

## STANDARD OF NEED

### Section 352.1 Standard of need for determining eligibility.

The eligibility for public assistance of all persons who constitute or are members of a family household must be determined by a social services district by applying the following statewide standard of monthly need which must consist of:

(a) regular recurring monthly needs, exclusive of shelter, fuel for heating, home energy payments and supplemental home energy payments, in accordance with the following schedule:

**SCHEDULE SA-1  
STATEWIDE STANDARD OF NEED  
EFFECTIVE through June 30, 2009**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$112	\$179	\$238	\$307	\$379	\$438	\$60

**EFFECTIVE July 1, 2009 through June 30, 2010**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$126	\$201	\$268	\$345	\$426	\$492	\$67

**EFFECTIVE July 1, 2010 through June 30, 2011**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$141	\$225	\$300	\$386	\$477	\$551	\$75

**EFFECTIVE beginning July 1, 2011**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$158	\$252	\$335	\$432	\$533	\$616	\$84

(b) plus the amount of money for shelter, fuel for heating, home energy payments and supplemental home energy payments, required monthly for such persons in accordance with provisions of law and department regulations; and

(c) for any of such persons who may because of their case circumstances require any of the following items in accordance with applicable provisions of law and department regulations, the standard of need must include the cost of the required item or items in accordance with such provisions: furniture and furnishings for the establishment of a home, essential repair of heating equipment, cooking stoves and refrigerators, additional cost of meals for persons unable to prepare meals at home, replacement of clothing or furniture which has been lost in a fire, flood or other like catastrophe, cost of services and supplies already received, miscellaneous shelter costs, day care, camp fees and payment of life insurance premiums.

**352.2 Allowances and grants for persons who constitute or are members of a family household.**

(a) Each social services district must utilize the applicable schedules of monthly grants and allowances as found in subdivision (d) of this section to provide for all items of need, exclusive of:

- (1) shelter;
- (2) fuel for heating;
- (3) additional cost of meals for persons who are unable to prepare meals at home;
- (4) purchase of necessary and essential furniture required for the establishment of a home;
- (5) replacement of necessary furniture and clothing for persons in need of public assistance who have suffered the loss of such items as the result of fire, flood, or other like catastrophe;
- (6) essential repair of heating equipment, cooking stoves and refrigerators;
- (7) allowances for occupational training; and
- (8) other items for which specific provision is otherwise made in this Part.

(b) For the purposes of such monthly grants and allowances under Family Assistance or Emergency Assistance to Needy Families with Children, children or adults residing with an SSI beneficiary must be considered as a separate household from the SSI beneficiary.

(c) Supplemental allowances and grants may not be made other than as authorized under the regulations nor in excess of established schedules except as provided in section 352.3(a)(3) of this Part. In no event, except as provided in Part 397 of this Title, must a special allowance and grant be required to be made because the cash has been lost, stolen or mismanaged. Any duplicate allowance and grant made for such purpose is not reimbursable by the State unless made as a result of an order made after May 1, 1977 by a court of competent jurisdiction or a payment made after May 1, 1977 pursuant to an order by a court of competent jurisdiction.

(d) The monthly grants and allowances must be as follows:

**SCHEDULE SA-2a STATEWIDE MONTHLY GRANTS AND ALLOWANCES,  
EXCLUSIVE OF HOME ENERGY PAYMENTS AND SUPPLEMENTAL HOME ENERGY  
PAYMENTS FOR SNA-VA-FA**

**EFFECTIVE through June 30, 2009**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$112	\$179	\$238	\$307	\$379	\$438	\$60

**EFFECTIVE July 1, 2009 through June 30, 2010**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$126	\$201	\$268	\$345	\$426	\$492	\$67

**EFFECTIVE July 1, 2010 through June 30, 2011**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$141	\$225	\$300	\$386	\$477	\$551	\$75

**EFFECTIVE beginning July 1, 2011**

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$158	\$252	\$335	\$432	\$533	\$616	\$84

SCHEDULE SA-2b  
STATEWIDE MONTHLY HOME ENERGY PAYMENTS  
FOR SNA-VA-FA

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$14.10	\$22.50	\$30.00	\$ 38.70	\$47.70	\$55.20	\$7.50

SCHEDULE SA-2c  
STATEWIDE MONTHLY SUPPLEMENTAL HOME ENERGY  
PAYMENTS FOR SNA-VA-FA

Number of persons in household

One	Two	Three	Four	Five	Six	Each additional person
\$11	\$17	\$23	\$30	\$37	\$42	\$5

(e) Provision of home energy assistance payments set forth in subdivision (d) of this section must be effective for grants made on or after July 1, 1981.

(f) Provision of supplemental home energy assistance payments set forth in subdivision (d) of this section must be effective for grants made on or after January 1, 1986.

**352.3 Rent allowances.**

(a)(1) Each social services district must provide a monthly allowance for rent in the amount actually paid, for cases with a verified rental obligation. For each social services district, the maximum allowance for each public assistance family size in accordance with the following schedules:

LOCAL AGENCY MAXIMUM MONTHLY SHELTER ALLOWANCES  
WITH CHILDREN

	By family size							
	1	2	3	4	5	6	7	8+
Albany	214	219	309	348	386	404	421	421
Allegany	190	220	273	308	342	358	373	373
Broome	218	252	290	317	353	368	384	403
Cattaraugus	186	208	269	303	337	352	367	367
Cayuga	201	208	290	326	363	380	396	396

Chautauqua	198	202	285	321	357	374	390	390
Chemung	197	228	283	319	355	371	387	387
Chenango	189	219	264	298	331	346	361	361
Clinton	191	195	275	310	345	360	376	376
Columbia	201	221	290	326	363	379	396	396
Cortland	199	231	281	317	352	368	384	384
Delaware	200	232	274	309	344	359	374	374
Dutchess	286	292	412	464	516	540	563	563
Erie	209	214	301	339	377	395	411	411
Essex	199	231	268	302	336	351	366	368
Franklin	180	191	259	292	325	339	354	354
Fulton	189	193	272	307	341	357	372	372
Genesee	204	234	294	332	369	386	402	402
Greene	197	229	281	317	352	368	384	384
Hamilton	185	189	267	301	335	350	365	365
Herkimer	190	200	275	309	344	359	375	375
Jefferson	200	232	276	311	346	362	377	377
Lewis	193	197	279	314	349	365	381	381
Livingston	213	217	307	346	384	402	419	419
Madison	210	231	304	342	380	397	414	414
Monroe	257	298	343	374	405	420	438	477
Montgomery	196	200	283	319	354	370	386	386
Nassau	308	334	445	501	558	583	608	608
New York City	277	283	400	450	501	524	546	546
Niagara	204	209	294	331	369	385	402	402
Oneida	199	207	287	323	359	375	391	391
Onondaga	210	235	303	341	379	397	413	413
Ontario	213	240	308	347	386	403	421	421
Orange	292	298	421	473	527	551	574	574
Orleans	209	234	302	340	378	395	412	412
Oswego	208	212	300	338	375	393	409	409
Otsego	200	232	280	315	350	366	382	382
Putnam	306	312	441	496	553	578	602	602
Rensselaer	205	210	296	334	371	388	405	405
Rockland	302	350	434	488	543	568	592	592
St. Lawrence	194	211	281	316	351	368	383	383
Saratoga	219	224	316	356	396	414	431	431
Schenectady	216	226	311	351	390	408	425	425
Schoharie	199	231	286	322	358	374	390	390
Schuyler	194	224	275	310	345	360	376	376

Seneca	204	237	288	324	360	376	392	392
Steuben	188	192	271	305	339	354	370	370
Suffolk	310	358	447	503	560	586	611	611
Sullivan	211	244	297	335	372	389	406	406
Tioga	201	233	285	321	357	373	390	390
Tompkins	219	251	317	357	396	414	432	432
Ulster	263	305	350	382	413	427	445	486
Warren	215	250	299	337	375	392	408	408
Washington	205	231	295	332	370	387	403	403
Wayne	209	240	302	340	378	395	412	412
Westchester	295	314	426	479	533	557	581	581
Wyoming	199	231	279	314	349	365	381	381
Yates	198	210	286	322	358	375	391	391

LOCAL AGENCY MAXIMUM MONTHLY SHELTER ALLOWANCES  
WITHOUT CHILDREN

	By family size							
	1	2	3	4	5	6	7	8+
Albany	184	213	245	267	289	299	311	341
Allegany	190	220	253	276	299	309	321	352
Broome	218	252	290	316	342	354	368	403
Cattaraugus	179	208	239	261	282	292	304	332
Cayuga	179	208	239	261	282	292	304	332
Chautauqua	167	194	223	243	263	272	283	310
Chemung	197	228	262	286	309	320	333	364
Chenango	189	219	252	275	297	307	320	350
Clinton	156	181	208	227	245	254	264	289
Columbia	191	221	254	277	300	310	323	353
Cortland	199	231	265	289	313	323	337	368
Delaware	200	232	267	291	315	326	339	371
Dutchess	216	251	288	314	340	351	366	400
Erie	169	201	215	234	254	262	273	299
Essex	199	231	265	289	313	323	337	368
Franklin	161	191	212	239	250	259	269	295
Fulton	159	184	212	231	250	259	269	295
Genesee	202	234	269	293	317	328	342	374
Greene	197	229	263	287	310	321	334	366
Hamilton	159	184	212	231	250	259	271	296
Herkimer	173	200	230	251	271	281	292	320
Jefferson	200	232	267	291	315	326	339	371

Lewis	152	177	203	221	240	248	258	282
Livingston	187	217	249	271	294	304	316	346
Madison	199	231	265	289	313	323	337	368
Monroe	257	298	343	374	405	418	436	477
Montgomery	158	184	211	230	249	257	268	293
Nassau	288	334	384	419	453	468	527	561
New York City	215	250	286	312	337	349	403	421
Niagara	174	202	232	253	274	283	295	322
Oneida	179	207	238	259	281	290	302	331
Onondaga	203	235	270	294	319	329	343	375
Ontario	207	240	276	301	326	337	351	384
Orange	229	265	305	332	360	372	387	424
Orleans	202	234	269	293	317	328	342	374
Oswego	183	212	244	266	288	298	310	339
Otsego	200	232	267	291	315	326	339	371
Putnam	237	275	316	344	373	386	401	439
Rensselaer	153	179	193	210	228	235	245	268
Rockland	302	350	402	438	474	490	511	559
St. Lawrence	182	211	242	264	286	295	307	336
Saratoga	185	215	247	269	291	301	314	343
Schenectady	195	226	260	283	307	317	330	361
Schoharie	199	231	265	289	313	323	337	368
Schuyler	194	224	258	281	304	315	328	359
Seneca	204	237	272	296	321	332	345	378
Steuben	159	184	212	231	250	259	269	295
Suffolk	309	358	412	449	486	503	523	573
Sullivan	211	244	281	306	332	343	357	391
Tioga	201	233	268	292	316	327	340	373
Tompkins	217	251	289	315	341	353	367	402
Ulster	263	305	350	382	413	427	445	486
Warren	215	250	287	313	339	350	364	399
Washington	199	231	265	289	313	323	337	368
Wayne	207	240	276	301	326	337	351	384
Westchester	271	314	361	393	426	440	474	536
Wyoming	199	231	265	289	313	323	337	368
Yates	181	210	241	263	284	294	306	335

(2) Recipients in receipt of a court ordered shelter supplement, or a temporary shelter supplement pursuant to section 370.10 of this Title, at the time this paragraph is adopted and, who are otherwise eligible for public assistance will continue to receive that supplement, if higher than the shelter allowance set forth in paragraph (1) of this subdivision, for up to a two year period, provided that there is no break in assistance of more than one calendar month or that the family has not been sanctioned. After a two year period from the date this paragraph is adopted or upon a break in receipt of a court ordered supplement or a supplement under section 370.10 of this Title of more than one calendar month, applicants and recipients who were receiving a court ordered shelter supplement or a temporary shelter supplement pursuant to section 370.10 of this Title, must receive a shelter allowance pursuant to paragraph (1) of this subdivision, if otherwise eligible. The amount of the shelter supplement in excess of the shelter allowance maxima set forth in paragraph (1) of this subdivision is not part of the standard of need.

(3)(i) A social services district with the approval of the Office of Temporary and Disability Assistance may provide an additional monthly shelter supplement to families with children who are public assistance applicants or recipients and who will reside in private housing. Social services districts choosing to provide a supplement must submit a plan to the Office of Temporary and Disability Assistance, attention: Division of Temporary Assistance prior to providing the supplement. Plans submitted to the Office must include: justification for providing a supplement, the targeted population, the amount of the supplement and any additional information as required by the Office. The supplement must be a monthly amount that, when combined with the shelter allowance, does not exceed the rental obligation of the applicant or recipient. The amount of the shelter supplement is not part of the standard of need.

(ii) The Office may authorize a social services district to provide such supplement or a distinct part of such supplement if it determines that the provision of such supplement would accomplish its stated purpose and is justified considering such factors as length of temporary housing stays, existing litigation and other factors affecting the availability of housing. The Office must also consider the impact of granting the supplement on the economic incentives for self-sufficiency and the impact on low-income households which are not in receipt of public assistance. The Office may authorize the supplement only if it determines that there are sufficient funds available to provide such reimbursement.

(b) When the recipient is obligated to pay for water as a separate charge to a vendor, an allowance must be made for the additional amount required to be paid. When the recipient is obligated to pay for sewer, water (except when paid as a separate charge) and/or garbage disposal, an allowance must be made therefor to the extent that the total of the rent allowances plus such charge or charges does not exceed the appropriate maximum amount in the schedule in subdivision (a) of this section. For the purpose of this subdivision, the term "separate charge" refers to a billing made directly to a recipient in his or her name, which is limited to charges for his or her utility service.

(c) An allowance for household expenses must be made for a period not in excess of 180 days, when essential to retain a housing accommodation and to maintain the home to which a recipient temporarily receiving care in a medical facility is reasonably expected to return upon discharge from such facility. Payments under this subdivision must not continue for more than 45 days unless, within 45 days following placement in the medical facility, the social services official has reviewed the recipient's status and determined that the recipient is expected to remain in the facility for not more than 180 days and is likely to return to the home following discharge. The basis for these conclusions must be documented in the case record.

(d) (1) Public housing. An allowance for rent must be made for recipients who are tenants of city, State or federally aided public housing up to the amount actually paid or the following schedule, whichever is less, except when a modified schedule of allowances is approved by this department for a specific housing authority or when the housing authority calculates the rent based on a percentage of household income:

Apartment size	Monthly rent
"0" Bedrooms	\$ 65
1 Bedroom	77
2 Bedrooms	90
3 Bedrooms	101
4 Bedrooms	107
5 Bedrooms	110

(i) Modified scheduled approved. When a modified schedule is approved by this office for a specific housing authority, the allowance for rent must be the amount actually paid up to the approved schedule amount. A housing authority may request, and the office may grant an increase not to exceed ten percent in a twelve-month period until the modified schedule for the housing authority reaches the maximum allowances for the district found in subdivision (a) of this section.

- (ii) Rent calculated based on a percentage of income. For any household for which the amount of rent is determined by a public housing authority as a percentage of either gross or adjusted gross income, the applicable shelter allowance is the amount so calculated up to the maximum allowance for the given household size found in subdivision (a) of this section.
- (2) (i) Section 236 Rental Assistance Program, Section 8 Housing Vouchers, Section 8 Housing Program (non-certificate). The rent allowance for tenants of housing subsidized under the Section 236 Rental Assistance Program or the Section 8 Housing Assistance Payments Program is the amount of rent actually paid (exclusive of the subsidy) but not more than the amount in the applicable schedule in subdivisions (a) and (b) of this section.
- (e) Rent allowances for hotel/motel facilities. An allowance for shelter must be made for recipients temporarily housed in hotel/motel facilities under the following circumstances:
- (1) No other suitable housing either public or private is available to house the recipient.
  - (2) Hotel/motel accommodations without cooking facilities must be utilized only when accommodations with such facilities are not available. An allowance for the actual cost of the rental of a refrigerator, not to exceed \$10 per week per room, must be made when a homeless family is temporarily placed in a hotel/motel which does not have cooking facilities and which provides a refrigerator on a rental basis.
  - (3) The continued need for hotel/motel accommodations must be reviewed, evaluated and authorized monthly by the social services district.
  - (4) A detailed report of that review, evaluation and authorization must be submitted to the department's division of income maintenance on the form prescribed by the department, on or before the 10th working day of the fourth month of temporary residence, and at monthly intervals thereafter.
- (f) Reimbursement for shelter costs and restaurant allowances and rental fees for refrigerators as provided for in paragraph (e)(2) of this section is available to social services districts for expenditures made by such districts on behalf of recipients temporarily living in hotels or motels for so long as the recipients are actively seeking permanent housing, but in no event for a period in excess of six months unless the local commissioner of social services determines on an annual basis that housing other than hotels or motels or facilities regulated under Part 900 of this Title is not readily available in the social services district and the commissioner submits such determination to the

department on an annual basis. Upon such a determination and submission, the social services district will continue to be reimbursed for shelter costs, restaurant allowances as appropriate and rental fees for refrigerators provided to public assistance recipients beyond such six month period. A recipient's continued need for hotel/motel accommodations must be reviewed and evaluated monthly. The maximum reimbursable amount for shelter costs after August 1, 1984 is \$16 per day for the first person in each hotel room, and \$11 per day for the remaining occupants in each room. Restaurant allowances, if necessary, must be provided in accordance with department regulations.

(g) Standards. No family must be referred to a hotel/motel, nor must any reimbursement be made for costs incurred from such referral unless all of the requirements set forth below are met:

(1) Primary consideration must be given to the needs of children. Specific factors considered must include but must not be limited to educational needs, security, the nature of the facility in which the children would be placed, and factors which will insure the minimum disruption of community ties.

(2) The hotel/motel must have appropriate contractual or other arrangements for maintenance, repair and sanitation in the hotel/motel. The hotel/motel must have available for review by the local social services district information verifying the above-mentioned arrangements or record of such. Such information would include, for example, contracts with private carters, bills, receipts, or other evidence of performance. Such arrangements must include but not be limited to agreements for provision of the following services:

- (i) removal of garbage;
- (ii) maintenance of floor coverings, draperies and furniture;
- (iii) repainting of the facility at least once every five years;
- (iv) maintenance and inspection of the electrical system;
- (v) maintenance of plumbing and plumbing fixtures;
- (vi) maintenance and inspection of heating, ventilation and air conditioning systems;
- (vii) a regular vermin control program; and
- (viii) provision to insure that entrances, exits, steps and walkways are kept clear of garbage, ice, snow and other hazards.

- (3) Rooms must be cleaned at least every other day by hotel/motel staff.
  - (4) Furniture necessary for daily living, including but not limited to tables, bureaus, chairs, beds and cribs must be in each room.
  - (5) No more than two adults must be placed in the same room.
  - (6) When children are placed in the same room as adults, there must be sufficient beds so children must not have to share single beds.
  - (7) All mattresses and bedding material must be clean. Each bed must have at least two clean sheets, adequate clean blankets, clean pillows and pillowcases. A complete change of linens must be made by hotel/motel staff at least once a week and more often where individual circumstances warrant or when a new family occupies the unit. Each unit must be supplied with towels, soap and toilet tissues. A clean towel must be provided daily to each resident.
  - (8) Each unit must have operational door and window locks. All windows at and above the second floor must have window guards in place unless windows are sealed and the air conditioning works.
  - (9) A heating system must be permanently installed and operated in accordance with applicable local law. Where local law or code does not govern the provision of heat, the system will provide heat to maintain a temperature of 69°F (20°C) in all occupied parts of the building, including corridors. Where windows do not open, proper ventilation, including but not limited to air conditioning, must be operational.
  - (10) Each family must have a private bathroom. At a minimum, this must include a toilet, a sink and a shower or bathtub, all of which must be properly maintained with hot and cold running water. Couples without children may be placed in rooms with common bathroom facilities.
- (h) Inspection. Local social services districts which make hotel/motel referral must inspect at least once every six months the hotels/motels in which families are placed. In addition to verifying that the hotel/motel meets the requirements set forth in subdivision (g) of this section, the local district must make appropriate inquiries to determine whether the hotel/motel is in compliance with all applicable state and local laws, regulations, codes and ordinances. Any violation found during the on-site inspection must be reported to appropriate authorities. Further, each inspection must at least review arrangements for hygiene, vermin control, security, furnishings, cleanliness and maintenance and must include a review of any applicable documents pertaining to compliance with any local laws or codes. A written report must be made of each such inspection and must be maintained at the office of the local district together with such other information as the district may maintain concerning the families placed in the hotel/motel.

- (i) (1) To the extent that units of housing are available and subject to department approval based upon the housing conditions in the region, social services districts may provide an allowance to secure housing to any homeless family:
  - (i) residing in a municipality having a rental vacancy rate for low-income housing less than three percent;
  - (ii) for whom no housing can be located at a rent within the shelter maximum under this section; and
  - (iii) in which at least one member of the family has resided in a hotel or motel and/or a shelter (including, but not limited to, facilities operated under Part 900 of this Title) at public expense for a period exceeding 12 weeks. Social services districts may consider decreasing this length of stay requirement if a long term temporary placement in a hotel or motel or shelter would be detrimental to the health and welfare of families, including families with immediate medical needs.
- (2) In determining priority for placement in housing units for which an allowance is paid under this subdivision, the district must consider factors affecting need such as:
  - (i) the length of stay in a hotel or motel and/or a shelter (including, but not limited to, facilities operated under Part 900 of this Title) at public expense;
  - (ii) the size of the family; and
  - (iii) the location of schools in relation to the temporary housing where the family is residing.
- (3) Social services districts must submit to the department for approval annual plans for the operation of programs to make allowances available under this subdivision. Plans must be submitted within 45 days after funds have been authorized in the State budget for allowances for this program.
  - (i) indicate the number of units of housing for which the allowance will be made available pursuant to this subdivision, identifying the number that would be privately owned units and the number that would be publicly owned units, and the amount of funds being requested,
  - (ii) describe the housing to be utilized,

- (iii) indicate the number of months that the allowance will be available (not to exceed eight months in the case of privately owned units or four months in the case of publicly owned units),
  - (iv) set forth the procedures for assuring local housing code compliance,
  - (v) set forth the procedures to identify those families likely to be long-term residents of hotels and motels and/or shelters (including, but not limited to, facilities operated under Part 900 of this Title)
  - (vi) indicate the criteria to be used in determining priorities for placement,
  - (vii) indicate the services available in the social services district to assist persons to remain in housing after placement under this program;
  - (viii) indicate the number of homeless facilities in the social services district that requested emergency housing each month during the most recent twelve month period and the number of families that resided in hotels and motels and/or shelters during the most recent twelve month period; and
  - (ix) indicate the number of months that the social services district will require participating landlords to make specified apartments available to selected families.
- (4) The allowance consists of a rent supplement in an amount to be determined by the social services district, with the prior approval of the department, but cannot exceed the difference between the maximum shelter allowance and the hotel/motel rate for the family. Social services districts must submit claims for State reimbursement for such allowances on forms and in the manner prescribed by the department.
- (5) No allowance will be paid under this subdivision for housing developed for the homeless financed partially or wholly with public funds.
- (6) No allowance under this subdivision will be paid unless the social services district documents that such allowance will not be used to replace funds previously used, or designated for use, to secure housing for homeless families.
- (7) No allowance provided under this subdivision will be paid for housing which does not comply with or which is not brought into substantial compliance with the local housing code or which has been occupied by a family receiving Family Assistance (FA) or Safety Net Assistance (SNA) within one year prior to the payment of an allowance hereunder; provided, however, that such allowance may

be held in escrow by the district pending correction of existing code violations. Moreover, no allowance will be paid unless the participating landlord agrees to make a specified apartment available to the selected family for a period of up to 32 months as approved by the department, except as provided herein. The landlord must agree that, in the event that a selected family does not remain for any reason in the specified apartment for the period for which it is to be available, the landlord will return a pro rata portion of the allowance reflecting the balance of the period. In such event, the district may provide an allowance with respect to a subsequently selected family for the balance of the period, provided further that such family meets the eligibility criteria set forth in this subdivision.

(8) Allowances provided under this subdivision must be paid for a maximum period specified by the district and approved by the department.

(9) Social services districts providing allowances under this subdivision must submit information on a monthly basis in a manner prescribed by the department, including but not limited to:

- (i) the number of units rented that were privately owned and the number of units rented that were publicly owned and the addresses of such units;
- (ii) the individual allowances issued; and
- (iii) the number of families leaving apartments funded with allowances under this subdivision.

(j) If rent has not been paid for the month in which the case is accepted, a non-prorated shelter allowance, not to exceed the appropriate local agency maximum monthly shelter allowance, must be provided to retain the living accommodation.

(k) Emergency shelter allowances:

(1) An emergency shelter allowance must be provided, upon request, to a household composed of an applicant for or recipient of public assistance, who has been medically diagnosed as having AIDS or HIV-related illness as defined from time-to-time by the AIDS Institute of the State Department of Health, and any family members residing with such person unless such family member is in receipt of Supplemental Security Income (SSI) and is not considered to be the first person as defined in paragraph (2) of this subdivision. Such household must be homeless or faced with homelessness and have no viable and less costly alternative housing available. The social and medical needs of the household members must be considered in making a determination concerning the availability of alternative housing.

(2) An emergency shelter allowance must not exceed the household's actual monthly rent due. A person with AIDS or HIV-related illness is considered to be the first person in the household. Except for cases specified in paragraph (3) of this subdivision, the emergency shelter allowance is considered to be the household's public assistance shelter allowance for public assistance budgeting purposes.

(3) When a household comprising both FA and SSI eligible persons requests an emergency shelter allowance, the social services district must compute the amount of the allowance as follows:

(i) determine the public assistance grant of the FA eligible persons using the appropriate rent schedule amount in section 352.3(a) of this Part;

(ii) calculate the net amount of actual household shelter costs by subtracting the appropriate rent schedule amount, as determined by referring to section 352.3(a) of this Part, from the total actual household shelter costs;

(iii) calculate the amount of emergency shelter allowance available to the household by subtracting the appropriate rent schedule amount, as determined by referring to section 352.3(a) of this Part, from the allowance authorized by paragraph (2) of this subdivision; and

(iv) subtract the SSI benefit and other income of the SSI eligible person only when such person is included as the first person in the household, from the sum of the amount calculated in accordance with the provisions of subparagraph (ii) or subparagraph (iii) of this paragraph, whichever is less, and the incremental non-shelter public assistance standard of need of the SSI eligible persons. The resulting amount, if greater than zero, is the household's emergency shelter allowance. This allowance is added to the public assistance grant determined in accordance with subparagraph (i) of this paragraph.

(4) When necessary, social services districts must:

(i) address the social services needs of a person in receipt of an emergency shelter allowance through the direct provision of services or through the provision of appropriate information and referral services; efforts should be made to ensure that an applicant for or a recipient of such an allowance has established appropriate social and medical support networks;

(ii) assist an applicant for or a recipient of an emergency shelter allowance to secure the required documentation so that eligibility for such allowance can be determined; and

(iii) arrange for required face-to-face interviews to be conducted during home visits or at other appropriate sites. In accordance with department regulations, designated representatives may file and sign application and recertification documents on behalf of an applicant for or a recipient of an emergency shelter allowance.

**352.4 Shelter costs for applicant/recipient-owned property.**

(a) Purchase of interest in low cost housing development.

(1) A social services official may approve a grant, not to exceed \$2,500 toward the purchase of an interest in a cooperative unit in a low cost housing development.

(2) The social services official must require assignment of applicant's/recipient's equity in such cooperative housing.

(b) Carrying charges. On applicant/recipient-owned property used as a home, carrying charges must be met in the amount actually paid by the applicant/recipient, but not in excess of the appropriate maximum of the rent schedule, for the items of taxes; interest on mortgage; fire insurance; and garbage disposal, sewer and water assessments.

(c) Amortization. The amounts required to amortize a mortgage on the applicant's/recipient's property must be included in the carrying charges when property is income-producing and the resulting carrying charges do not exceed the property income by an amount in excess of the maximum of the established rent schedule or when property is not income-producing but it is essential to retain the home of the applicant/recipient and the resulting carrying charges do not exceed the appropriate maximum of the established rent schedule.

(d) Property repairs. The cost of property repairs must be met when:

(1) the property is income-producing and the repairs are essential to retain that status; or

(2) the repairs are essential to the health or safety of the applicant/recipient.

(e) Shelter costs of property deeded to social services official.

(1) Property on which a social services official has taken a deed under the provisions of section 106 of the Social Services Law may be used to shelter a public assistance recipient whether it be the recipient who conveyed such property or other recipient.

(2) Except in cases when property is used to shelter a surviving spouse of a former recipient who conveyed such property, it must be used to shelter other recipients only for a period of one year subsequent to the date of the death of the recipient who conveyed such property. After the expiration of a six-month period from such date of death but on or before the expiration of such one year, appropriate action must be taken to initiate a sale of such property in accordance with the provisions of section 106 of the Social Services Law.

(3) In cases in which property conveyed to a social services official is used to shelter a recipient other than the recipient who conveyed such property or his surviving spouse, a reasonable rental for such shelter must be determined. Such reasonable rental must be included in the grant of assistance of the recipient sheltered in such property and the net amount of such rent, in excess of all carrying charges paid for by the social services district, must be credited to the amount required to redeem the property as provided in section 106 of the Social Services Law.

### **352.5 Energy assistance.**

(a) Tenant and customer of record requirements.

Prior to granting energy assistance under subdivisions (b) through (g) of this section, it must be documented that the applicant/recipient/grantee is the tenant and customer of record. A tenant of record is a person who has primary responsibility for payment of the monthly rent or mortgage for the dwelling unit. Individuals who contribute a portion of the monthly rent/mortgage to a person responsible for payment of the monthly rent/mortgage for the dwelling unit will not be considered a tenant of record. A customer of record is a person who has an account in his or her name with a home energy vendor. An individual who is not the tenant and customer of record considered to meet the tenant and customer of record requirement(s) when such individual is the spouse of the tenant and customer of record who is living in the same household or who is the surviving spouse of a deceased spouse who was the tenant and customer of record. The term home energy vendor means an individual or entity engaged in the business of selling electricity, natural gas, oil, propane, kerosene, coal, wood, or any other fuel used for residential heating and/or domestic (lights, cooking, hot water) energy.

(b) Fuel for heating allowances.

Each social services district must grant an allowance for fuel for heating to a public assistance applicant/recipient or self-maintaining grantee in receipt of public assistance for a dependent child or children when it is documented that the applicant/recipient/ grantee is the tenant of record, as defined in subdivision (a) of this section, with primary responsibility for payment of the residential heating costs. A fuel for heating allowance must also be granted to a public assistance applicant/recipient/grantee whose utility heating bill may include costs for service for the applicant/recipient/grantee's own residential unit and for space outside that unit or whose non-utility heating bill includes costs for the applicant/recipient/grantee's own residential unit and for other residential units when it is documented that the applicant/recipient/grantee is the tenant and customer of record as defined in subdivision (a) of this section. When a fuel for heating allowance is granted to an applicant/recipient/grantee who is the customer of record for a utility bill which may include costs for service for the applicant/recipient/grantee's own residential unit and for space outside that unit, the social services district must determine whether a referral for a shared meter investigation, in accordance with the provisions of section 52 of the Public Service Law, is appropriate. A fuel for heating allowance is not granted to an applicant/recipient/grantee budgeted in accordance with the Section 8 certificate housing provisions outlined in section 352.3(d)(2)(ii) of this Part. To have primary responsibility for the payment of residential heating costs, the applicant/recipient/grantee must be the customer of record, as defined in subdivision (a) of this section, for the residential heating bill with a home energy vendor. Fuel for heating allowances must be provided on a 12-month heating season (October 1st September 30th) in accordance with the following schedules and must be based upon the applicant/recipient/grantee's primary residential heating source:

SCHEDULE SA-6a  
MONTHLY ALLOWANCES FOR FUEL FOR HEATING  
BEGINNING OCTOBER 1, 1987:  
Oil, Kerosene, Propane

Counties of: Nassau, New York City, Suffolk, Westchester								
Number of persons	1	2	3	4	5	6	7	8+
12 month	\$70	70	70	73	77	82	88	93

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster								
Number of persons	1	2	3	4	5	6	7	8+
12 month	\$68	68	68	71	74	80	85	91

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga,  
Ontario, Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$69	69	69	72	75	81	87	92

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca,  
Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$69	69	69	72	75	81	87	92

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton,  
Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie,  
Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$72	72	72	75	78	84	90	96

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$71	71	71	74	78	83	89	95

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$77	77	77	80	84	90	96	102

SCHEDULE SA-6b  
MONTHLY ALLOWANCES FOR FUEL FOR HEATING  
BEGINNING OCTOBER 1, 1987:  
Natural Gas, Coal, Wood, Municipal Electric Utilities  
not Regulated by the Public Service Commission,  
Any Other Fuel not Covered by SA-6a and SA-6c

Counties of: Nassau, New York City, Suffolk, Westchester

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$56	56	56	58	61	65	69	74

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$55	55	55	57	60	64	68	73

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario,  
Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$54	54	54	56	58	63	67	71

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca,  
Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$58	58	58	60	63	68	72	77

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton,  
Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie,  
Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$58	58	58	60	63	67	72	77

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$55	55	55	57	60	64	69	73

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$66	66	66	68	71	77	82	87

SCHEDULE SA-6c  
MONTHLY ALLOWANCES FOR FUEL FOR HEATING  
BEGINNING OCTOBER 1, 1987:

Public Service Commission-Regulated Electric Utilities, Village of Greenport Electric

Counties of: Nassau, New York City, Suffolk, Westchester

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$90	90	90	94	99	106	113	120

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$105	105	105	109	114	123	131	139

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario,  
Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$107	107	107	111	117	125	134	142

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca,  
Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$120	120	120	125	131	140	150	160

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton,  
Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie,  
Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$122	122	122	127	133	142	152	162

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$122	122	122	127	133	143	153	163

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$140	140	140	146	153	164	175	186

(c) Payment essential to obtain non-utility heating fuel for an applicant for family assistance (FA), safety net assistance (SNA), veteran assistance or emergency public assistance. The district must authorize a nonrecoupable payment to an applicant for family assistance, safety net assistance, veteran assistance or emergency public assistance for non-utility (other than natural gas or electricity) heating fuel, including an applicant whose non-utility heating bill includes costs for the applicant's own residential unit and for other residential units, provided such payment is necessary to obtain non-utility heating fuel essential for the applicant's residential heating purposes. Such payment may only be made when it is documented that the applicant is the tenant of record and the customer of record, as defined in subdivision (a) of this section, and alternative payment or housing accommodations cannot be arranged and the applicant is without liquid resources to pay for such non-utility heating fuel. Such payment must not exceed the cost of non-utility heating fuel required to meet the applicant's immediate need. However, once an initial payment has been authorized for an applicant whose non-utility heating bill includes costs for the applicant's own residential unit and for other residential units, subsequent emergency payments to obtain non-utility heating fuel for that applicant may only be authorized for deliveries made on an alternate basis with the other unit(s) sharing the fuel source. Prior to issuing payment for each subsequent delivery, it must be documented that heating fuel in amounts reasonably comparable to the most recent delivery paid for by the social services district has been provided by or on behalf of the other unit(s) sharing the fuel source. When the alternate delivery requirement has not been met or cannot be

documented, the social services district must address the applicant's hearing emergency with alternative methods. These methods include, but are not limited to, the following: referrals to services and/or other agencies; exploration of alternative housing; exploration of other funding sources (including HEAP); or the lending of safe supplemental heating devices. Documentation of need for the social services district payment must be fully recorded in the applicant's case file.

(d) Payment essential to obtain non-utility heating fuel. This subdivision applies to recipients of family assistance, safety net assistance, veteran assistance, or self-maintaining grantees in receipt of family assistance or safety net assistance on behalf of dependent children and in receipt of fuel for heating allowances as outlined in subdivision (b) of this section. An advance allowance subject to recoupment, in accordance with section 352.11 of this Part, must be authorized for such recipient or grantee when it is documented that the recipient/grantee is the tenant and customer of record for the residential heating bill, as defined in subdivision (a) of this section, and when the recipient/grantee has made a request in writing for such an allowance and also has requested in writing that the monthly grant be reduced to recover the advance allowance. This provision is applicable in those cases where the recipient/grantee's non-utility heating bill includes costs for the recipient/grantee's own residential unit and for other residential units. Once an initial payment has been authorized for a recipient/grantee whose non-utility heating bill includes costs for the recipient/grantee's own residential unit and for other residential units, subsequent payments to obtain non-utility heating fuel for that recipient/grantee may only be authorized for deliveries made on an alternate basis with the other unit(s) sharing the fuel source. Prior to issuing payment for each subsequent delivery, it must be documented that heating fuel in amounts reasonably comparable to the most recent delivery paid for by the social services district has been provided by or on behalf of the other unit(s) sharing the fuel source. When the alternate delivery requirement has not been met or cannot be documented, the social services district must address the recipient/grantee's heating emergency with alternative methods. These methods include, but are not limited to, the following: referrals to services and/or other agencies; exploration of alternative housing; exploration of other funding sources (including HEAP); or lending of safe supplemental heating devices.

(e) Payment essential to continue or restore utility service for an applicant for family assistance, safety net assistance, veteran assistance or emergency public assistance. A payment must be made for utilities previously provided to an applicant for family assistance, safety net assistance, veteran assistance or emergency public assistance if such payment is essential to continue or restore utility service. Payment essential to continue or restore utility service may be provided to an applicant whose utility bill includes costs for service for the applicant's own residential unit and for space outside that unit. Payment may only be made when it is documented that the applicant is the tenant of record and the customer of record, as defined in subdivision (a) of this section, and

alternative payment or housing accommodations cannot be made and the applicant is without liquid resources to continue or restore utility service. Payment must not exceed the cost of utilities provided to the applicant during the four most recently completed monthly billing periods or two most recently completed bi-monthly billing periods for which a bill has been issued immediately preceding the date of application for such assistance. Payment is limited to the applicant's proportionate share of the cost of service for the most recently completed four monthly or two most recently completed bi-monthly billing periods for which a bill has been issued immediately preceding the date of application for such assistance when the applicant's utility bill includes costs for service for the applicant's own residential unit and for space outside that unit. Payment must not exceed the balance due on the account. In a shared meter situation subject to the provisions of section 52 of the Public Service Law, the proportionate share is to be determined by the utility company's apportionment of retroactive charges upon completion of a shared meter investigation and determination. As a condition of receiving such assistance, an applicant not in receipt of recurring public assistance or supplemental security income whose gross monthly household income on the date of application exceeds the public assistance standard of need for the same size household must sign an agreement to repay the assistance within one year of the date of the payment. A household consists of all persons who occupy a housing unit. A house, an apartment or other group of rooms, or a single room is regarded as a housing unit when it is occupied or intended for occupancy as separate living quarters. A household includes related family members and all unrelated persons, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone, or a group of unrelated persons sharing a housing unit as partners, also constitutes a household. The public assistance standard of need is determined by applying the following statewide standards of need in accordance with office regulations: the pre-add allowance as set forth in Schedule SA-2a of section 352.3 of this Part; the shelter allowance as paid, but not to exceed the maximum allowance set forth in section 352.3 of this Part; the fuel allowance set forth in Schedule SA-6a, SA-6b or SA-6c of section 352.5 of this Part, if the applicant is the tenant of record and customer of the record for the residential heating bill; the home energy and supplemental home energy payments (HEA and SHEA) as set forth in schedule SA-2b or SA-2c of section 352.1 of this Part; and, if applicable, the additional cost of meals for persons unable to prepare meals at home as set forth in schedule SA-5 of section 352.7 of this Part. The repayment agreement must set forth a schedule of payments that will assure repayment within one year of the date of payment. Subsequent assistance to continue or restore utility service must not be provided unless any prior utility arrearage payments have been repaid or are being repaid in accordance with the schedule of payments contained in each prior repayment agreement as of the date of application for such subsequent assistance, or unless the enforcement of such prior repayment agreement(s) is suspended by the local social services district during a period of cold weather defined for these purposes, as the time period from November 1<sup>st</sup> of each year and ending April 15<sup>th</sup> of the following year. Repayment agreements under this subdivision may be enforced in any manner available to a creditor, in addition to any other remedy the district may have pursuant to the Social Services Law.

(f) Payment essential to continue or restore utility service for a recipient of family assistance, safety net assistance, veteran assistance, or self-maintaining grantee in receipt of public assistance for dependent children and in receipt of a home energy allowance and supplemental home energy allowance (HEA and SHEA) and/or a fuel for heating allowance, as defined in subdivision (b) of this section. For purposes of this subdivision, the term recipient is defined as: a recipient of family assistance, safety net assistance, veteran assistance, or a self-maintaining grantee in receipt of public assistance on behalf of dependent children and in receipt of a HEA and SHEA and/or a fuel for heating allowance, as defined in subdivision (b) of this section.

(1) A payment must be made for utilities previously provided to a recipient of family assistance, safety net assistance, veteran assistance or grantee in receipt of public assistance for dependent children and in receipt of an HEA and SHEA and/or a fuel for heating allowance, as defined in subdivision (b) of this section if such payment is essential to continue or restore utility service. Payment essential to continue or restore utility service may be provided to a recipient whose utility bill includes costs for service for the recipient's own residential unit and for space outside that unit. Payment may only be granted when it is documented that the recipient/grantee is the tenant and customer of record, as defined in subdivision (a) of this section and when alternative payment or housing accommodations cannot be made and the recipient is without liquid resources to continue or restore utility service. Payment must not exceed the cost of utilities provided to the recipient for the four most recently completed monthly billing periods or two most recently completed bi-monthly billing periods in which service was rendered within the 10 monthly or five bi-monthly most recently completed billing periods immediately preceding the date of request for such assistance. When the recipient's utility bill includes costs for service for the recipient's own residential unit and for space outside that unit, payment is limited to the recipient's proportionate share of the cost of service for the time frames outlined above. In a shared meter situation subject to the provisions of section 52 of the Public Service Law, the proportionate share is to be determined by the utility company's apportionment of retroactive charges upon completion of a shared meter investigation and determination. Payment must not exceed the balance due on the account and must be provided in accordance with the provisions of paragraphs (2), (3) and (4), (5), (6), and (7) of this subdivision.

(2) Payment must be provided as a nonrecoupable grant when it is documented that during the period specified in paragraph (1) of this subdivision the recipient has fully applied the public assistance grant to purposes intended to be included in such grant. Such documentation for recipients not budgeted in accordance with the Section 8 certificate housing provisions outlined in section 352.3(d)(2)(ii) of this Part must include proof of payment of: an amount at least equal to the combined

Home Energy Allowance and supplemental Home Energy Assistance (HEA and SHEA) budgeted in the public assistance grant to domestic (lights, cooking, hot water) energy costs; the monthly fuel for heating allowance budgeted in the public assistance grant to incurred heating costs; and the monthly shelter allowance budgeted in the public assistance grant to shelter costs. In addition, there must be no other evidence of mismanagement. Documentation for recipients budgeted in accordance with the provisions outlined in section 352.3(d)(2)(ii) of this Part must include proof of payment of: an amount at least equal to the combined Home Energy Allowance and Supplemental Home Energy Allowance (HEA and SHEA) budgeted in the public assistance grant to domestic energy costs (lights, cooking, hot water); an amount at least equal to the shelter allowance budgeted in the public assistance grant towards shelter, heating, water, and other shelter-related items covered by the federal Department of Housing and Urban Development utility allowance. In addition, there must be no other evidence of mismanagement.

(3) If such recipient is not eligible for a nonrecoupable grant pursuant to paragraph (2) of this subdivision, or for other available non-recoupable grants including Home Energy Assistance Program benefits, payment must be provided as an advance allowance subject to recoupment in accordance with section 352.11 of this Part.

(4) Whenever a social services district makes an arrearage payment to continue or restore the utility service of a public assistance recipient, the district must also, prospectively for a period of six months or until the case is closed, whichever occurs first, act as a guarantor of the recipient's future utility bills or place the recipient on voucher payment. When the recipient is the customer of record for a utility bill which includes costs for service for the recipient's own residential unit and for space outside that unit, only the recipient's proportionate share of the bill is the prospective responsibility of the social services district.

(5) If the agency uses a voucher payment to meet the prospective responsibility for an FA recipient the agency must be able to document recipient mismanagement. For the purposes of this subdivision, mismanagement is determined in accordance with the provisions outlined in paragraph (2) of this subdivision. In such cases, amounts not to exceed the following are restricted from the recipient's grant:

(i) if the recipient's utility bill represents "heat only," and the recipient does not reside in or is not budgeted in accordance with the Section 8 certificate housing provisions outlined in section 352.3(d)(2)(ii) for this Part, the recipient's monthly fuel for heating allowance is removed from the recipient's monthly grant. If the recipient's utility bill represents "heat only"

and the recipient does reside in Section 8 certificate housing or is budgeted in accordance with section 352.3(d)(2)(ii) of this Part, the balance of the shelter allowance minus the actual rent obligation, up to an amount equal to the appropriate fuel allowance schedule set forth in subdivision (b) of this section for the appropriate heating type and public assistance household size, is removed from the grant. Heating costs paid by the district which exceed the amount removed from the recipient's grant are considered to be overpayments subject to recoupment in accordance with section 352.31(d) of this Part;

(ii) if the recipient's utility bill represents domestic costs only (lights, cooking, hot water), the recipient's Home Energy Allowance and Supplemental Home Energy Allowance (HEA and SHEA) or the average monthly cost of the recipient's domestic utility service, whichever is less, is removed from the recipient's grant. Domestic energy costs paid by the district which exceed the amount removed from the grant must be considered to be overpayments subject to recoupment in accordance with section 352.31(d) of this Part.

(iii) if the recipient's utility bill represents heat and domestic costs, a combination of the amounts outlined in subparagraphs (i) and (ii) of this paragraph is removed from the grant. If the recipient's combined heat and domestic costs exceed the amounts removed from the recipient's grant, the balance must be considered an overpayment subject to recoupment in accordance with section 352.31(d) of this Part.

(6) If the agency uses a vendor payment to meet the prospective responsibility for an SNA recipient, the agency may do so in accordance with section 381.3(c)(2) of this Title.

(7) When a recipient has been placed on vendor payment, whereby the social services district pays the energy vendor directly, as a result of mismanagement by the recipient or for administrative ease, the district must at least annually, at case closing, and upon termination of the vendor payment arrangement, determine if there has been an under/overpayment. Identified underpayments/overpayments are to be reconciled in accordance with section 352.31(d),(e), and/or (f) of this Part.

(g) (1) For recipients with heating costs in excess of their annual allowance provided pursuant to the schedules set forth in this section, the district should explore the possibility of alternative housing (renters only) and/or weatherization/conservation services.

- (2) Recipients who retain responsibility for the payment of their own heating bills should be made aware of and encouraged to use budget billing programs offered by their heating vendors.
- (3) When the heating and/or domestic energy bill of a public assistance recipient/grantee has been placed on vendor payment as a result of a mismanagement determination, voluntary request, or administrative ease provision, the district must determine if there has been an under/overpayment. This reconciliation must be conducted at least annually, at case closing, and upon termination of the vendor payment arrangement. Identified under/overpayments are to be reconciled in accordance with section 352.31(d), (e), and/or (f) of this Part.
- (h) The social services official must designate a staff member to function as a liaison to energy vendors, other agencies, and to individuals seeking energy-related information and/or assistance.
- (i) The social services official must ensure that 24 hour/seven day a week referral capability exists for receipt of referrals from energy vendors, outside agencies, and individuals with energy related emergencies. The official may either designate social services district staff to be available on a 24 hour, seven days a week basis or may choose to designate an agency/organization in the community which agrees to accept calls after normal business hours and on weekends and to assist a referred household in the temporary alleviation of a life threatening energy emergency until the household can make application for financial assistance on the next normal business day.

**352.6 Miscellaneous shelter allowances and grants.**

- (a) (1) A social services official must provide funds for household moving expenses utilizing the least costly practical method of transportation, a rent security deposit, and/or a brokers' or finders' fee only when, in his judgment, one of the following conditions exists:
- (i) the move is to a less expensive rental property and the amount paid for a security deposit and moving expenses is less than the amount of a two-year difference in rentals; or
  - (ii) the move is necessitated by one of the following criteria:
    - (a) the need to move results from a disaster/catastrophe and/or a vacate order placed against the premises by a health agency or code enforcement agency;

- (b) the move is necessitated by a serious medical or physical handicap condition. Such need must be verified by specific medical diagnosis;
- (c) the individual or family is rendered homeless as a result of having been put out by another occupant with whom they were sharing accommodations;
- (d) the move is from temporary to permanent housing;
- (e) the move is from permanent housing to temporary housing whenever necessary due to the unavailability of permanent housing;
- (f) the move is from one temporary accommodation to another temporary accommodation whenever necessary due to the unavailability of permanent housing;
- (g) the move is from an approved relocation site or to an approved cooperative apartment; or
- (h) there is a living situation which adversely affects the mental or physical health of the individual or family, and the need for alternate housing is urgent, and not issuing a security deposit, moving expenses and/or brokers' or finders' fees would prove detrimental to the health, safety and well-being of the individual or family.

(2) A security deposit and/or brokers' or finders' fees must be provided only when an applicant or recipient is unable to obtain a suitable vacancy without payment of such allowances.

(3) Documentation of the need for a security deposit, moving expenses and/or brokers' or finders' fees must be fully recorded in the case record.

(b) Avoidance of abuses in connection with rent security deposits.

(1) Whenever a landlord requires that he be secured against nonpayment of rent or for damages as a condition to renting a housing accommodation to a recipient of public assistance, a local social services official may secure the landlord by either of the following means:

- (i) by means of an appropriate agreement between the landlord and the social services official; or

(ii) by depositing money in an escrow account, not under the control of the landlord or landlord's agent, subject to the terms and conditions of an agreement between the landlord and the social services official in such form as the department may require or approve; provided, however, that the provisions of this subparagraph do not apply where a public assistance recipient resides in public housing.

(2) A social services official may not pay money to a landlord to be held as a security deposit against the payment of rent or for damages by a public assistance recipient, or issue a grant to a recipient of public assistance therefor, except as provided in paragraph (3) of this subdivision.

(3) When, in the judgment of a social services official, housing accommodations available in a particular area are insufficient to accommodate properly recipients of public assistance in need of housing, and in order to secure such housing, it is essential that the official pay money to landlords to be held as security deposits against the non-payment of rent or for damages by public assistance recipients or to issue grants to recipients of public assistance therefor, such social services official may pay or furnish funds for such security deposits until sufficient housing accommodations are available in the particular area to accommodate properly recipients of public assistance in need of housing. Social services officials must not pay or furnish such funds where recipients of public assistance reside in public housing. In no case will temporary residence in a shelter, including those defined in Parts 900 or 1000 of this Title, a hotel/motel or any other such emergency or transitional residential facility be considered sufficient housing accommodations for purposes of this paragraph. Landlords receiving such security deposits must comply with the provisions of article seven of the General Obligations Law. The recipient is required to assign to the social services official any right the recipient may have to the return of the security deposit and interest accrued thereon. Any social services official paying or furnishing funds for a security deposit in accordance with this paragraph must make diligent efforts to recover such payments or funds from the landlord as allowed by law. Such efforts must not delay recoupment or recovery from a recipient if recoupment or recovery from the recipient is required by this section.

(c) Recovery of rent security payments.

(1) If as a result of non-payment of the shelter allowance, the security deposit or security agreement for non-payment of rent is required to be paid to the landlord, such payment must be considered to be an overpayment made to the recipient and as such, must be recovered according to the provisions of section 352.31(d) of this Part. If rent has not been paid due to a legitimate landlord/tenant dispute, a rent strike or as a result of the application of Section 143-b of the Social Services Law, such payment is not an overpayment and cannot be recouped or recovered.

(2) 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 from a recipient pursuant to the provisions of section 352.31(d) of this Part provided that a social services official has conducted (or arranged for) a pre-tenancy and post-tenancy inspection or survey of the premises, or verified by some other means that the damages were caused by the recipient. The condition of the premises when the recipient moves and when the recipient moves out must be documented and agreed to by signature of the landlord and the recipient. If the verification does not confirm that there are damages caused by the recipient, then cash must not be issued under a security agreement or, if a cash security deposit had been issued and the landlord retains it for alleged damages, the social services official must attempt to recover the deposit from the landlord. When the verification confirms that the recipient caused the damages, the district must recover the deposit amount from the recipient.

(d) When non-payment of the shelter allowance or client-caused damages, as confirmed by a pre-tenancy inspection and post-tenancy inspection or survey conducted by the social services district or by some other means of verifying that the damages were caused by the recipient pursuant to paragraph (2) of subdivision (c) of this section necessitates the authorization of finders' or brokers' fees, or household moving expenses, such payments must be considered to be overpayments made to the recipient and as such, must be recovered according to the provisions of section 352.31(d) of this Part. If rent has not been paid due to a legitimate landlord/tenant dispute, a rent strike or as a result of the application of Section 143-b of the Social Services Law, such payments are not overpayments and cannot be recouped or recovered.

(e) Unless prohibited by State or federal law or regulation, an allowance for expenses, not otherwise authorized under this title, for the repair, maintenance or retention of housing occupied by, but not owned by, a recipient of public assistance must be paid when necessary for the health and safety of the recipient and his or her family, when other appropriate housing is not available and when the payment is necessary to permit the recipient and his or her family to remain in the housing. An allowance for expenses for

repair and maintenance must be paid only when the owner of the housing is not obligated to provide the repair or maintenance. An allowance under this subdivision does not include payments for utility deposits for gas and electricity, payments covered under subdivision (b) of this section, payments for rent, property taxes or mortgage arrears and payments for litigation costs of any kind, including attorney's fees.

(f) An allowance for storage of furniture and personal belongings must be made when it is essential, for circumstances such as relocation, eviction or temporary shelter, so long as eligibility for public assistance continues and so long as the circumstances necessitating the storage continue to exist.

### **352.7 Allowances and grants for other items of need.**

(a) Furnishings.

(1) If provision therefor cannot otherwise be made, each social services district must provide for the purchase of necessary and essential furniture, furnishings, equipment and supplies required for the establishment of a home for persons in need of public assistance. For purposes of this subdivision, such an allowance must be provided only when, in the judgment of the social services official, one of the following conditions exists:

(i) An individual or family temporarily housed in a hotel, motel, homeless shelter, residential program for victims of domestic violence or other temporary accommodation to which the individual or family has been referred by the social services district is being permanently rehoused in unfurnished housing accommodations, and suitable furnished accommodations are not available.

(ii) An unattached individual, whose needs cannot otherwise be met under Part 397 of this Title, is discharged from an institution, is determined to be capable of maintaining an apartment in the community, and suitable furnished accommodations are not available.

(iii) An adult, whose needs cannot otherwise be met under Part 397 of this Title, is discharged from an institution and wishes to rejoin his family, which is in need of additional furniture to provide adequate shelter for him.

(iv) A child is returned to his parents, who are in need of additional furniture to provide adequate shelter for him.

(v) An individual's or family's living situation adversely affects the physical and mental health of that individual or family, and it is essential that the individual or family be rehoused in unfurnished housing accommodations in order to safeguard his or their health, safety and well-being.

(2) An allowance provided under paragraph (1) of this subdivision may not exceed the amounts authorized for the appropriate rooms and items in the following schedule:

SCHEDULE SA-4a  
INITIAL OR REPLACEMENT COST OF ESSENTIAL  
HOUSEHOLD FURNITURE, FURNISHINGS, EQUIPMENT AND SUPPLIES

Living room	\$182
Bedroom	
with a single bed	\$145
with two single beds	\$205
with double bed	\$184
Kitchen	
(excluding appliances)	\$142 (plus \$12 for each additional person)
Range	\$182
Refrigerator	\$182 (or \$258 for four or more persons)
Bathroom	\$ 6 (plus \$4 for each additional person) Other
equipment	
Cabinet for linens	\$ 22
Stove for heating	\$ 72 (or \$82 for five or more persons)

(3) Documentation of the need for such furniture must be fully recorded in each case record.

(b) Equipment repairs. Each social services district must provide for the essential repair of heating equipment, cooking stoves and refrigerators used by persons in need of public assistance in their homes, provided provision therefor cannot otherwise be made except that replacement may be authorized when less expensive than repair. Such allowances for cooking stoves and refrigerators cannot exceed the amounts authorized under schedule SA-4a.

(c) Additional cost of meals. Each social services district must provide for the additional costs of meals for persons unable to prepare meals at home or who do not otherwise receive meals in their residences in accordance with the following schedule:

SCHEDULE SA-5  
RESTAURANT ALLOWANCE  
SCHEDULE

Monthly allowances to be added to appropriate monthly grants and allowances for combinations of restaurant meals and meals prepared at home or meals otherwise provided in the residence, including sales tax.

Dinner in a restaurant	\$29.00
Lunch and dinner in a restaurant	\$47.00
All meals in a restaurant	\$64.00

Additional special restaurant allowance as described below.

Effective November 1, 1986, a special monthly restaurant allowance of an additional \$36 must be granted to any pregnant woman or person under 18 years of age, or any person under 19 years of age who is a full-time student regularly attending a secondary school or in the equivalent level of vocational or technical training if, before such person attains age 19, such person may reasonably be expected to complete the program of such secondary school or training.

HOME DELIVERED MEALS

Monthly allowances to be added to appropriate monthly grants and allowances.

Extra allowance	\$36.00
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(d) Replacement of clothing or furniture. Each social services district must provide for partial or total replacement of clothing or furniture which has been lost in a fire, flood or other like catastrophe, provided such needs cannot otherwise be met through assistance from relatives or friends or from other agencies or other resources. Such allowances must not exceed the amounts authorized under schedules SA-4a and SA-4b.

SCHEDULE SA-4b  
REPLACEMENT COST OF CLOTHING

Birth through 5 years	\$48.00
6 through 11 years	\$73.00
12 through adult	\$89.00

(e) Reserved.

(g) Payment for services and supplies already received. Assistance grants must be made to meet only current needs. Under the following specified circumstances payment for services or supplies already received is deemed a current need:

(1) Replacement of lost or stolen checks.

(i) If an applicant or recipient reports to a local social services official that a check has been lost or stolen, an affidavit of loss must be required of the recipient, and payment of the check must be stopped. If the recipient has not already done so, he must be required by the local social services official to report the loss or theft to the police, to obtain from them the blotter entry number, or classification number, or file number or other available evidence of the reporting, and to furnish such evidence to the local social services official. When satisfied that such police report has been made, the local social services official must issue a replacement check to the recipient, on which there must appear above the place for the recipient's signature, the following: "By endorsing or cashing this check I acknowledge that this is a replacement for a check, number dated drawn to my order on which was lost/stolen; that I have not received the proceeds of said check directly or indirectly; and that I have been informed it is illegal for me to cash said check, and if I do so, I am liable to prosecution."

(ii) If payment is not stopped on the original check and it and the replacement check are both cashed, only one must be subject to State reimbursement, and the social services district must limit its claim for State reimbursement to one of the two checks.

(iii) If it is established that a recipient endorsed and cashed an allegedly lost or stolen check which has been replaced, the amount of such check must be recovered from the recipient as provided for by the provisions of the regulations of this department.

(2) Replacement of electronic benefits. When a recipient claims that he or she has not received electronic cash public assistance benefits which the Department's computer issuance record indicates were issued, the social services district must verify the validity of the computer issuance record in accordance with procedures established by the Department. If it is verified that a valid issuance transaction occurred, the benefits cannot be replaced. If it is determined that a valid issuance transaction did not occur, the benefits must be restored in accordance with section 352.31(f) of this Part.

(3) A grant may be made to pay for rent, property taxes or mortgage arrears for the time prior to the month in which the public assistance case was opened or for applicants for emergency assistance under Parts 370 and 372 of this Title. Shelter arrears payments authorized for applicants under this paragraph are limited to a total period of six months once every five years unless the district determines at its discretion that additional shelter arrears payments are necessary based on the individual case circumstances. Such payments may be made only when:

(i) such payment is essential to forestall eviction or foreclosure and no other shelter accommodations are available; or

(ii) the health and safety of the applicant is severely threatened by failure to make such payment; and

(iii) the authorization for the payment receives special written approval by the social services official or such other administrative officer as he or she may designate, provided such person is higher in authority than the supervisor who regularly approves authorization.

(iv) the applicant reasonably demonstrates an ability to pay shelter expenses, including any amounts in excess of the appropriate local agency maximum monthly shelter allowance, in the future. However, when in the judgment of the local social services official, the individual or family has sufficient income or resources to secure and maintain alternate permanent housing, shelter arrears need not be paid to maintain a specific housing accommodation;

(v) such payment does not exceed the local agency maximum monthly shelter allowance. A district may, consistent with subparagraph (iv) of this paragraph, issue a grant for arrears in excess of the maximum monthly shelter allowance. However, any amount above the local agency maximum monthly shelter allowance paid towards the monthly arrears is an overpayment subject to recovery and recoupment in accordance with section 352.31 of this Part;

(vi) the applicant, if accepted for on-going public assistance, agrees to future restriction of shelter payments in accordance with Part 381 of this Title; and

(vii) in the case of an applicant who is not eligible for Safety Net Assistance, Family Assistance, Emergency Assistance to Families, or Emergency Assistance to Adults, such applicant is without income or resources immediately available to meet an emergency need, such applicant's gross household income at the time of application does not

exceed 125 percent of the federal income official poverty line as defined and annually revised by the Federal Office of Management and Budget, and such applicant signs an agreement to repay the assistance in a period not to exceed 12 months from receipt of such assistance. The repayment agreement must set forth a schedule of payments that will assure repayment within the 12 month period, and must specify the frequency of the payments, the due date of the first payment, the address where payments must be made and the consequences of failing to repay the assistance as agreed. Subsequent assistance to pay arrears may not be granted unless there are not past-due amounts owed under any such repayment agreement. The social services district, in addition to any rights it has pursuant to the Social Services Law, may enforce the repayment agreement in any manner available to a creditor.

(4) A recipient of public assistance who is threatened with eviction or foreclosure or who is being evicted or whose property is being foreclosed upon for non-payment of rent, mortgage or taxes incurred during a period for which a grant had been previously issued to the recipient may be provided with an advance allowance for rent, mortgage principal and interest payments or taxes in accordance with section 352.11 of this Part. Shelter arrears payments, including advance allowance payments, authorized under this paragraph are limited to a total period of six months once every five years unless the district determines at its discretion that additional shelter arrears payments are necessary based on the individual case circumstances. Advance investigation of the need for restricted payments must be conducted in accordance with Part 381 of this Title. An allowance for rent, mortgage principal and interest payments or taxes which exceeds the appropriate local agency maximum monthly shelter allowance can be made only if all of the following conditions are met:

- (i) notwithstanding section 352.23(b) of this Part, the recipient agrees to use all available liquid resources for the payment of shelter expenses necessary to prevent eviction or foreclosure;
- (ii) the recipient demonstrates an ability to pay shelter expenses in the future, including any amounts in excess of the appropriate local agency maximum monthly shelter allowance;
- (iii) the recipient agrees to future restriction of rent or mortgage payments; and
- (iv) the recipient has not previously received an allowance pursuant to this paragraph and, subsequent to receiving such allowance, requested discontinuation of restriction of the shelter payments to which he or she agreed pursuant to this paragraph.

(h) Chattel mortgages or conditional sales contracts. If the furniture or household equipment of an applicant, who has not been a recipient of public assistance within the previous six months preceding his application, is essential to making his living accommodations habitable but are presently encumbered by a chattel mortgage or a conditional sales contract, every effort must be made to defer, cancel or reduce payments on such chattel mortgage or conditional sales contract. If all such efforts fail, an allowance may be made for a compromise settlement of such payments or, if a compromise cannot be reached, for other essential payments; provided, however, that the compromise settlement or allowances must not exceed the cost of replacement.

(i) Camp fees. When funds cannot be obtained from other sources, camp fees may be paid for children receiving FA not in excess of total cost of \$400 per child per annum, in amounts not to exceed \$200 per week.

(j) Reserved.

(k) Additional needs because of pregnancy. A monthly allowance of \$50 must be added to the appropriate monthly grant and allowance of a needy pregnant woman beginning with the fourth month of pregnancy or the month in which medical verification of the pregnancy is presented to the district, whichever is later.

(l) Reserved.

(m) Supplemental payments. The social services official must provide a monthly allowance to supplement the income of an FA, SNA or VA household when the household experiences a net loss of cash income due to the acceptance of employment by a JOBS participant who is a member of the household, when such acceptance is required by the social services district. A net loss of cash income occurs when the monthly gross income of the household, subtracting necessary actual work-related expenses, is less than the cash assistance the household received in the month in which the offer of employment was made. The supplement must equal the monthly net loss of cash income that would occur if the supplement were not paid to the household.

(1) Gross income includes, but is not limited to, earnings, unearned income and cash assistance.

(2) Cash assistance means the budget deficit as defined in section 352.29 of this part.

(3) Necessary actual work-related expenses are the actual, verifiable and unreimbursed expenses directly related to maintaining employment.

- (i) Such expenses include, but are not limited to:
  - (a) mandatory payroll deductions such as federal, State and local taxes, social security taxes, disability insurance and union dues;
  - (b) tools, materials, uniforms and other special clothing required for the job;
  - (c) mandatory fees for licenses or permits fixed by law;
  - (d) deductions for medical insurance coverage;
  - (e) child care up to the local market rate; and
  - (f) transportation, including the cost of transporting children to and from day care, except that the amount for use of a motor vehicle must be computed on a mileage basis at the same rate paid to employees of the social services district and must only be allowed when public transportation is not available.
- (ii) Such expenses do not include:
  - (a) meals;
  - (b) business-related depreciation;
  - (c) personal business and entertainment expenses;
  - (d) personal (not work related) transportation;
  - (e) purchase of capital equipment; and
  - (f) payments of the principal of loans.

(n) Burials. Allowances must be made for burial of applicants for and recipients of public assistance in accordance with section 141 of the Social Services Law.

(o) Removals. Allowances must be made to applicants for or recipients of public assistance who are removed to another state or country in accordance with section 310.1(h) of this Title. Such allowances can only be made for the reasonable and necessary expenses of such removals, as authorized by section 310.1(h)(2) of this Title.