

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

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| LOCAL COMMISSIONERS MEMORANDUM |  
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OTDA-4037EL (REV. 11/98)

Transmittal No: 00 LCM-16

Date: August 7, 2000

Division: Transitional Supports  
and Policy

TO: Local District Commissioners

SUBJECT: Questions and Answers from the Regional Forums on the TANF  
Services Plan and Revised Pearl County TANF Services Plan  
Templates

ATTACHMENTS: Not Available On-Line  
| Revised Pearl County TANF Services Plan

Regional Forums were conducted in late June to assist local districts in the development of their TANF Services Plan. The purpose of this LCM is to:

- (1) Provide the compilation of the questions and answers from the Regional Forums.
- (2) Transmit the updated and improved Pearl TANF Services Plan Templates provided at the Regional Forums. These templates are designed to assist districts in TANF Services Plan completion.
- (3) Remind districts that the completed TANF Services Plans must be submitted to OTDA for review and approval no later than August 15, 2000. Plans must be submitted to:

Shari Noonan, Director  
Office of Transitional Supports and Policy  
Office of Temporary and Disability Assistance  
40 North Pearl Street  
Albany, NY 12243

Date August 7, 2000

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If you have any questions on this release, please call the Office of Transitional Supports and Policy (OTSP) at 518 473-1179.

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Shari Noonan  
Director  
Office of Transitional Supports & Policy

TANF Services Plan  
Regional Forums June, 2000  
Questions and Answers

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1) Q. Will the Services Plan Project Templates be on disc?

A. A TANF Services Plan binder was mailed to your Commissioner's Office the week of June 12, 2000. In the binder there are two inserts, each containing a computer disk. One has the templates for the Budget Worksheets, which will support the fiscal request for each TANF Services Plan Project. The second disk contains the TANF Services Plan Project List, the TANF Services Plan Summary Matrix, and the TANF Services Plan Project Templates. Using these two disks, local districts may submit their TANF Services Plans electronically.

2) Q. Can the completed Services Plan be submitted electronically?

A. Yes, the TANF Services Plan Program Templates and the Budget Worksheets in Microsoft Excel may be submitted electronically in Microsoft Word, through Outlook to Shari Noonan, or through the Internet at AA0830@dfa.state.ny.us.

3) Q. Can the completed Services Plan be submitted on paper?

A. The TANF Services Plan may be submitted on paper to:

Shari Noonan  
Director  
Office of Transitional Supports and Policy  
40 North Pearl Street  
Albany, NY 12243

Please note that the TANF Services Plan Budget worksheets must be sent either as an e-mail attachment or by disk.

4) Q. Can the TANF Services Plans be amended?

A. Yes, amendments will be permitted. Local districts must submit for OTDA approval any plan change which results in a shift of dollars from non-administration to administration. Districts also must submit for OTDA approval any substantial plan change, including changes to program services, the elimination of a project or development of a new project.

5) Q. When a local district submits its TANF Services Plan, is it required that the names of all local district staff assigned to work on a project be included? Turnover makes this an issue after plan submission.

- A. No. Districts should, however, keep OTDA apprised of any change of the contact person for a local TANF Services Plan Project.
- 6) Q. Since there are several parts of DV and other funding, would it be helpful to better coordinate the Consolidated Services Plan and the TANF Services Plan, since both begin 1/1/01? For example, submittal and approval dates.
- A. At this point OTDA and OCFS do not have any plans to coordinate submission of the TANF Services Plan and OCFS Consolidated Services Plan. This issue will be explored for following years.
- 7) Q. What are the consequences of not meeting outcome measures?
- A. Outcome measures are intended to provide staff with sufficient information to analyze the results of a program activity compared to its intended purpose. Districts should view outcome measures as an opportunity to focus on results, rather than good intentions. OTDA will, as part of its oversight responsibilities, monitor local district TANF Services Plan outcome measures. Districts should use outcome measures to monitor their ability, or the ability of contractors, to deliver positive results. Failure to achieve an outcome measure should prompt a re-evaluation of a program goal and/or process to see if modifications are required.

Merit Incentive Program

- 1) Q. Can Merit Incentive awards be made to foster care children? If so, would we evaluate the income and resources of the host family or the natural family?
- A. The current Merit Incentive Program (through December 31, 2000) is not available for foster care children. However, under the TANF Services Plan, a district could chose to include a Merit Incentive Program and this program could be made available to persons under 200% of poverty. The forthcoming interagency release on 200% of poverty determination will provide information on how these funds may be used to serve foster care children.

Transitional Opportunities Program (TOP)

- 1) Q. Can TOP administrative funds be used to supplant other funding?
- A. No. TANF funds cannot be used to supplant existing State or local funding. Current State/local funding must be maintained so that the TANF Maintenance of Effort (MOE) imposed on states, including New York, is not further jeopardized.

- 2) Q. How many TOP grants will be made?
- A. Districts have submitted TOP proposals to OTDA and are undergoing review. The results of this review will be provided shortly.
- 3) Q. Are there any additional funds beyond the \$3 million TOP start-up allocation that is available for TOP?
- A. Only to the extent a district chooses to use some of their TANF Block Grant funds for a TOP initiative.
- 4) Q. Will there be systems support for the extended office hours that TOP offices may have?
- A. We are currently in discussions with systems staff to determine how we can offer off hours access to WMS. Details will be provided to those counties who are selected to run a TOP office.

200% of Poverty - TANF Eligibility

- 1) Q. What is the 200% of Poverty Program?
- A. There is no 200% of Poverty Program. Under the federal TANF guidelines, TANF programs and services can, at State option, be made available to certain low income individuals and families. New York's TANF State Plan currently limits the use of TANF to serve individuals and families with income up to 200% of the federal poverty level, and New York State budget language indicates those TANF appropriations that may be used to serve the 200% population.

Detailed guidance regarding eligibility standards for individuals served under the 200% of poverty standard will be issued through an interagency release. Eligibility certification will be streamlined as compared to application for public assistance. For example, there will not be a resource test, and it is expected that many of the eligibility requirements may be documented through applicant attestation. Provided below are draft eligibility criteria for persons eligible for services under the 200% of poverty standards.

| A resident of New York State;

| A United States citizen or qualifying TANF alien;

| A member of a family that includes a child under the age of 18, or under age 19 and attending secondary school or its equivalent; and

| Gross income of the participant's family must not exceed 200% of the federal poverty level. Annual and monthly poverty standards are outlined below.

200% of Poverty Standards - Calendar Year 2000

Family Size	Annual Income	Monthly Income
1	\$16,700	\$1,392
2	\$22,500	\$1,875
3	\$28,500	\$2,358
4	\$34,100	\$2,842
5	\$39,900	\$3,325
6	\$45,700	\$3,808
7	\$51,500	\$4,292
8	\$57,300	\$4,775

For family units with more than eight members, add \$5,800 annually, or \$483 monthly for each additional family member.

However, even if the individual or family meet the 200% of poverty criteria, they cannot receive TANF services unless:

- | the service is available in the district,
- | the individual or family is in need of the services, and
- | the program accepts the individual or family.

2) Q. How will eligibility be established for 200% of poverty?

A. Since 200% of poverty is not a program, there are no eligibility criteria. However, the forthcoming interagency release will set forth the eligibility certification process for individuals or families to meet the 200% of poverty criteria. The questions that will be asked include the following:

- | name, address, social security number, sex of person certifying;
- | household members status (must be a TANF qualified alien);
- | income, but not resources; and
- | non-custodial parents must agree to establishing child support order, if an order is not currently in place.

Most of the above will be done by self-attestation, except for non-citizens, who must prove they are TANF qualified aliens.

Also, if someone is currently in receipt of public assistance, food stamps, medical assistance, HEAP and/or SSI, that will be sufficient income information.

- 3) Q. What will the reporting requirements be for the 200% of poverty program?
- A. OTDA is developing TANF Services Plan reporting requirements which will require local districts to report on the number of households receiving services, and it will differentiate between persons served who are in receipt of TANF funded public assistance and those served under the 200% of poverty test.
- 4) Q. What verification will be required to determine eligibility?
- A. Any additional verification will be at the discretion of the certifying agency, with one exception. Non-citizens must verify alien status in all cases. For most non-citizens, this can be done with one of the following Immigration and Naturalization Services (INS) forms: I-94; I-551; I-6888; or the I-766. A list of acceptable documentation is included on the certification form.
- 5) Q. If attestations are used to document eligibility, will these be maintained at the provider agency, or must copies be sent to and maintained at the LDSS?
- A. The certification forms will be maintained by the provider agency, however, local districts may require that their contractors send them to the district.
- 6) Q. Can TANF funds be used for 200% of poverty households to cover health insurance?
- A. No. TANF funds cannot be used to cover health insurance costs. See 99 LCM-14.
- 7) Q. Will the State develop a certification/application form for this program?
- A. Yes, we are developing a short form certification/application for 200% of Poverty, which will be included in the forthcoming interagency release.
- 8) Q. Will providers be audited?
- A. Yes, providers will be audited to ensure that individual eligibility decisions are being made, that files are maintained and that expenditures are accurate.
- 9) Q. Will LDSSs be held harmless for errors incurred by local providers?
- A. Since the TANF funds are provided to LDSS, LDSS is in fact responsible for disallowances that could result from misuse of TANF funds.



- 10) Q. Is a "Cost Allocation Attestation" form required from providers? If yes, is a form or sample form available?
- A. Yes. Local districts must ensure that a cost allocation form is submitted by each of their cost based providers and that the provider meets the requirements outlined under Generally Accepted Accounting Principles (GAAP), as well as all federal and New York State rules and regulations. Each cost based provider must have the Cost Allocation Attestation Form completed by an independent accountant or other qualified auditor. Performance-based programs do not need to complete the Cost Allocation Attestation Form. In the event that a Cost Allocation Attestation Form cannot be completed by a cost based provider, a detailed narrative describing the cost allocation method must be approved before the provider can receive any funds. The Cost Allocation Attestation Form is included in the TANF Services Planning Guide sent to local commissioners on 6/13/00.
- 11) Q. Are the TANF 200% of poverty programs subject to the 5 year TANF time limits?
- A. No. Since allowable services under the 200% of poverty programs must meet the federal definition of "non-assistance", they are not subject to the TANF time limits. A household can have exhausted their TANF cash eligibility because they exceed the 5 year limit, but still be eligible for 200% of poverty services.
- 12) Q. Will the Child Support Management System (CSMS) support entry of non-custodial parents who receive services under 200% of poverty?
- A. We are still working out the details on how the information on non-custodial parents will be transmitted to child support.
- 13) Q. Can the Safety Net FNP population be served under 200% of Poverty?
- A. If a Safety Net FNP individual is a non-custodial parent, they may be provided with TANF services. These Safety Net FNP individuals can be served under 200% of poverty because they qualify for TANF services under federal and State law.

FISCAL

- 1) Q. What is considered an administrative cost vs. a non-administrative cost?
- A. Please refer to the Fiscal Planning Guide included in the TANF Services Planning Guide distributed to all local districts for guidelines.

2) Q. Are costs associated with plan development and submission considered administrative costs?

A. Yes.

3) Q. Is the definition of administrative costs for the Services Plan the same as what is used for the Administrative CAP?

A. No.

4) Q. Are TANF administrative expenditures required to be within the federal 15% limit?

A. Yes. Individual projects may exceed the 15% limit, but in aggregate, all projects must be at or below the 15% limit.

Block Grant expenditures for administration are limited to 15%.

5) Q. If any of the TANF allocations are insufficient, can additional funds be received? If services costs exceed allocation, how is this reimbursed?

A. Once answers are received to our request for information on estimated roll-over amounts, OTDA will evaluate district needs on a statewide basis and attempt to accommodate as many requests for additional funding as we can within the amounts we have available. Costs in excess of final allocations cannot be reimbursed.

6) Q. If the allocation for Drug and Alcohol assessment and monitoring is less than last year, and/or not sufficient to continue the program to 12/31/00, can additional funds be allocated?

A. The Bureau of Financial Services has e-mailed all local districts asking for local district estimates of rollover/additional needs through December 2000 or concurrence with OTDA's estimates. Responses were due July 15, 2000. Districts that have not responded and who require an additional allocation should contact Roland Levie in OTDA's Bureau of Financial Services at (518) 474-7549 immediately.

7) Q. Why would allocations decrease from the previous year?

A. The block grant allocations were structured so that local districts received at least as much as they did for Merit Incentives and BILT in the prior year. The drug/alcohol allocations may be lower since, in the previous year, OTDA had control over the entire \$18m allocated for this purpose. Of the \$18m appropriated in SFY 2000-2001, \$10 million will be distributed by OASAS. In the same way, in the new year, \$3m of the \$8m TANF DV appropriation is reserved for non-residential services administered by OCFS. It also should be noted that some prior year allocations shown in our June 13, 2000 letter were multi-year allocations, making the year to year difference appear more dramatic than the actual change is.

- 8) Q. If roll-over funds exist from the Enhanced Drug and Alcohol allocation, must these funds be spent on Drug and Alcohol related activities or can it be rolled over into any of the TANF Services Block Grant initiatives?
- A. It must be spent on Drug and Alcohol activities.
- 9) Q. When determining allocations for the Block Grant, were 1995 ADC and 1999 FA caseload data weighted the same? Were child only cases included?
- A. Yes.
- 10) Q. Can an organization already providing services with existing funds, supplant the funds with TANF funds to serve the same population with the same services.
- A. No. The intent of these funds is to expand existing services and/or provide new services.
- 11) Q. Will the allocations of the \$10 million to OASAS be shared with local districts?
- A. As soon as OTDA and OASAS have negotiated a memorandum of understanding with OASAS and more information is available about the use of these funds, OTDA will share the information with local districts.
- 12) Q. Are administrative expenditures for TOP staff for extended hours outside of the administrative CAP?
- A. Yes, provided 100% TANF funds are used, since these are outside the administrative CAP.
- 13) Q. If Drug and Alcohol screening, which is normally charged as part of the eligibility function, is contracted out for CASAC's to perform, can it be charged to the TANF Services contract?
- A. If a district wishes to improve their ability to identify applicants/recipients with substance abuse problems, they may have a CASAC do the screening, and this cost can be covered through the districts TANF and SNA Drug/Alcohol allocations.

OTDA and OASAS are currently developing plans for use of the OASAS \$10m Drug/Alcohol allocation. At this point it appears that a portion of this allocation will be provided to County Departments of Mental Health, which will provide a CASAC to work on-site at LDSS to conduct screenings.

- 14) Q. Can the \$3M in DV money, which has been dedicated to OCFS, be used for anything else beyond non-residential services?
- A. No.
- 15) Q. What can a local district do if it is overspent on BILT?
- A. If the district wants to continue their BILT program and their current BILT allocation is insufficient to cover through 12/31/00, the district should contact Roland Levie in OTDA's Bureau of Financial Services at (518) 474-7549 immediately to explore alternatives to continue the program.
- 16) Q. Next year, can local districts use their Block Grant allocation to maintain any Enhanced Drug/Alcohol programs they are currently operating?
- A. Yes, local districts, at their option, may use their 2001 Block Grant allocation to implement or continue an enhanced drug and alcohol service.
- 17) Q. Will any Safety Net Drug/Alcohol money be rolled over if it is not spent during the next six months?
- A. These funds will not be rolled over. OTDA's goal is to provide the amount necessary for all districts to appropriately administer the assessment function. That is why we had asked districts for their best estimate of anticipated expenditures for the function on both for the next 6 months (July - December 2000), and for calendar year 2001. We anticipate making allocation adjustments to accommodate all local district needs for both periods.
- 18) Q. Can local districts use Block Grant money to contract with outside entities to provide services?
- A. Local districts may contract with outside entities to provide services. The TANF Block Grant funds must be utilized to provide services to TANF eligible households and the services must meet one of the four purposes of TANF (noted in the TANF Services Plan Planning Guide). In addition, all LDSS contractors must sign a cost allocation attestation form assuring that only TANF eligible households are served by the TANF funded program.
- 19) Q. Can Block Grant money be used to pay for college tuition or vocation training?

- A. TANF employment funds may be used for college tuition and vocational training that is consistent with social services law, which limits such activities to a total of two years in duration. Additionally, the education must be directly related to useful employment in a recognized occupation and necessary to attain the individual's employment goal as set forth in his/her employment plan. However, TANF Services Block Grant funds may not be used for such services, as these are employment services that should be funded under the district's CASP plan or another employment funding stream.
- 20) Q. If MOE expectations are not met, are there specific fiscal penalties envisioned for each local district?
- A. If we incur a federal MOE penalty, that penalty will be passed along to the districts in accordance with Section 153 of the Social Services Law. Federal participation rates are adjusted in the same proportion for each county to ensure that the state meets its MOE requirements, e.g. the federal reimbursement rate may drop from 50% to 49% for all districts for a period of time to ensure that the MOE requirement is met.
- 21) Q. What is envisioned with the increase in funding for Alternatives to Incarceration (ATI)?
- A. Fiscal Year 2000/2001 budget appropriation language requires that the \$4m ATI appropriation be used to fund qualified projects received under the 1999-00 RFP, but not awarded last year because of insufficient funding. A second round RFP may be issued to solicit proposals for additional projects.
- 22) Q. Are the plans flexible enough to change dollars within categories?
- A. Yes, within the Block Grant. However, funds cannot be transferred within appropriations, e.g. DV to drug/alcohol. As noted earlier, program changes, including moving money from non-administrative to administrative, must be approved by OTDA.
- 23) Q. If a district chooses to discontinue CAP and begin operating TOP, can the former CAP staff be funded with Block Grant dollars or is this considered supplantation?
- A. Former CAP staff can be funded with Block Grant dollars to the extent they are working on the TANF program. Cost Allocation Principles require that expenditures be allocated to all benefiting programs. Only costs allocated to TANF are eligible for 100% TANF reimbursement. CAP costs allocated to other programs (e.g., MA, Food Stamps), are subject to reimbursement under those programs.

- 24) Q. Can districts charge start up costs incurred prior to 1/1/01 to their Block Grant?
- A. The allocations are for programs operating in Calendar Year 2001. However, we recognize that districts may incur some costs for planning prior to 1/1/01 start-up, so we will accept claims related to planning effective with October 2000 claims. We cannot accept claims earlier than this because the funds supporting the Block Grant are FFY 2001 obligations and that Federal year does not begin until October 1, 2000.
- 25) Q. If a county wants to continue BILT, but has no carry-forward after 6/30, can they use their Block Grant before 1/1/01 to continue operating the program?
- A. There is some BILT funding which remains unobligated, so that we may be able to increase BILT allocations to carry counties through December 31. We will have a better understanding of all districts' needs once local district responses related to carry-forward, due on July 15, are received. We will assess needs immediately after receipt of the responses and provide an answer as quickly as possible.
- 26) Q. Is it considered supplantation if a district claims against one of the TANF services plan appropriations costs that were previously charged to an OCFS funding source?
- A. This would be supplantation and is, therefore, prohibited.
- 27) Q. When will counties get guidance on the appropriation language that allows them flexibility in meeting MOE through non-traditional expenditures of MOE countable dollars? How will they know how much they need to spend (or how much will be helpful to them in meeting their required local dollar amount)?
- A. OTDA is in the process of preparing an LCM providing guidance, which will be released within a few weeks. We expect to be able to begin providing periodic updates on the status of the "MOE surcharge" to local districts.
- 28) Q. If a district is already funding a non-mandatory program where the dollars currently count toward MOE, can they fund the program out of their local Block Grant prospectively, or is this considered supplantation?
- A. This would be supplantation and is, therefore, prohibited.

Miscellaneous

- 1) Q. Will there be Quarterly Reporting requirements for all Service Plan Initiatives?
  - A. Yes. The report format and instructions will be provided to local districts following the approval of TANF Services Plans in October, 2000. The first quarterly report will be for the period January - March, 2001, and will be due on or before April 15th.
  
- 2) Q. Is the 6/23 repeal of 153-K of the Social Services Law that penalized 20 districts in order to reward 10 districts based on recidivism retroactive or perspective?
  - A. Because the law is no longer effective, there are no plans to proceed with any penalties or rewards.
  
- 3) Q. Can all TANF Services Plan Initiatives serve households up to 200% of poverty?
  - A. All TANF Services Plan initiatives, except for Learnfare, which has ended, can serve households up to 200% of poverty. However, since the goals of OTDA TANF Services Plan is to reduce dependency, the primary focus for programs should be on current family assistance and federally funded Safety Net Assistance recipients.
  
- 4) Q. What is the status of Learnfare?
  - A. The Learnfare program expired on July 31, 2000. The program has not been reauthorized. GIS 2000/TS001, issued July 14, 2000, provided basic information about the shutdown of Learnfare. Further information will be forthcoming in an ADM.
  
- 5) Q. What will happen to funds allocated for Learnfare if the program is not reauthorized?
  - A. OTDA is issuing instructions regarding shut-down of Learnfare, including the issue of Learnfare allocations. Since the State appropriation specifically states that the funds must be used for administration of Learnfare, the funds cannot be used for another purpose or program.
  
- 6) Q. What are the consequences if program(s) are not operational by 01/01/01?

- A. Based upon local district input, OTDA has opted to provide districts with a two month planning period (6/15 - 8/15) and three months (from 10/1/00 OTDA approval to 1/1/01) to operationalize their TANF Services Plans. OTDA will be closely monitoring local district implementation. It is extremely important that districts operationalize programs and expend the TANF funds, since the State Legislature will certainly be interested in this information as they deliberate the next fiscal year budget.
- 7) Q. Are work related expenses of a TANF recipient enrolled in an employment and training program covered under the Block Grant?
- A. No, work related expenses are not covered under the Block Grant. Districts should consider using their 2000-01 New York Works Block Grant allocation.
- 8) Q. Our district provides a supportive housing program (for up to 3 years) to assist households in sustaining self-sufficiency/employment. Can TANF Block Grant funds be used to support this program and/or provide a similar program?
- A. The TANF Services Plan funds cannot be used to provide "assistance", which is described generally as "cash payments, vouchers and other forms of benefits designed to meet a family's ongoing basic needs". TANF Services Plan funds can only be used for "non-assistance", which includes non-recurrent short-term benefits designed to deal with a specific crisis or episode which are not intended to meet recurring needs and are not expected to extend beyond four months.
- 9) Q. Have there been any discussions about how to coordinate service funds with Workforce Investment Act (WIA) functions/services?
- A. TANF Services Plan funds are intended to be used for supportive services. District CASP funds are designed to be used for employment services, and districts have been asked to describe how their CASP funds will be integrated with WIA.
- 10) Q. With regard to the \$3 million DV allocation provided to OCFS, what happens to it, when and how can we access the money?
- A. We do not have that information yet. Of course, when the information becomes available, we will transmit it to you.



- 11) Q. Appendix D of the Services Plan indicates that only non-recurrent, short-term benefits should be funded under the TANF Services Plan. What is considered short-term, and is there any dollar limit on the amount of cash benefits that can be provided directly to households? Does it matter if they are TANF recipients or not?
- A. The TANF Services Plan funds cannot be used to provide "assistance" to either public assistance or non-public assistance recipients, which is described generally as "cash payments, vouchers and other forms of benefits designed to meet a family's ongoing basic needs". TANF Services Plans funds can only be used for "non-assistance", which includes non-recurrent short-term benefits designed to deal with a specific crisis or episode which are not intended to meet recurring needs and are not expected to extend beyond four months. There are no dollar limits on these services.