identified as occurring, or

- An applicant/recipient exhibits mental health issues that contribute to the applicant/ recipient's need for THA, or
- A service program is no longer available or one becomes available, or
- Adults and/or children join the family already in temporary housing, or
- An applicant/recipient's employment plan has been revised, or
- An applicant/recipient has become eligible for a rent supplement, or
- An applicant/recipient's income changes.

9. Q. Can a protective/preventive services worker or other person such as a THA provider assist an applicant/recipient to complete an ILP?

   A. Yes, a designee may assist in completing an ILP. However, the ultimate decision and responsibility as to the appropriateness of the content of the ILP rests with the TA eligibility worker.

10. Q. Can THA be discontinued for failure to comply with an ILP?

    A. Yes, failure to comply with the ILP as required by 18 NYCRR 352.35(c)(2) results in the discontinuance of THA unless an applicant/recipient appears to be unable to comply with the requirements of the ILP because of good cause including a physical or mental impairment. For more information, see TASB Chapter 27, Section B (12) for a listing of behaviors or conditions that may indicate the presence of a physical or mental impairment.

    Note: THA cannot be denied or discontinued until a district in accordance with 18 NYCRR 352.35(c) and (d) completed both of the following:

    - Evaluate whether a physical or mental impairment may be the reason for the noncompliance
    - Evaluate the need for a services referral

11. Q. Can the applicant/recipient challenge the contents of an ILP at a fair hearing?

    A. No, an applicant/recipient does not have the right to a fair hearing to challenge the contents of the ILP. However, the applicant/recipient may challenge the discontinuance of THA in a fair hearing for failure to comply with ILP requirements. The applicant/ recipient may state at a fair hearing that the elements of their ILP**,** with which they did not comply, are not directly related to their need for THA and, therefore, failure to comply with those elements should not subject them to discontinuance of THA. For more information, see 16 ADM-11, page 9.

12. Q. Who is responsible for monitoring the applicant/recipient's progress in complying with the ILP?

    A. The district or their designee is responsible for monitoring the applicant/recipient's progress towards fulfilling the ILP.

Behavior

13. Q. Can the district sanction and/or discontinue THA if the applicant/recipient has been discharged from all available THA placement facilities in the county due to breaking shelter rules for safety and security?

    A. In accordance with 18 NYCRR 352.35(c)(4), an individual may be sanctioned for repeated violations of the rules of a temporary housing facility until the failure ceases, or for 30 days, whichever is longer. However, a sanction cannot be imposed when the failure of the individual or family to comply with the rules of the facility is due to the physical or mental impairment of the individual or family member. In instances where the individual/family cannot be sanctioned or has already served their sanction, the district must offer an out of county placement if the resources within the county have been exhausted. THA cannot be discontinued or denied until a district completes an evaluation on whether or not a physical or mental impairment may be the reason for the noncompliance and if there is a need for a referral to protective/preventive services. For more information on out of district placement of homeless individuals and families, see 06 ADM-07.

    If the applicant/recipient's actions rise to the level of criminal behavior (for example, assault, arson, etc.), the facility would follow their established procedures regarding safety and contact law enforcement as appropriate.

14. Q. Can a "drop-in" shelter be used as temporary housing when other shelters refuse to take an applicant/recipient that has behavioral/mental health issues?

    A. Yes, "drop-in" shelters may be used in accordance with 16 ADM-11, which states that temporary housing includes facilities with overnight sleeping accommodations that are used to provide temporary shelter to recipients of THA. The behavioral issues and mental health issues must be evaluated on whether a physical or mental impairment may be the reason for the noncompliance and if there is a need for a referral to protective/preventive services.

Application of Income and Resources

15. Q. What is the penalty when the applicant/recipient in receipt of THA does not comply with requirements regarding the utilization of resources as required in 18 NYCRR 351.2(e)?

    A. The utilization of a resource is a condition of TA eligibility; therefore, the penalty for failure to comply with this requirement is the discontinuance of TA and THA for the entire household until compliance. For more information, see 18 NYCRR 351.2(e); 352.35(e)(5); and 16 ADM-11.

16. Q. If the applicant/recipient is placed in temporary housing, are they eligible for a restaurant allowance?

    A. A restaurant allowance must be provided if the temporary housing arrangement does not include a fully equipped kitchen for the applicant/recipient's use and, if less than 3 meals a day are provided. A room with a kitchen and a microwave only does not constitute a

"fully equipped kitchen". For more information, see 18 NYCRR 352.7(c) and 94 ADM-20.

17. Q. Can the district provide an allowance for transportation expenses related to the applicant/recipient's search for housing?

A. Yes, if the applicant/recipient is eligible for Emergency Assistance to Families (EAF), an EAF allowance must be provided to eligible homeless families, under 18 NYCRR 372.4, for transportation and/or child care necessary to permit parents to search for housing. There is no authority in regulation allowing the district to pay for transportation and/or child care for those in receipt of Emergency Safety Net Assistance (ESNA). For more information, see 16 ADM-11, page 10.

18. Q. Can the district consider a THA applicant/recipient's income tax refund an available resource, and does it need to be applied towards their shelter costs?

A. For recipients of ongoing FA or SNA, income tax refunds are exempt as income in the month received and as a resource for the following twelve months. This applies to all shelter types including those recipients who find themselves in need of temporary housing.

Applicants for emergency assistance, EAF or ESNA, are required to use all available resources including their tax refund, and the Earned Income Tax Credit (EITC), to mitigate any emergency before the use of emergency assistance. For more information, see 13 ADM-02.

19. Q. How do you calculate a budget for a TA household that is receiving THA?

A. The examples on the following pages will illustrate the determination of the standard of need; how income is budgeted; and the effect of a TA employment sanction.

Examples 1-4 are for a family of four, including a mother and her three under age 18 children for the month of June 2017 in Tioga County. In these examples, meals are not included in the shelter cost and the family is unable to prepare meals in the temporary housing unit so the family receives restaurant allowances ($64 per person + an additional $36 for each child = $364/ total). Example #5 is for a family of 3 and includes a family member who is an SSI recipient.

The examples show monthly budgets. When the applicant/recipient is in temporary housing for less than the full month, the monthly benefit amount is divided by the number of actual days in the month and that is multiplied by the number of actual days the applicant/recipient was in the temporary housing to determine the correct benefit amount for the period the family was in temporary housing.

Example #1 – Budgeting Income for a Family in Temporary Housing- with income

The mother in the family is earning $2,050/monthly. As stated in 97 ADM-23, the poverty level test applies only to applicants/recipients for which a shelter allowance is provided under 18 NYCRR 352.3(a), (b), (c), or (d) or 352.8(b)(1).

The family is applying for ongoing TA and is still in temporary housing at the time that the ongoing eligibility is being determined. The Poverty Level Test (PLT) will be bypassed because the family is residing in a type of housing not subject to the PLT:

Basic	$433.00	
Home Energy	38.70	
Supplemental Home Energy	30.00	
Shelter (Hotel Temporary)	3,000.00	
Restaurant Allowance	+364.00	
Total Needs	$3,865.00	(rounded down)
Gross Income	$2,050.00	
Work Expense	90.00	
52% Disregard	1,019.20	

An applicant is eligible for the EID. Only the amount at or below the poverty level ($2,050 in 2017) is eligible for the EID ($2,050 - $90 x 52% = $1,019.60), any amount above the poverty level is included in the net income. Please note the percentage of the EID used in the TA budgeting process is subject to change yearly.

Total Deductions	$1,109.20	($1,019.20 + $90)
Net Income	940.80	($2,050 - $1,109.20)
Total Needs	$3,865.00	
Net Income	- 940.80	
Deficit	$2,924.00	(Rounded down. Vendor payment of $2,924.00 paid to the TH provider)

*Balance of $76.00 per month that is still due to the temporary housing facility is to be paid by the family.

Example #2 – Head of Household under a Pro-Rata Sanction – no countable income

The household is a family of four, including a mother and her three children under the age of 18 for the month of June 2017. The mother is under a pro-rata sanction with no countable income.

Basic	$433.00	
Home Energy	38.70	
Supplemental Home Energy	30.00	
Shelter (Hotel Temporary)	3,000.00	
Restaurant Allowance	+364.00	
Total Needs	$3,865.00	(Rounded down)
Net Income	-0.00	
Deficit	$2,898.00	($3,865 Reduced Pro-rata ¼ of Total Needs ($966.25); Vendor payment of $2,898.75 paid to the TH provider.)

Example #3 – Head of Household under a Drug/Alcohol Pro-Rata Sanction – with countable income

The household is a family of four, including a mother and her three children under the age of 18 for the month of June 2017. In this example, the mother receives $800 Social Security Disability benefits.

Basic	$433.00	
Home Energy	38.70	
Supplemental Home Energy	30.00	
Shelter (Hotel Temporary)	3,000.00	
Restaurant Allowance	+364.00	
Total Needs	$3,865.00	(Rounded down)

Minus Net Unearned income-$800.00
Deficit without Pro-Rata sanction calculated
$3,065.00

Calculation of Pro-Rata sanction		
Deficit without Pro-Rata sanction calculated	$3,065.00	
Less Pro-Rata sanction	-766.25	(deficit reduced by ¼)
Deficit with Pro-Rata sanction calculated	$2,298.00	(rounded down)

Vendor payment of $2,298.00 paid to the temporary housing vendor

*Balance of $702 per month that is still due to the temporary housing facility is to be paid by the family

Example #4 – Incremental Sanction- with no income

This is an applicant household that consists of a family of four, including a mother and her three children under the age of 18 for the month of June 2017. In this example, the mother refused to provide a social security number for herself. Her needs are excluded from the household needs calculation. The three-person standard of need follows:

Total needs of the TA family:

Basic	$433.00	
Home Energy	38.70	
Supplemental Home Energy	30.00	
Shelter (Hotel Temporary)	3,000.00	
Restaurant Allowance	+364.00	
Total Needs	$3,865.00	(Rounded down)

Total needs of the TA family without the mother who is sanctioned:

Basic	$336.00	
Home Energy	30.00	
Supplemental Home Energy	23.00	
Shelter (Hotel Temporary)	3,000.00	(The TH charges by unit, not by person.)
Restaurant Allowance	+300.00	
Total Needs	$3,689.00	

Calculation of Incremental sanction amount	
Total needs for TA household of 4	$3,865.00
Less total need of household of 3	-3,689.00
Incremental sanction amount	$ 176.00

Vendor payment of $3,000 to be paid to temporary housing vendor

Even though the mother is incrementally sanctioned, the THA in this example is based on a flat fee per unit, not per person. Therefore, she can remain in temporary housing despite her sanction. For more information, see 07 ADM-06, page 25.

Example #5 – Temporary Housing Budgeting for Families that Include an SSI Recipient

Mr. and Mrs. Raven and their 16-year-old son Sebastian have been evicted from their home and are seeking permanent housing. The only income the family has is Mr. Raven's monthly SSI of $750.00 and monthly SSP of $23 (combined SSI/SSP amount = $773). The family has no available resources to meet their emergency need. The family is temporarily placed in a hotel that has no cooking facilities while they seek a permanent residence. The hotel charges $42.26 per day per each person. The district determined that Mrs. Raven and Sebastian are eligible for Family Assistance in the amount of $2,991.00 and Mr. Raven is eligible for Supplemental Safety Net Assistance in the amount of $656.00. Mr. Raven is responsible to the pay hotel $611.80 per month.

a) Total needs of the TA family including SSI recipients. Household of 3

Shelter	$3,803.40	($42.26 x 30 x 3)
Basic	336.00	
HEA	30.00	
SHEA	23.00	
Restaurant Allowance	+228.00	(1 child @ $64 + $36 plus 2 adults @ $64 each)
Total TA Needs for Household of 3	$4,420.40	
Rounded down	4,420.00	

b) Total needs of the TA family without SSI recipient. Household of 2

Shelter	$2,535.60	($42.26 x 30 x 2)
Basic	252.00	
HEA	22.50	
SHEA	17.00	
Restaurant Allowance	+164.00	(1 child @ $64 + $36 plus 1 adult @ $64)
Total TA Needs for Household of 2	$2,991.10	
Rounded down	2,991.00	

c) Calculate incremental amount

Total TA Needs for Household of 3	$4,420.00	
Less total need of Household of 2	-2,991.00	(TA HH w/o SSI recipient)
SSI recipient's incremental share of needs	$1,429.00	

d) Calculate SSI recipient's need for supplemental Safety Net Assistance. The SSI recipient's incremental share is more than the combined SSI and SSP income so the SSI recipient is eligible for Supplemental Safety Net Assistance.

SSI recipient's incremental share	$1,429.00	
Less SSI/SSP Income	-773.00	
	$656.00	(Supplemental SNA to be paid directly to housing vendor)

e) Calculate SSI recipient's fee to be paid to the hotel.

Shelter cost for 3 people including SSI recipient	$3,803.40 (shelter from (a) above)
Less amount paid by district directly to hotel for FA household of 2	-$2,535.60 (shelter from (b) above)
Less amount paid by district directly to hotel for SNA household	$ 656.00 (supplemental SNA from (d) above)
SSI Recipient's fee to be paid to hotel	$ 611.80

Sanctioning, Denying or Discontinuing THA

20. Q. Does a medical professional determine if a physical or mental impairment interferes with the applicant/recipient's ability to comply with THA program requirements?

A. The medical professional identifies, outlines, and communicates to district staff any medical issues or variables that may factor into the applicant/recipient's ability to comply with THA program requirements. The district uses the information provided by the medical professional and any other information gathered during the eligibility process to decide on the applicant/recipient's ability to comply with THA program requirements.

An applicant/recipient's employability status should also be re-evaluated based on the medical documentation received. If the documentation supports a change in the applicant/recipient's TA employability status, the district must notify the applicant/recipient of the district's determination when required by 18 NYCRR 385.2 and update the employability code on WMS in a timely manner.

21. Q. Must the district refer every applicant/recipient to an appropriate medical professional when denying or discontinuing THA for non-compliance with THA program requirements?

A. In accordance with 16 ADM-11, the district may refer an applicant/recipient to an appropriate medical professional to obtain information to assist the district in determining if a physical or mental impairment is a factor in an applicant/recipient's non-compliance of THA program requirements. It is important to note that not every applicant/recipient who is non-compliant with THA program requirements needs a physical/mental health referral. A referral to an appropriate medical professional is only required if:

- the physical/mental impairment was previously identified by the district during the THA assessment process, or
- the district suspects that the applicant/recipient has a physical/mental impairment that is a factor in the applicant/recipient's non-compliance with THA requirements, or
- the applicant/recipient states that he/she has a physical/mental impairment.

22. Q. Can THA be denied or discontinued on the basis of failure to comply with the THA assessment when a THA applicant/recipient is referred for a mental health evaluation,

and the applicant/recipient participates in the evaluation but refuses to sign the district's medical consent form?

A. The applicant/recipient's responsibility to comply with a THA assessment is a TA eligibility requirement. Failure to provide medical consent at the time of the THA assessment can be considered non-cooperation and result in a denial or discontinuance of THA in certain situations.

The district must determine, in consultation with the qualified Mental Health Practitioner who conducted the evaluation, whether the failure to comply with signing the medical consent is due to a mental health illness. This involves the use of judgment and must be done on a case-by-case basis. If the district decides the failure to sign the release is not because of the mental health illness, it can deny THA based on the failure to cooperate with the THA assessment.

23. Q. If the applicant/recipient refuses to cooperate with the qualified medical professional's assessment, should they be referred to protective/preventive services?

A. Yes, the district must evaluate and determine the applicant/recipient's need for protective/preventive services prior to issuing a notice of denial or discontinuance when the applicant/recipient fails to comply with the qualified medical professional's assessment.

24. Q. If the applicant/recipient's THA is denied or discontinued, is this also a denial or discontinuation of TA?

An applicant/recipient whose THA is denied or discontinued if otherwise eligible is still eligible for TA. For example, when the applicant/recipient fails to accept the offer of appropriate alternative housing but is in compliance with other TA requirements, the district would only discontinue the THA. The applicant/recipient may still be eligible for the Basic Allowance, the Home Energy Allowance, the Supplemental Home Energy Allowance, a restaurant allowance and any other allowance as applicable. In addition, if the applicant/recipient later incurs a shelter cost to pay for a permanent residence after having THA denied or discontinued, he/she may be eligible for a regular shelter allowance. For more information, see 16 ADM-11.

25. Q. Must the district refer every applicant/recipient to adult or child protective/preventive services before denying or discontinuing THA for non-compliance with THA program requirements?

A. Not every applicant/recipient will be referred to adult or child protective services before THA is denied or discontinued. However, in each case, in accordance with 18 NYCRR 352.35(d), the district's responsibility is to **evaluate** the need for protective/preventive services. This requires the TA worker to gather and use the information from the case record, what the district worker knows about the applicant/recipient, directions provided in the TASB in Chapter 27, Section B and policy documents, such as 94 ADM-20 Section V.F.2, to ultimately use their judgment to determine if there is a need for a referral to protective/preventive services. Whether a referral is made or not, the results of this evaluation and of any resulting referral should be documented in the case record to show that the need for services was evaluated and properly addressed.

26. Q. If an applicant/recipient is receiving protective/preventive services, are there any situations under which THA can be denied?

A. As long as the applicant/recipient continues to be eligible for TA, THA cannot be denied or discontinued if Services staff have determined that the protective/preventive services are necessary to protect the health and safety of the applicant/recipient.

However, THA may be denied or discontinued once services staff have determined that the protective/preventive services are no longer needed to protect the health and safety of the applicant/recipient. For example, a client who is only receiving assistance from the Services unit for money management issues would not be receiving services deemed necessary to protect his/her health and safety.

If THA is denied or discontinued, the district must document in the case record that the applicant/recipient was evaluated, and that protective/preventive services were no longer necessary to protect the health and safety of the individual/family.

27. Q. What should TA staff do when services staff determines an applicant/recipient needs adult or child protective/preventive services but the applicant/recipient refuses to accept the protective/preventive services?

A. The district's responsibility does not end when the applicant/recipient refuses to accept protective/preventive services. In accordance with 94 ADM-20 Section V.F.2, although the applicant/recipient in need of protective services has the right to refuse services, the district services staff has a responsibility, nevertheless, to provide services in certain situations. For more information, see 94 ADM-20.

As long as the applicant/recipient continues to be eligible for TA, THA must not be denied or discontinued until the district services staff informs TA staff that the applicant/recipient has no need for, or is no longer in need of, protective services.

28. Q. Do applicants for THA have to comply with TA program requirements such as drug/alcohol screening, employment, child support, etc.?

A. This is dependent upon what category of assistance is being used to meet the emergency/immediate need. If the emergency/immediate need is being met through EAF or ESNA, and the applicant is not required to apply for ongoing TA (emergency need is expected to last less than 30 days) then, the applicant does not have to meet the requirements of drug/alcohol screening, employment, or child support.

If the applicant is required to apply for ongoing assistance because the emergency/immediate need is expected to last more than 30 days, the applicant must comply with TA program requirements such as drug/alcohol screening, employment, child support, etc. If the emergency/immediate need is THA, the applicant must also comply with THA requirements as well as TA program requirements.

If the applicant applied for ongoing assistance and was found ineligible, but is still eligible for EAF or ESNA, the applicant does not have to comply with drug/alcohol, employment or child support requirements.

29. Q. Does an applicant for assistance to meet an emergency/immediate need, including THA, have to apply for ongoing assistance?

    A. This is dependent upon whether the emergency/immediate need is reasonably expected to last more than 30 days. If an applicant has an emergency/immediate need that can be met immediately, or is not reasonably expected to last for 30 days from the date of application, the emergency/immediate need can be met through EAF or ESNA, if eligible.

    Applicants who have an emergency/immediate need that is reasonably expected to last longer than 30 days from the date of application, must apply for FA or SNA. If found ineligible for ongoing assistance, these applicants can receive assistance through EAF (up to 4 months) or ESNA (up to 3 months), if eligible, but must re-apply every 30 days for a re-determination of eligibility.

    The intent of this policy is to prevent situations where individuals apply for emergency assistance, not because they have experienced a short-term, temporary emergency situation, (i.e., such as a fire or a medical emergency), but rather because they are unable to meet their normal everyday living expenses. For additional information, see 95 INF-31 and 03 INF-34.

30. Q. How should the district handle a homeless applicant/recipient who is under a drug/alcohol sanction (until compliance) and a Credentialed Alcoholism and Substance Abuse Counselor (CASAC) is not immediately available to re-assess him/her?

    A. An applicant/recipient under a drug/alcohol sanction is ineligible for temporary housing until compliance. The district should make every effort to schedule the applicant/recipient for an assessment with a CASAC as soon as possible to provide the applicant/recipient the opportunity to comply. During code blue periods, a homeless applicant/recipient must be granted temporary housing regardless of their sanction status.

31. Q. How should the district handle a homeless TA applicant who has completed the durational period of an employment sanction or who is subject to a non-durational employment sanction before applying for TA, including THA, but has not yet complied with employment requirements at the time of application, and therefore would still be subject to the employment sanction?

    A. Scenario A, the applicant is *willing* to comply: A nonexempt TA applicant who has completed the durational sanction period of an employment sanction at the time of application and accepts the applicant work requirement assigned by the district, would be eligible for THA, if homeless.

    Scenario B, the applicant is *unable* to comply: A homeless TA applicant who has completed the durational period of an employment sanction at the time of application for TA benefits and claims to be unable to work or have limitations on their ability to participate in work activities would need to agree to cooperate with efforts to document the exemption/limitation consistent with 18 NYCRR 385.2 to be eligible for THA.

    Scenario C, the applicant is *unwilling* to comply: If the TA applicant does not complete the applicant job search or applicant assessment requirement assigned by the district, or cooperate with efforts to document an exemption from work requirements in the same

amount of time given to other TA applicants and does not have good cause, they would be ineligible for TA including THA. An adequate notice must be issued to inform the household that their application for TA has been denied.

32. Q. An applicant/recipient who is receiving THA incurs a TA sanction for failing to complete a work search, which results in TA, including THA, being discontinued. However, it is discovered that a THA assessment was never completed. Can the TA sanction be imposed while allowing the applicant/recipient's temporary housing to be continued until such time that a THA assessment is completed?

A. In cases where the TA sanction would result in a case closure, the TA sanction cannot be enforced until a THA assessment is completed. Per 18 NYCRR 352.35(c) and (d), THA assessments are mandatory for all applicants/recipients in temporary housing and are utilized, in part, to identify any physical or mental health impairments and/or services needs that may affect the applicant/recipient's ability to comply with TA requirements. Therefore, until the need for a physical/mental health or services referral is ruled out, TA, including THA, must be continued through the TA case.

In cases where the TA sanction would result in an individual pro-rata sanction but would not result in a case closure, the TA sanction can be imposed but the THA benefit must be continued through the TA case until a THA assessment is completed.

33. Q. What is the penalty when the THA recipient does not comply with employment requirements to participate in employment and training programs, in accordance with 18 NYCRR Part 385?

A. This is a TA requirement, therefore, the sanction for violation of this TA requirement is the appropriate employment sanction established in law or regulation, not an ILP sanction. For more information on employment sanctions, see Section 12 of the TA and SNAP Employment Policy Manual. Information regarding TA sanction budgeting is provided in 01 INF-12.

34. Q. What is the penalty when the THA recipient does not comply with child support requirements as required in 18 NYCRR 351.2(e)(2); 369.2(b); and, 370.2(c)(9)?

A. The penalty for failure to comply with this requirement is a 25% reduction in the family's TA standard of need (including THA) until compliance. Since this is a TA eligibility requirement, the sanction for violation of this TA requirement is the appropriate TA penalty established in law or regulation, not an ILP sanction. THA is not discontinued solely because of the sanction.

35. Q. What is the penalty when the THA applicant/recipient does not comply with requirements to apply for SSI for him/herself or for another member of the TA household as required in 18 NYCRR 369.2(h) and 370.2(b)(5)?

A. The requirement to apply for SSI is a TA eligibility requirement and failure to comply results in an incremental sanction. Since this is a TA eligibility requirement, the sanction for violation of this TA requirement is the appropriate TA penalty established in law or regulation, not an ILP sanction.

If an individual fails to comply with applying for SSI because he/she is physically, mentally, or emotionally unable to manage and complete the SSI application process, the district must provide any service necessary to ensure that the individual is assisted in making the SSI application. In such instances, the individual must not be denied temporary assistance and care. For more information, see 18 NYCRR 369.2(h) and 08 ADM-05.

Notices

36. Q. Is a timely and adequate notice required when a TA recipient's THA is discontinued?

A. Yes, the TA recipient is required to receive a timely and adequate notice when THA is discontinued. This means that THA must be continued during the 10-day notice period until the effective date of the notice.

37. Q. What notice is given to a TA applicant who is approved for THA prior to an eligibility determination?

A. Any THA issued to the household pending a full eligibility determination is considered a pre-investigative grant. A pre-investigative 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-investigative grant are considered TA applicants. TA applicants are not required to receive timely notice. For more information, see 16 ADM-11 and TASB Chapter 5, Section J.

If THA is approved as a pre-investigative grant the LDSS-4002 "Action Taken on Your Request for Assistance to Meet an Immediate Need or A Special Allowance" must be provided. The LDSS-4002 must include a "start" and "end" date that THA and any other allowances are being authorized.

However, if the district provides a notice that does not specify an end date and the THA authorization is left open ended, the THA is converted to a long term or recurring benefit. Therefore, timely and adequate notice is required before THA can be reduced, discontinued or denied.

Example 1 — A homeless individual applies for TA, including THA, Friday afternoon 6/9/2017. The district provides a LDSS-4002 that indicates THA will be paid from Friday 6/9/2017 through Monday 6/12/2017 to allow time for the eligibility process to continue. In this instance, if the individual does not return to the agency on Monday 6/12/2017, the LDSS-4002 issued 6/9/2017 is sufficient notice to discontinue THA.

Example 2 — On Friday afternoon 6/9/2017 a single SNA homeless individual applies for TA including THA. The district provides a LDSS-4002 that indicates THA will be paid from Friday 6/9/2017 through Monday 6/12/2017 to allow time for the eligibility process to continue. The individual returns to the district on Monday 6/12/2017 and states he/she is still homeless. The district provides a second LDSS-4002 but does not specify the end date for THA. The case remains pending beyond the required SNA processing time

frames (45 days). In this instance, adequate and timely notice is required before THA can be discontinued.

38. Q. Does a separate notice need to be sent when discontinuing TA and THA for a TA recipient?

A. No. THA is a TA benefit. Therefore, when TA is discontinued, the individual will be ineligible for THA as well. The notice for discontinuing TA includes language that THA is also being discontinued. If the notice is generated through CNS using case reason code R71, then the correct notice language will be produced.

39. Q. Can the district use the same LDSS-4002 "Action Taken on Your Request for Assistance to Meet an Immediate Need or A Special Allowance" notice that was used to inform the applicant/recipient of the initial determination of THA for any subsequent reauthorizations of the grant for THA?

A. No, any subsequent determinations of eligibility for THA after the initial determination will require the issuance of an additional LDSS-4002.

40. Q. Is there a CNS notice to inform the applicant/recipient of the amount they must contribute to temporary housing costs?

A. For recipients only, case reason code "R70- Client's Share of Temporary Housing Costs" is available to communicate the THA contribution.

However, CNS currently cannot be used for applications that are pending a TA eligibility determination. The district can communicate a household's THA contribution amount using the LDSS-4002 "Action Taken on Your Request for Assistance to Meet an Immediate Need or A Special Allowance."

41. Q. Can the R71, "Ineligible for Temporary Housing Assistance" CNS notice be used to deny/discontinue THA for applicants and recipients?

A. The R71 CNS code can be used for applicants and recipients. However, the R71 CNS code can only be used for applicants when TA eligibility has been determined and the application is being processed through WMS.

The R71 CNS code cannot be used to deny/discontinue THA while the application is still pending a TA eligibility determination. The district must use the LDSS-4002 "Action Taken on Your Request for Assistance to Meet an Immediate Need or A Special Allowance" to deny or discontinue THA when a TA eligibility determination has not yet been made.

In addition, the R71 CNS code cannot be used for EAA (Case Type 18) cases. For these cases, the LDSS-4002 "Action Taken on Your Request for Assistance to Meet an Immediate Need or A Special Allowance" notice must be used to deny or discontinue THA.

42. Q. If an applicant/recipient for THA is given a notice that informs the applicant/recipient that he/she must contribute towards temporary housing costs, must a second notice be

provided in order to deny or discontinue THA if the applicant/recipient fails to contribute towards temporary housing costs?

A. Yes. For applicants and recipients of THA, the CNS code R71 "Ineligible for Temporary Housing Assistance" notice must be provided. The R71 CNS code includes language that the applicant/recipient failed to contribute towards temporary housing costs.

However, there are limitations on the ability to use R71 for applicants. Please see Question #41 for additional information on CNS limitations for applicants.

In addition, recipients must be given timely and adequate notice that their THA is being denied or discontinued. Applicants must be given adequate notice that their THA is being denied or discontinued.

Other Housing Issues

43. Q. If a THA applicant/recipient finds permanent housing, can the district mandate that a local Codes Enforcement Officer perform an inspection and deny the issuance of a security agreement/deposit or rent payments if the apartment fails the inspection, or if the apartment does not have a valid certificate of occupancy (CO) or a rental permit?

A. If the district issues a security agreement/deposit, then the district can require the inspection as part of a pre-and post-inspection process so that there are no issues with the landlord when the client moves out. These types of inspections occur when individuals or families move from a homeless shelter into permanent housing or move from one permanent residence to another. However, outside of security deposits and bona fide landlord tenant disputes, rental inspections are not within the purview of Social Services Law or Office regulations, and the district cannot require an inspection or take negative action if the client moves in without an inspection.

An applicant or recipient found eligible under Social Services Law and implementing regulations cannot be denied a shelter allowance based on a local law imposing a condition of eligibility not found in State law or regulation. Eligibility for temporary assistance is not conditioned upon residing in an apartment or accommodation having a valid certificate of occupancy (CO) or a rental permit, and the district cannot add this requirement as a condition of eligibility.

Social Services Law 143-b, commonly referred to as "the Spiegel Act," provides a mechanism for the district to address substandard housing that is dangerous, hazardous or detrimental to life or health. However, the failure to have a CO or rental permit does not necessarily indicate health and/or safety violations.

Clients that are placing themselves into permanent housing should be treated as anyone else in the community that is non-temporary assistance eligible. The county or town cannot impose inspection criteria that is singularly unique to temporary assistance clients, and which in turn would also identify the family as being on temporary assistance. Counties and towns cannot deny housing to temporary assistance clients, due to habitability, that is otherwise available to non-temporary assistance clients.

Storage Allowances

Request for a Storage Allowance

44. Q. Will the new storage allowance policy, which became effective in April 2017 with the release of 17-ADM-02 “Storage of Furniture and Personal Belongings,” apply to applicants/recipients that are already in receipt of a storage allowance?

    A. Applicants/recipients that receive a storage allowance prior to the release of 17-ADM-02 must have their storage allowance continued under the previous policy until the need for storage no longer exists. Any requests for additional storage must be processed under the new policy.

45. Q. Is the district required to inform an applicant/recipient about the availability of a storage allowance when the applicant/recipient is requesting THA?

    A. If an applicant/recipient expresses a need for storage of furniture and personal belongings, the district must inform the applicant/recipient of the availability of a storage allowance. Additionally, the district is required to prominently display the LDSS-3814, "Temporary Assistance Additional Allowances and Other Help" in waiting areas.

46. Q. Can a storage allowance be issued as a diversion payment?

    A. Yes, please see 03 INF-35 “Clarification of Temporary Assistance Diversion Payment Types for Families” for more information.

47. Q. Is an applicant/recipient who requests a storage allowance for furniture and personal belongings that have been in storage for years eligible for a storage allowance?

    A. No. Storage allowances can only be provided for those items in the applicant/recipient’s possession at the time the circumstance necessitating the storage occurred.

Eligibility for a Storage Allowance

48. Q. Is an applicant/recipient entering a congregate care facility eligible for a storage allowance?

    A. Entering a congregate care facility does not in and of itself meet the requirement for eligibility of a storage allowance. However, if the applicant/recipient is already in receipt of a storage allowance due to relocation, eviction or placement in temporary housing, the storage allowance must continue while the applicant/recipient resides in a congregate care facility.

49. Q. Can a storage allowance be provided directly to the applicant/recipient or should it be paid directly to the storage facility?

    A. How a storage allowance payment is made is at the discretion of the district with the exception of recipients whose category of assistance is Safety Net Assistance non-cash.

For Safety Net Assistance, non-cash cases, storage allowance payments must be made directly to the storage facility.

50. Q. Does the district have to provide a storage allowance for the furniture and personal belongings of children in foster care?

A. If a storage need exists pursuant to 18 NYCRR 352.6(f), and the household requests a storage allowance and is otherwise eligible, then an allowance must be provided for 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. This includes children in foster care with the goal of family reunification where it is demonstrated that the belongings cannot be stored in the home.

Allowable Furniture and Personal Belongings to be Stored

51. Q. Is there a limit on the amount that can be provided for a storage allowance? For example, can the district use the amounts allowed to purchase furniture to establish a home as a guide for the amount of storage allowance to provide?

A. No. There is no regulatory limit on the amount that can be paid for storage. Although the district must use the most cost-effective storage option available, whatever is necessary to store the allowable furniture and personal belongings must be paid.

52. Q. Can districts offer applicants/recipients who apply for a storage allowance an allowance to replace their furniture when the applicant/recipient finds permanent housing rather than authorizing a storage allowance?

A. Yes. Districts can offer applicants/recipients this option. Applicants/recipients must agree to accept an allowance for replacement of furniture instead of a storage allowance and the case record must be documented to reflect this. If an applicant/recipient does not agree to this option and he/she is otherwise eligible, the district must provide a storage allowance. Additionally, if the applicant/recipient voluntarily agrees to accept an allowance for replacement of his/her furniture, but has personal belongings he/she needs stored, the district must provide a storage allowance for the applicant's/recipient's' personal belongings.

53. Q. If an applicant/recipient can fit all of his/her furniture and personal belongings (including denied items) in a storage unit that is covered by the storage allowance, is he/she allowed to do so?

A. An applicant/recipient in receipt of a storage allowance must maximize the available space of a storage unit to control costs. If there is space left in the storage unit after allowable furniture and personal belongings have been stored, the district may allow the applicant/recipient to use the remaining space to store additional furniture and personal belongings but only to the capacity of the original storage space.

54. Q. An applicant/recipient has been evicted and is currently living with a friend. The applicant/recipient is storing his/her furniture and personal belongings in the friend's garage, but the friend no longer wants the items stored in his garage. Are the furniture and personal belongings considered to be in the possession of the applicant/recipient?

A. If the need for storing the furniture and personal belongings in the friend's garage is tied to the applicant's/recipient's current emergency situation, the items can be considered to be in the applicant's/recipient's possession. However, If the district has deemed the shared housing to be permanent housing, the applicant/recipient is not eligible for a storage allowance.

55. Q. What should the district do if an applicant/recipient has added on to his/her storage inventory without the district's knowledge and the district receives a bill for the additional cost?

A. A storage allowance is restricted to items in the applicant's/recipient's possession at the time the circumstance necessitating the storage occurred. The district therefore cannot pay additional costs associated with the new items.

56. Q. What is the district's obligation to evaluate what is in the storage unit?

A. The district has the option to evaluate what is in a storage unit but is not obligated to do so.

57. Q. How would the district know if an applicant/recipient is adding additional items to his/her storage unit after the time at which they apply?

A. The district has the option of requesting an inventory of furniture and personal belongings from the applicant/recipient prior to approving a storage allowance. Additionally, the district has the option of limiting the size of a storage unit based on the amount of furniture and personal belongings that are approved to be stored.

58. Q. Is the district liable if a storage unit is broken into and the applicant's/recipient's belongings are stolen?

A. The district should consult with its local social services Attorney to determine this answer.

Notice Requirements for Changes to or Discontinuance of Storage Allowances

59. Q. Does the district have to list what items it approves and denies for storage on the LDSS-4002 "Action Taken on Your Request for Assistance to Meet an Immediate Need or A Special Allowance"?

A. This would be at the discretion of the district. However, the LDSS-4002 should, at a minimum, contain a list of items that have been approved for storage.

General Temporary Assistance (TA) Issues

Code Blue

60. Q. Can the district still impose TA sanctions when Cold Blue, referenced in 18 NYCRR 304 and 304.1, is in effect?

A. Yes, TA sanction policy has not changed. Individuals who do not comply with TA requirements must still be appropriately sanctioned and provided with proper notice advising them of these sanctions. However, during the period when Cold Blue is in effect, all individuals and families including TA applicants/recipients who are in TA sanction status and in need of emergency shelter must be housed. The Code Blue shelter costs for these individuals are paid for through funding set aside for "Code Blue" periods.

61. Q. Can a district temporarily house an individual who is not eligible for TA when a Code Blue is in effect and he/she has enough cash resources available to pay for shelter?

A. The amount of cash that an individual has on hand during a Code Blue period is irrelevant and shelter must be provided. Even an applicant/recipient who is not eligible for public assistance must receive shelter during Code Blue periods. The district can request reimbursement as appropriate under the district's approved Code Blue plan.

Additional Allowances

62. Q. If an applicant/recipient fails to provide a statement from a medical professional to verify her pregnancy without good cause, what action should the district take?

A. If the district's request for the verification of pregnancy is solely related to provision of the $50 pregnancy allowance, and the applicant/recipient fails to verify the pregnancy without good cause, then the district would not provide a pregnancy allowance.

If, however, the district's request is to establish FA eligibility, and the applicant/recipient fails to provide verification due to a good cause, then the district would have to evaluate the case for SNA eligibility. The 45-day application period would be imposed retroactive to the date of initial application.

If, however, the district's request is to establish FA eligibility, and the applicant/recipient fails to provide verification without good cause then the case would be denied or discontinued for failure to provide verification (see 00 INF-6 and 07 INF-14 Question 4).

63. Q. Are pregnant applicants and recipients required to complete the LDSS-3815 "Request for an Additional Allowance and/or Other Help by a Temporary Assistance Recipient" prior to receiving the $50 pregnancy allowance?

A. Recipients must always complete the LDSS-3815. Applicants cannot be required to complete the LDSS-3815.

Availability of Policy Materials

64. Q. If an applicant/recipient requests a copy of the Temporary Assistance Source Book (TASB), must the district provide him/her a printed copy?

A. Upon request, the district must make specific policy directives and manuals available for an applicant, recipient or their representative to determine whether a fair hearing should be requested or to prepare for a fair hearing.

The district may advise the requestor he or she may access policy directives and/or the TASB by visiting the OTDA website. However, if the requestor states he or she wants the district to make policy directives and/or the TASB available, the district may choose to satisfy the requirement in one or more of the following ways:

- the district may mail the policy directive or TASB using the United States Post Office, or
- the district may e-mail the policy directive or TASB if requested to do so by the requestor, or
- the district may provide a time and place whereby the requestor may view the policy directives or TASB. This viewing may be by paper copy or at an electronic terminal. If electronic, the district should provide any necessary assistance needed to access the material. For more information, see 18 NYCRR 300.5(b) and GIS 16 TA/DC001.

Documentation

65. Q. Are court papers considered primary or secondary sources of documentation to satisfy the temporary assistance eligibility requirement of relationship?

A. It depends on the nature of the court papers, and what the court papers state. If the court papers specifically state in detail the nature of a relationship, and the court papers show how the relationship has been verified, then they may be considered a primary source. If the court papers simply state the relationship, then they can be used as a secondary source of documentation. Another secondary source would be necessary to satisfy the temporary assistance eligibility requirement of relationship.

Category of Assistance

66. Q. In a three-generation household, a FA case is comprised of a mother, her 19-year-old daughter, her 15-year-old daughter and the 19-year-old daughter's child. The mother's state time limit count is approaching the 60th month. What would be the impact on the household's category of assistance when the time limit is reached?

A. The 19-year-old and her child would be required to file an application for TA. If she is otherwise eligible, a FA case must be opened with a new case number. The mother and the 15-year-old child would be re-categorized to SNA. The mother and the 15-year old child cannot be essential persons on the 19-year-old's FA case.

67. Q. What would the category of assistance be for an 18-year-old in high school full time who lives with her boyfriend's mother?

A. Because the 18-year-old is not living with a custodial parent or other adult caretaker relative, her category of assistance would be Safety Net Assistance. This is in accordance with 18 NYCRR 369.1(b), which states that to be eligible for Family Assistance, a family must include a minor child who resides with a custodial parent or other adult caretaker relative of the child related to the child by blood, marriage, or adoption, or a pregnant individual.

Overpayments

68. Q. Under what circumstances are security deposit payments recoverable?

A. If, because of nonpayment of rent by the applicant/recipient, the security deposit or security agreement is required to be paid to the landlord by the district, such payment is considered to be an overpayment and must be recovered.

When a security deposit or monies under a security agreement are paid to a landlord for damages caused by a recipient, such payment must be considered an overpayment and must be recovered.

If a security deposit or monies under a security agreement are paid to a landlord to pay for unpaid rent, and the rent has not been paid due to a legitimate landlord/tenant dispute, a rent strike, or if the basis of non-payment of rent was for any period during which the district has verified that there was an outstanding violation of law relating to dangerous or hazardous conditions or conditions detrimental to life or health, it is not considered an overpayment and cannot be recovered. For more information, see 18 NYCRR 352.6(c).