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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-110

Date: October 2, 1995

Division: Services and
Community
Development

TO: Local District Commissioners

SUBJECT: PREVENTIVE HOUSING SERVICES GRANTS
(Prevent Foster Care Placement)

ATTACHMENTS: A: Initial and Continued Client Eligibility
(Available on-line)

B: Implementation Procedures
(Available on-line)

This memorandum contains updated provisions for local district preventive housing services cash grants to obtain adequate housing as part of a plan to prevent foster care placement. This memorandum replaces and supercedes LCM 94-87.

Section 237 of Chapter 83 of the Laws of 1995 repeals Section 409-(5)(d) of the Social Services Law (SSL) and eliminates the demonstration program status for the provision of preventive services housing grants for the purpose of preventing foster care placement. At the same time, Section 238 of Chapter 83 adds a new subdivision (7) to Section 409-a of the SSL which establishes such grants as a preventive services option. Pursuant to other provisions in Chapter 83, state reimbursement for local district expenditures for preventive housing services grants will be made in accordance with the Family and Children's Services Block Grant. As a result, local districts will no longer receive a special allocation of slots for preventive housing services subsidies to prevent foster care placements. A local district's expenditures for preventive housing services grants will be counted toward the district's Preventive Services Maintenance of Effort (MOE) requirement under the block grant. The provisions in Chapter 83 regarding preventive housing services grants became effective July 1, 1995.

A local district may now provide preventive housing services grants to prevent foster care placement for any family who has been determined to be eligible for either mandated or non-mandated preventive services if the

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district determines that lack of adequate housing is a factor that may cause the entry of a child or children into foster care and that the family has at least one service need other than the lack of adequate housing. There is no longer any requirement to give preference to families with more than one child or to families receiving or eligible to receive emergency housing. Preventive housing services grants are not an option for inclusion in a program of community preventive services (COPS), as preventive housing services grants can be provided only for a specific individual family based on a specific individual family eligibility determination.

Preventive housing services grants continue to be defined as rent subsidies, including payment of rent arrears, or other assistance sufficient to obtain adequate housing. Pursuant to 18 NYCRR 423.2(b)(16)(i) of the Department's regulations, other assistance includes security deposits, finder's or broker's fees, household moving expenses, exterminator fees, mortgage arrears on client owned property which place the family at imminent risk of losing their home, and/or essential repairs of conditions in rental or client owned property which create a substantial health or safety risk.

Preventive housing services grants provided for an individual family may not exceed the sum of \$300 per month and may not be provided for a period of more than three years. Previously, the statutory provision for the demonstration project was silent as to the duration of the subsidy for each individual family. For local districts which have been participating in the demonstration, it is recommended that the three year time limit for a family receiving a preventive housing services grant under the demonstration be counted from the date the family originally began receiving the grant.

A full description of initial and continued client eligibility standards is contained in Attachment A. Implementation procedures including systems and claiming procedures are contained in Attachment B.

Questions regarding this LCM should be addressed as directed below.

Issues regarding program standards or procedures should be addressed to the appropriate Regional Office of the Division of Services and Community Development:

Metro, Anona Joseph, Acting Dir., [0ff010] 212-383-1788

Albany, William McLaughlin, Dir., [0fn010] 518-432-2751

Syracuse, Jack Klump, Dir., [89w005] 315-423-1200

Rochester, Linda Kurtz, Dir., [0fh010] 716-328-8200

Buffalo, Linda Brown, Dir., [89d421] 716-847-3145

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Inquiries regarding systems procedures should be addressed to:

Gerry Seeley, USERID 0f1130
Phone, 1-800-383-8859, ext. 432-2932.

Questions regarding fiscal implications or claiming procedures should be addressed to:

REGIONS I-IV
Roland Levie, USERID fms001
Phone 1-800-383-8859, ext. 4-7549, or

REGION V
Marvin Gold, USERID ofm270
Phone 212-383-1733.

Donald K. Smith

Attachment A

Initial and Continued Client Eligibility
(Preventive Housing Services Grants to Prevent Foster Care)

1. The family must be eligible for either mandated or non-mandated preventive services to prevent placement or re-placement in foster care and:
 - o the family must satisfy the applicable eligibility standards for mandated or non-mandated preventive services set forth in 18 NYCRR 423.3, 430.9(c) or 430.9(d) of the Department's regulations;
 - o the child(ren) must be residing with parent(s), i.e., the goal must be to prevent placement or re-placement in foster care.
2. The family must have at least one service need other than the lack of adequate housing, that is, the family must have an identified service need for one of the preventive services defined in 18 NYCRR 423.2(b)(4)-(15), (17), or (19) of the Department's regulations : day care, homemaker, housekeeper/chore, family planning, home management, parent training, parent aide services, transportation, clinical services, day services to children, emergency shelter, emergency cash or goods, intensive family preservation services, or crisis respite care and services for families.
3. It must be reasonable to believe that the provision of the preventive housing services grant in combination with the other needed preventive service(s) will avoid the need for foster care.
4. The family's housing situation must meet one or more of the following criteria:
 - o the family is homeless or is temporarily residing in an emergency shelter, hotel/motel or other temporary housing;
 - o the family is residing in its own home, in a room and board situation, or in the home of friends or relatives and the number of persons residing in such home or situation exceeds or will exceed the capacity of such a residence as specified in local laws, ordinances, rules or regulations or the family is threatened with eviction or there is an unreasonable and unsafe degree of overcrowding as determined by the case manager;
 - o the family has a home but rent or mortgage arrears place the family at imminent risk of losing the home;
 - o the family is residing in a building which is the subject of a vacate order; and/or
 - o the condition of the family's home poses a health and safety risk which places the child(ren) at imminent risk of harm.
5. The preventive housing services grant must be terminated whenever a family has been receiving the grant for 36 months or the total amount granted to the family amounts to \$10,800, whichever occurs first. It is recommended that the three year limit for a family which has been receiving

a preventive housing grant under demonstration funding be counted from the date the family originally began receiving the grant.

6. A preventive housing services grant must be terminated before the maximum 36 months (\$10,800) eligibility period has elapsed if any of the following situations or conditions occur:

- o The child(ren) on whose behalf the housing grant is being provided has/have been placed in foster care, unless the anticipated date of discharge from foster care is within 90 days or less of the placement date. In such case, the UCR must indicate the date of placement/replacement, the anticipated date of discharge, the reason discharge is anticipated to occur within 90 days or less, and the actual date of discharge. If the child(ren) is/are not discharged within 90 days, the housing grant must be terminated on the 91st day of placement.
- o The social services district or the family has located adequate permanent housing for the family and continuing the preventive housing services grant is not necessary.
- o The child(ren) on whose behalf the preventive housing services grant is being provided no longer resides in the household with the parent(s).
- o The family no longer continues to reside in the housing unit for which the preventive housing services grant is being provided. The preventive housing services grant must be terminated if the family moves out of the housing unit unless the district determines that the grant must continue due to new housing needs and that the grant, along with the other preventive service(s), will avoid the need for placement or re-placement. (The continuation grant remains subject to the 36-month time limit and the \$10,800 dollar cap on preventive housing services grants.)
- o The family no longer meets the financial eligibility standard(s) set forth in 18 NYCRR 423.2(b)(16) of the Department's regulations.
- o The family has moved out of state.
- o There is no child in the family living at home who is under the age of 18.

Attachment B

Implementation Procedures

1. Preventive housing services grants may be provided for the following purposes:

- o rent subsidies;
- o rent arrears;
- o mortgage arrears on client owned property which place the family at imminent risk of losing their home;
- o security deposits;
- o finder's or broker's fees;
- o household moving expenses;
- o exterminator's fees;
- o essential repairs of conditions in rental or client owned property which create a substantial health or safety risk.

2. Preventive housing services grants may be provided directly by the social services district or by a local public agency or a private not-for-profit agency or organization through a purchase of service agreement.

3. Eligibility for and the provision of preventive housing services grants must be documented in the Uniform Case Record (UCR) opened for the family:

- o The UCR must include documentation of the purpose for which the preventive housing services grant is being made, the specific eligibility standard(s) under which preventive services are authorized, the service(s) needed in addition to the housing grant, and a service plan to provide such service(s) toward the goal of preventing placement/re-placement.
- o Each subsequent UCR completed while a preventive housing services grant is being provided must document compliance with the standards for recertification for preventive services set forth in 18 NYCRR 423.4(b) of the Department's regulations.

4. Preventive housing services grants payments must be paid directly to the landlord or mortgage holder for arrears, to the landlord for rent subsidy payments, or to the exterminator or contractor responsible for services or repairs.

5. The provisions of 18 NYCRR 423.2(b)(16)(iv) of the Department's regulations will apply when a rent subsidy is being made. These regulations establish the maximum amount of rent subsidy that may be paid based on the family's income and the place where the housing is located.

6. The provisions of 18 NYCRR 423.4(b)(2)(ii) of the Department's regulations will apply when payment of rent or mortgage arrears is being made. These regulations permit the local district to make a lump sum payment of up to \$1800 or the equivalent of six months of preventive housing services at the maximum amount of \$300 per month, but in no case may the lump sum payment exceed the actual total amount of arrears owed. The provisions of 18 NYCRR 423.4(b)(2)(iii) of the Department's regulations will apply when payment for any of the remaining items listed in item #1 above is being made. These regulations permit a local district to make a lump sum

payment of these items together in one month of up to \$1800, but in no case more than the actual cost(s) of such items. The maximum eligibility period for the payment of preventive housing services grants must be adjusted by the amount of any lump sum payment. For each \$300 increment of a lump sum payment, the maximum 36 month eligibility period must be decreased by one month. In no case may the aggregate amount paid for arrears and other assistance payments plus monthly rent subsidy payments for any one individual family exceed \$10,800.

7. The provisions of 18 NYCRR 423.4(1)(1) and (2) of the Department's regulations apply to all preventive housing services grants. These provisions relate to exploring the availability of public assistance including aid to families with dependent children, emergency assistance to families with children or home relief to pay for the needed housing assistance and to notifying the district's public assistance, food stamp, and medical assistance units of a family's receipt of the preventive housing services grant. Where appropriate, an application for public assistance must be made within 10 days of a family's determination of eligibility for a preventive housing services grant, unless provision of the service as aid to families with dependent children or home relief would result in or require recoupment pursuant to section 352.31(d) of Department regulations in which case the housing services grant must be provided as preventive services. Also, preventive housing services grants are special grants. Any payment provided as a preventive housing services grant is not to be counted as resource and will not negatively affect the family's eligibility for public assistance, food stamps or medical assistance benefits.

8. Systems procedures.

For Preventive Housing Services grants/subsidies to prevent placement or re-placement into foster care, enter Code 25 (POS Mandated Preventive Services) or Code 26 (POS Nonmandated Preventive Services), as appropriate.

The vendor should be entered into the BICS Vendor File with a Commodity Code of 06 (shelter).

9. Claiming procedures.

Expenditures made for Preventive Housing Services grants are to be claimed on the Schedule G, Services for Recipients (DSS-1372), on line 8-Housing Improvements, in Column 4 for grants provided as Mandated Preventive and in Column 5 for grants provided as Non-Mandated Preventive.

Administrative Costs are to be claimed by SSRR or Random Moment Study on Schedule D-2, Allocation for Claiming of General Services Expenditures (DSS-2347-B) on Line 14 (Title XX Services) in Column 5. The Mandated Preventive and Non-Mandated Preventive Services amounts are also to be reported in Section III, Lines A-1 and A-2.

For BICS districts, these payments will be identified on the BICS Composites on the RF-2A and the Schedule G claim under Item: Housing Improvement Mandated or Housing Improvement Non-Mandated.