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Informational Letter

Section 1

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To:	Local District Commissioners
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Subject:	Temporary Housing: Budgeting for Families that Include a Supplemental Security Income (SSI) Recipient and Clarification on the Claiming Hierarchy for Persons in Temporary Housing
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Staff Development Coordinators WMS Coordinators Fair Hearing Staff Medicaid Staff CAP Coordinators
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Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
02 ADM-2 94 ADM-10 02INF-27 (OCFS 02 INF-06) 02 INF-11 01 INF-11 01 INF-20 01 INF-3 91 INF-8	91 INF-8 02 INF-11			Energy/HEAP Manual Section V and IX	

Section 2

I. Purpose

The purpose of this release is to provide clarification on the use of federal categories of temporary assistance to meet the temporary housing needs of families that include at least one member in receipt of Supplemental Security Income (SSI). Additionally, this release cancels 02 INF-11, "Clarification of Claiming Hierarchy for Persons in Residential Programs for Victims of Domestic Violence and Homeless Family Shelters, including Tier I and Tier II Homeless Shelters" and provides a new claiming hierarchy for temporary assistance categories.

II. Background

The Social Security Administration requires that assistance payments made to or on behalf of SSI recipients from Temporary Assistance to Needy Families (TANF) funds, including Family Assistance (FA), Safety Net Assistance-Federally Participating (SNA-FP) and Emergency Assistance to Needy Families (EAF), count as income and reduce the recipient's SSI benefit. When the benefit paid on behalf of a household reflects the SSI recipient's incremental share of the total household needs, districts may use TANF funds to meet the needs of eligible non-SSI members. However, districts must not meet the incremental needs attributed to the SSI member using TANF funds.

Earlier this year, this Office released 02 INF-11 telling districts to change the claiming hierarchy for temporary assistance payments made on behalf of persons in residential programs for victims of domestic violence and homeless shelters, including Tier I and Tier II. Based on further clarification, districts must authorize and claim these temporary assistance payments using the following hierarchy: FA or SNA-FP, EAF and SNA-Federally Non-Participating (SNA-FNP). However, districts must not use FA, SNA-FP or EAF for the SSI individual's incremental share of the needs.

III. Program Implications

Districts must consider the income of the SSI recipient as available to meet his or her incremental share of the need of the family requiring housing in homeless shelters (including Tier I and Tier II shelters) or in residential programs for victims of domestic violence. Districts must determine the incremental need of the SSI recipient in such situations by first determining the full need of the household including the SSI recipient. The district then determines the full need of the household without the SSI recipient's needs included. The difference between the full needs of the household including the SSI recipient and the full needs of the household without the SSI recipient included is the incremental need of the SSI recipient. When the SSI income is insufficient to meet the SSI individual's incremental share of the needs, the SSI individual is eligible for supplemental Safety Net Assistance (SNA-FNP). Districts must not use FA, SNA-FP or EAF for the SSI individual's incremental share of the needs.

The following examples illustrate the method to employ to determine the SSI recipient's incremental share of the family needs.

Example 1

Three children in receipt of FA reside in temporary housing with their SSI mother. The hotel charges \$50.00 per night for the first person, and \$5.00 per night for each additional person. When calculating the shelter needs, the district must consider the SSI recipient's needs last, i. e. the lower per person rate. This family is charged \$1,950.00 (\$65.00 X 30 days in this month) per month. The SSI recipient's incremental share of the hotel is \$5.00 per night or \$150.00 (\$5.00 X 30 days in this month) per month.

The total needs of the family including the SSI recipient (four people)

Basic Allowance	\$ 307.00
Home Energy Allowance	38.70
Supplemental Home Energy Allowance	30.00
Restaurant Allowance (Three children with additional allowance)	364.00
Hotel Charge	<u>1,950.00</u>
Total Needs (rounded down)	\$2,689.00 (Rounded Down)

The total needs of the FA recipients without the SSI recipient (three people)

Basic Allowance	\$ 238.00
Home Energy Allowance	30.00
Supplemental Home Energy Allowance	23.00
Restaurant Allowance (Three children with additional allowance)	300.00
Hotel Charge	<u>1,800.00</u>
Total Needs (rounded down)	\$2,391.00

The needs of the SSI recipient are the incremental difference between the needs of the FA recipients and the total needs of the family including the SSI recipient.

Total Family Needs	\$2,689.00
FA recipients Needs	<u>2,391.00</u>
SSI recipients incremental need	\$ 298.00

If the needs of the SSI recipient are less than or equal to the amount of the SSI check, the SSI recipient is not eligible for a supplemental SNA-FNP benefit. In this example, the SSI recipient's need is \$298.00 and her living with others SSI rate is \$568.00. The district authorizes no supplement.

Example 2

The same family is in a shelter that charges the same for four residents as it does for three residents. The monthly rate is \$2,300.00 per month. Since the needs of the SSI recipient are considered last, the SSI recipient has no shelter need (incremental share \$0).

The total needs of the family including the SSI recipient (four people)

Basic Allowance	\$ 307.00
Home Energy Allowance	38.70
Supplemental Home Energy Allowance	30.00
Restaurant Allowance (Three children with additional allowance)	364.00
Shelter Charge	<u>2,300.00</u>
Total Needs (rounded down)	\$3,039.00

The total needs of the FA recipients without the SSI recipient (three people)

Basic Allowance	\$ 238.00
Home Energy Allowance	30.00
Supplemental Home Energy Allowance	23.00
Restaurant Allowance (Three children with additional allowance)	300.00
Shelter Charge	<u>2,300.00</u>

Total Needs (rounded down) \$2,891.00

The needs of the SSI recipient are the incremental difference between the needs of the FA recipients and the total needs of the family including the SSI recipient.

Total Family Needs	\$3,039.00
FA recipients Needs	<u>2,891.00</u>
SSI recipients incremental need	\$ 148.00

If the needs of the SSI recipient are less than or equal to the amount of the SSI check, the SSI recipient is not eligible for a supplemental SNA-FNP benefit. In this example, the SSI recipient's needs without shelter costs is \$148.00 and her living with others SSI rate is \$568.00. The district authorizes no supplement.

Example 3

A mother, father and two children are homeless. The mother is in receipt of SSI. The family has exhausted its 60-months of TANF funded assistance (FA or SNA-FP). Temporary housing at a local hotel is available at a cost of \$1,800 for a family of four (\$1,350 for a family of three). Since the family is no longer eligible to receive TANF funded assistance because of the State 60-month time limit, Rice budgeting applies. For information on Rice budgeting see 94 ADM-10.

The total needs of the family including the SSI recipient (four people)	
Basic Allowance	\$ 307.00
Home Energy Allowance	38.70
Supplemental Home Energy Allowance	30.00
Restaurant Allowance	328.00
(Two children with additional allowance)	
Hotel Charge	<u>1,800.00</u>
Total Needs (rounded down)	\$2,503.00

The needs of the SSI recipient are the incremental difference between the needs of the SNA-FNP recipients and the total needs of the family including the SSI recipient. In this example, the SNA-FNP recipient's needs are determined to be three-fourths (3/4) of the total needs for four (4).

Total Family Needs	\$2,503.00
SNA-FNP recipients Needs (3/4 of the Needs for 4)	<u>1,877.00</u>
SSI recipients incremental need	\$ 626.00

If the needs of the SSI recipient are less than or equal to the amount of the SSI check, the SSI recipient is not eligible for a supplemental SNA-FNP benefit. In this example, the SSI recipient's need is \$626.00 and her living with others SSI rate is \$568.00. The district must supplement the SSI recipient's need with \$58.00 of SNA-FNP funds if otherwise eligible.

Note: Rice budgeting only applies when the family includes a legally responsible spouse or parent who is in receipt of SSI and the category of assistance is SNA-FNP.

If the family had not exhausted its eligibility to receive TANF funded benefits, the SSI recipient's incremental share is slightly different, although the needs of the SSI recipient are still the incremental difference between the needs of the FA recipients and the total needs of the family including the SSI recipient. Rice budgeting does not apply in that case.

The total needs of the family including the SSI recipient (four people)	
Basic Allowance	\$ 307.00

Home Energy Allowance	38.70
Supplemental Home Energy Allowance	30.00
Restaurant Allowance	328.00
(Two children with additional allowance)	
Hotel Charge	<u>1,800.00</u>
Total Needs (rounded down)	\$2,503.00

The total needs of the FA recipients without the SSI recipient (three people)

Basic Allowance	\$ 238.00
Home Energy Allowance	30.00
Supplemental Home Energy Allowance	23.00
Restaurant Allowance	264.00
(Two children with additional allowance)	
Hotel Charge	<u>1,350.00</u>
Total Needs (rounded down)	\$1,905.00

Total Family Needs	\$2,503.00
FA recipients Needs	<u>1,905.00</u>
SSI recipients incremental need	\$ 598.00

If the needs of the SSI recipient are less than or equal to the amount of the SSI check, the SSI recipient is not eligible for a supplemental SNA-FNP benefit. In this example, the SSI recipient's need is \$598.00 and her living with others SSI rate is \$568.00. The district must supplement the SSI recipient's need with \$30.00 of SNA-FNP funds if otherwise eligible.

Example 4

A family of four, mother and three children, is in a shelter for victims of domestic violence. One of the children is in receipt of SSI and the SSI is actually available to the family. There is no other income or resource available to the family to defray the cost of their stay in the shelter. The daily rate is \$75.00 per day per person, no meals included.

The total needs of the family including the SSI recipient (four people)

Basic Allowance	\$ 307.00
Home Energy Allowance	38.70
Supplemental Home Energy Allowance	30.00
Restaurant Allowance	364.00
(Three children with additional allowance)	
Per Diem Shelter Charge	<u>9,300.00</u>
Total Needs (rounded down)	\$10,039.00

The total needs of the FA recipients without the SSI recipient (three people)

Basic Allowance	\$ 238.00
Home Energy Allowance	30.00
Supplemental Home Energy Allowance	23.00
Restaurant Allowance	264.00
(Two children with additional allowance)	
Per Diem Shelter Charge	<u>6,975.00</u>
Total Needs (rounded down)	\$7,530.00

Total Family Needs	\$10,039.00
FA recipients Needs	<u>7,530.00</u>
SSI recipients incremental need	\$2,509.00 (\$2325 per diem shelter costs plus \$184 incremental non-shelter needs)

If the needs of the SSI recipient are less than or equal to the amount of the SSI check, the SSI recipient is not eligible for a supplemental SNA-FNP benefit. In this example, the SSI recipient's need is \$2,509.00 and his/her living with others SSI rate is \$568.00. The district must supplement the SSI recipient's need with \$1,941.00* of SNA-FNP funds if otherwise eligible.

*In this example, applying the SSI income to the SSI person's need results in a temporary assistance grant of \$1,941, paid directly to the residential domestic violence program. The difference between the cost of the shelter (\$2,325) minus the amount that the LDSS pays to the residential program (\$1941) is the SSI person's residential domestic violence program "fee" (\$384).

Note: The incremental method is not used in those situations where there is an established per person rate and each household member receives a personal needs allowance (PNA). An example of this would be a residential shelter for victims of domestic violence that provides three meals per day. In this instance, the SSI recipient's share is easily determined by using the per person rates. Therefore, the SSI recipient's needs would be the sum of the per diem rate and the personal needs allowance. The entire amount of the SSI benefit would be applied toward these needs. Again, any difference between what the LDSS pays to the residential program and the cost of the per diem is the SSI person's "fee".

For a more complete discussion of the residential program for victims of domestic violence "fees" please refer to OTDA 02 INF-27 (OCFS 02 INF-06).

Families with an SSI member that apply for one-time emergency payments to cover evictions and foreclosures, and for one-time payments to meet other types of emergency/immediate needs such as a utility shut off, are not subject to this budgeting methodology or the prohibition on the use of TANF funds (non-assistance). Therefore, districts must not attempt to assign a portion of this type of emergency/immediate need payment to the SSI recipient by deducting an incremental or pro-rational share of the household's emergency or immediate needs benefit when making payment these types of emergency/immediate needs, except as described above. Districts may use TANF funds to meet these types of one-time payments, even when the family includes an SSI person.

Claiming Hierarchy

Districts must use the claiming hierarchy outlined in the **Background** section of this release when authorizing and claiming all or a portion of these shelter payments under the following temporary assistance programs: FA, SNA-FP, EAF, SNA-FNP. Districts must not authorize or claim EAF for payments that extend beyond four months. For payments that extend beyond four months, districts must authorize and claim FA, SNA-FP or SNA-FNP as appropriate. If a district issues a supplemental payment, they must enter Special Claim Code "P-FNP" on the associated pay line. Districts must not use FA, SNA-FP or EAF for the SSI individual's incremental share of the needs. Districts must not use EAF to meet the needs of undocumented aliens.

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