

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

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TO: Commissioners, TA Directors, SNAP Directors, Employment Coordinators, Staff Development Coordinators, WMS Coordinators, Fair Hearing Staff, Medicaid Staff

FROM: Phyllis Morris, Acting Deputy Commissioner, Center for Employment and Economic Supports

SUBJECT: Temporary Assistance Programs for Emergencies Resulting from Superstorm Sandy

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau at 1-800-343-8859 ext. 4-9344

This General Information System (GIS) provides additional guidance regarding the provision of Temporary Assistance (TA) to meet the emergency or immediate needs associated with the Superstorm Sandy disaster emergency.

Emergency Programs and Scope of Assistance

Although there are no ongoing waivers of TA program eligibility requirements, there are existing emergency assistance programs listed below that are available to meet emergency and immediate needs that resulted primarily from flood and power outages for eligible TA applicants and recipients and eligible recipients of Supplemental Security Income (SSI). In addition to other specified items of need, these programs are available to meet the emergency or immediate needs for food, shelter (including emergency shelter), furniture, clothing replacement, and property and equipment repair/replacement including heating and plumbing equipment as specified in 18 NYCRR § 352.4(d), 352.6(e), 352.7 (b), 372.4 (b) and 397.5 (h).

- **Emergency Assistance to Families with Children (EAF)** - is an emergency program designed to provide for the immediate needs of both applicants and recipients of TA. EAF may be available for all of the items, conditions and amounts specified in 18 NYCRR Part 352 as well as for services to cope with emergency situations. For more information on EAF see TASB chapter 11.
- **Emergency Assistance for Adults (EAA)** - is an emergency program designed to provide for the emergency needs of Supplemental Security Income (SSI) recipients. Resources that are excluded from consideration by the Social Security Administration (SSA) also are excluded when determining eligibility for EAA. EAA covers the items specified in 18 NYCRR Part 397.

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- **Emergency Safety Net Assistance (ESNA)** - is an emergency program designed to provide for the effective and prompt relief of identified emergency needs that cannot be provided for under EAF or EAA. ESNA is limited to the items, conditions and amounts specified in 18 NYCRR Part 352. For more information on ESNA see TASB chapter 10 section I.

TA Emergency Programs and the Utilization of Income and Resources

TA emergency programs are intended to be used to meet the emergency or immediate needs of households that do not have available income or resources to reduce or meet their need for such assistance. TA applicants or recipients must use all of their available resources to reduce or meet their emergency and immediate needs. TA emergency programs must not be used to meet emergency or immediate needs until all available resources are exhausted. TA applicant or recipients claiming an emergency need cannot put aside the otherwise exempt resource limit amount of \$2,000/ \$3,000 in cash, checking or savings accounts. These resources must be used to meet the emergency or immediate need.

Applicants and recipients of emergency assistance must pursue, accept and/or exhaust any resources accessible in time to reduce or meet the need for TA. If an applicant or recipient refuses, without good cause, to utilize such resources, the TA applicant/recipient household must be denied/closed. (18 NYCRR 351.1)

Due to the effects of Superstorm Sandy it may be difficult to obtain verification of resources, but SSDs must attempt to make as complete an eligibility determination as possible before meeting the specific emergency or immediate need. The emergency need must be met if the applicant cannot be determined ineligible and has cooperated in attempts to establish eligibility.

While an individual or family may have income or resources that would ordinarily exceed the income and resource eligibility standards for recurring TA, these individuals and families nevertheless may be eligible for emergency assistance because only available income and immediately accessible resources are counted in determining eligibility for emergency assistance.

Districts must use the following guidelines in determining if income is available or a resource is accessible.

- Resources must be readily accessible, liquid or easily converted to cash. For example, if FEMA is available and provides funds to replace refrigerators, then a referral and application to FEMA, or any type of insurance is appropriate. While the claim is pending, if the district determines the emergency need to be immediate in nature requiring same day resolution, the district must provide an otherwise eligible applicant with emergency assistance.

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- Financial eligibility for EAF is not necessarily based on financial eligibility for TA, but instead is based on income and resources actually available to meet the emergency or immediate need. Income must be actually available and readily accessible at the time of the emergency or immediate need in order to be considered available.
- The income standard for ESNA of 125% of the current federal income official poverty level guideline limitation does **not** apply if the emergency is the result of fire, flood, or other like catastrophe. Therefore, this gross income limit for ESNA does not apply to those requesting assistance stemming from results of the declared disaster emergency.
- Pursuant to 02 ADM-02, income and resources that are credibly earmarked to meet specific basic essential items or needs, food or other items of need identified in Part 352 of 18 NYCRR must be considered unavailable to meet the emergency need. For example, if the applicant states that his/her next paycheck or bank funds are going to be used to pay an imminent mortgage payment, the district must consider the income or resource as earmarked and unavailable to meet the current emergency.

TA Application

All individuals or families not in receipt of TA who wish to apply for emergency assistance must complete, sign and submit the State prescribed application form (LDSS-2921). The applicant must also have a face-to-face interview on the day the application is submitted. Individuals who apply only for TA emergency assistance should not be required to comply with TA employment requirements that may otherwise apply to TA applicants.

Current TA recipients are not required to submit an application for emergency assistance and may request such assistance by telephone or mail. A face-to-face interview is not required. However, a same day interview must be conducted upon receipt of the request, which can be conducted over the telephone. For more information see 02 ADM-02.

As noted in 12 TA/DC021, SSDs should ensure that staff is reminded of the requirement to grant good cause when failure to meet program requirements is due to factors beyond the participant's control. The damage caused by the storm or its aftermath may result in the inability of individuals to attend agency appointments including work activity assignments, due to factors such as a lack of transportation, lack of child care or worksite closures. SSDs should consider the extent to which such factors may have affected an individual's ability to meet program requirements and may document good cause based on a notation of area conditions without requiring case-by-case documentation.

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In situations of mass emergency a social services district may use the LDSS-880 "Register of Application and Authorization for Emergency Assistance" (http://otda.state.nyenet/ldss_eforms/eforms/0880.pdf), to address mass EAF needs such as shelter for displaced families or providing food at a temporary shelter. If it is determined necessary to utilize the LDSS-880, the LDSS 2921 – Statewide Common Application is not required as the LDSS-880 is considered both the application and the authorization form when signed by the authorizing official. Instructions for use of the LDSS-880 are found on the reverse side of the form.

TA Documentation

Ordinarily, persons claiming an emergency or immediate need must, at a minimum provide verification of identity, household composition and citizenship status. Many persons affected by the declared disaster emergency may have lost their documents or may be unable to retrieve them from their homes. The SSDs are reminded that collateral statements are acceptable documentation in this situation. If assistance is needed to secure documents not already in the possession of the SSD, the district must help the applicant to secure necessary documents. See Documentation Desk Guide (LDSS-2642) as a guide to determine possible forms of documentation that can be used to verify an eligibility factor. The delay or inability to meet documentation requirements at application must not interfere with providing needed emergency assistance provided the applicant is cooperating in obtaining the documentation. Applicants or 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.

Notice Requirements

All identified emergencies require districts to issue a same day notice, "Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance" (LDSS-4002). The notice must clearly explain to the applicant or recipient how the emergency/immediate need will be met. If assistance is denied, the notice must inform the applicant/recipient the emergency is not an immediate need, noting the reasons for the decision on the form.

If an applicant designates in writing that they are only applying for a one-time payment to meet an emergency/immediate need, and are not seeking ongoing TA, Food Stamps or Medical Assistance, a LDSS-4002 "Notice of Acceptance/Denial to Meet an Immediate Need or Special Allowance" notice may be used to adequately notify applicants without providing any additional notice(s).

If an applicant does not designate in writing that they are only applying for a one-time payment to meet an emergency/immediate need, the household must be provided with the following notices:

- LDSS-4002 "Notice of Acceptance/Denial to Meet an Immediate Need or Special Allowance"

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- LDSS-4013A “Action Taken on Your Application”: Public Assistance, Food Stamps and Medical Assistance Coverage” (Part A)
- LDSS-4013B “Action Taken on Your Application”:Public Assistance, Food Stamps and Medical Assistance Coverage (Part B)

When a recipient requests assistance with an emergency over the telephone, an LDSS-4002 must be completed and mailed along with a completed "Request for an Additional Allowance by a Public Assistance Recipient" (LDSS-3815). This process is used to notify the recipient of the acceptance or denial.

Rest of State (ROS) Systems Implications (outside of New York City)

The SSDs may issue specific nonrecurring TA emergency benefits, including vehicle repairs, as a diversion payment on active Supplemental Nutrition Assistance Program (SNAP) and Medical Assistance (MA) cases and to TA application denials in accordance with the policy outlined in 03 ADM-8 and 03 INF-35. WMS error reference table 1910 found at <https://otda.state.nyenet/dta/WMSerror.pdf> provides a listing of allowable payments on the qualifying case types supporting the issuance of nonrecurring TA emergency payments on an active SNAP, MA or denied TA case. Special claiming code “J” is required for any payment using this procedure.