



**George E. Pataki**  
Governor

**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

**Brian J. Wing**  
Commissioner

## Informational Letter

### Section 1

<b>Transmittal:</b>	03 INF 34
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	August 13, 2003
<b>Subject:</b>	Limiting Emergency/Immediate Needs Grants Due to Frequent Applications for Recurring and Emergency Temporary Assistance
<b>Suggested Distribution:</b>	Temporary Assistance Directors Food Stamp Directors Staff Development Coordinators WMS Coordinators Fair Hearing Staff Medicaid Staff CAP Coordinators
<b>Contact Person(s):</b>	Central Team (TA) at 1-800-343-8859; extension 4-9344, Eastern Team (FS); extension 3-1469, Western Team (HEAP); extension 3-0332, and Metro Team, (212) 383-1655 Medicaid: Upstate Local District Liaison at (518) 474-8216. New York City Liaison at (212) 268-6855.
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
02 ADM-02 01 INF-23 01 INF-21 00 INF-03 95 INF-31		351.1(c) 370.3(a) 351.26			IM Director Letter 1/29/98

## **Section 2**

### **I. Purpose**

The purpose of this release is to clarify when districts can limit emergency/immediate needs grants, including cash grants for “no food” and items relating to health and safety, when individuals make frequent applications for recurring or emergency assistance and subsequently fail to complete the application/eligibility process. This policy is stated in a number of different releases. This release will clarify that the policy on frequent applications applies to all Temporary Assistance (TA) programs: Family Assistance, Safety Net Assistance, Emergency Assistance for Needy Families with Children and emergency Safety Net Assistance.

### **II. Background**

Districts can limit emergency/immediate needs grants, including cash grants for “no food” and items relating to health and safety, when individuals make frequent applications for recurring assistance and subsequently fail to complete the application/eligibility process. 95 INF-31 advises districts to review the reasons for the multiple applications for Emergency Safety Net Assistance (ESNA) and to deny ESNA if the district determines that an application for recurring assistance is more appropriate. This concept of frequent applications for ESNA was extended to all TA programs including frequent reapplications for recurring assistance except payment for utility arrears in a series of Welfare Reform questions and answers released by a "Dear IM Directors" letter of January 29, 1998. 02 ADM-2 reiterates this policy for emergency assistance paid under ESNA and Emergency Assistance to Needy Families with Children (EAF). Additionally, 02 ADM-2 extends the exception to this policy to both fuel/utility emergencies.

The intent of this policy is to prevent situations where individuals apply for emergency assistance, not because they have experienced a short-term, temporary emergency situation, (i.e., such as a fire or a medical emergency) but rather because they are unable to meet their normal everyday living expenses. They may be unable to meet these expenses because they are living beyond their means or because they should be applying for ongoing TA benefits (i.e., SSI, Unemployment Insurance Benefits, Social Security Benefits, etc.) to meet their recurring needs. As some districts have observed, individuals may also make frequent applications for emergency assistance in order to circumvent the normal eligibility requirements, such as work rules, for ongoing TA.

### **III. Program Implications**

The responsibility of the district to make a prompt eligibility determination, to determine the type of assistance or care, including food stamps needed, and to authorize it is found in 18 NYCRR 351.1(c). Districts should review applications from households frequently applying for recurring assistance, who claim that an emergency/immediate need exists at the time of application, but subsequently fail to complete the application/eligibility process once the short-term need is met.

Districts must be prudent in determining what constitutes a frequent application. Safety Net Assistance Regulation 18 NYCRR 370.3(a) defines a short-term need as lasting less than three months (90 days). Districts are advised to use this as a guideline when determining what constitutes a frequent application. For example, 95 INF-31, on page two, uses this guideline by deeming an application for emergency assistance occurring more than once in a three-month period as “frequent.” Individual circumstances must also be considered on a case by case basis, with good cause determinations made in accordance with 18 NYCRR 351.26.

Districts must not apply this policy to persons applying for recurring assistance, but agreeing to accept assistance through a diversion payment instead. (See 00 INF-3 and 01 INF-23.) Before issuing a

diversion payment, the district must make sure that there is a reasonable chance that the one-time or short-term payment will enable the applicant to maintain self-sufficiency and avoid the need for on-going assistance.

**Note: Households receiving fuel (non-utility) and/or utility related emergency assistance during the application process are exempt from this provision.**

**Note: This provision does not apply to residential domestic violence situations.**

Before denying an application for an emergency/immediate needs grant, including a cash grant for “no food” or items relating to health and safety, on grounds of frequent reapplications, districts must notify applicants of their frequent reapplication policy. At the time of approving an emergency/immediate needs grant districts must provide the applicant a notification that a second emergency/immediate need within a certain time frame may not be met under certain circumstances. For example, if the policy is to deny the second emergency needs grant, including cash grants for items needed for health and safety or “no food”, in a three month period, the individual should be warned that, unless s/he can provide documented evidence of good cause for failure to complete the previous application process, s/he will be denied a second emergency/immediate needs grant, if it occurs within the three month period. Good cause may include, but is not limited to, family emergencies, transportation problems and new or current job obligations.

#### Food Stamp Implications

Districts are reminded that as outlined in 01 INF-21, applications for *on-going* Temporary Assistance are also presumed to be applications for Food Stamp benefits. As such, the applicants must be screened for expedited processing on the initial day of contact. If the application for recurring TA is subsequently denied, a separate determination of food stamp eligibility must be made. Districts must not issue expedited benefits to those applicants that have received expedited benefits in the past with verification pending, but not completed. In addition, districts must encourage applications for food stamp benefits, especially from households mentioning concerns of not having enough food or money to buy food (food insecure), and must advise these households that the diversionary requirements of cash assistance programs do not apply to the food stamp program.

#### Medicaid Implications

The TA policy regarding frequent reapplications is not directly applicable to the Medicaid program. Medicaid cannot provide coverage until eligibility is established. The district should refer each applicant who has a true medical emergency to a hospital emergency room. Hospitals are required to address the medical emergency.

Questions concerning immediate needs for Medicaid applicants should be directed to your Local District Representative as noted on the first page of this directive.

#### Examples

##### **Example 1**

A household applied for recurring assistance on September 18<sup>th</sup> claiming a “no food” emergency. The district processed an emergency payment to meet the household’s emergency need. The household was not eligible for expedited food stamp processing. The household subsequently failed to complete the application process and was denied recurring assistance. Again, the same household applies for recurring assistance on December 10<sup>th</sup>, again claiming a “no food” emergency. They are still not eligible for expedited food stamp processing.

If the district determines that recurring assistance is more appropriate, the district has previously provided the household with information regarding the district's policy on frequent applications and the applicant does not have good cause for failing to complete the prior application process, the district can deny the emergency request for help, including a cash grant to meet this "no food" emergency, and require the applicant to complete the eligibility process to address his/her long-term need.

### **Example 2**

A household applies for recurring assistance in January. At the time of application, they request help with a utility disconnection. Once the emergency need is met, the household does not complete the application process. In March, of the same year, the household again comes into the district to file an application for recurring assistance and is now faced with an eviction due to a sudden and unforeseen loss of employment. Although the household has filed two applications for recurring assistance within a short period, the policy of frequent applications does not apply because the first emergency was for utilities.

### **Example 3**

A single man comes into the district in December and files an application for assistance and reports that he has no fuel oil for heating. The district verifies the emergency and arranges for a minimum delivery. Once the emergency is met, the applicant decides that he does not want recurring cash assistance and does not complete the application process. In February, the applicant returns to the district and again applies for recurring assistance, again reporting that he is out of fuel oil. The district does not apply its frequent application procedures in this case because fuel/utility related emergency assistance is not subject to this policy.

### **Example 4**

A husband and wife (without children), who have both exhausted their unemployment benefits, apply for recurring assistance on February 12 and report an emergency need for help with an eviction. Prior to completing the application process, the wife is called back to work on a temporary basis, and they decide that they no longer need temporary assistance beyond the help they already received with their housing emergency. They subsequently fail to complete the application process. In March, the wife's temporary job ends, and the husband remains unemployed. On April 9, they come in to apply again for emergency assistance only for a no food emergency. Before applying their frequent application policy, the district needs to determine whether the applicant had good cause for not completing the previous application process. Returning to work is an example of a good cause reason for not continuing with the application process for recurring assistance.

### **Notice**

Districts that choose to enforce this policy must provide information to all applicants for recurring and emergency assistance that receive emergency/immediate needs assistance during the application process of the district's frequent application policy and its potential impact on future applications if the applicant fails, without good cause, to complete his/her current application process. The district's written policy regarding this issue should be provided along with the LDSS-4002 "Action Taken on Your Request for Assistance to Meet an Immediate Need or a Special Allowance" provided to the applicant each time an emergency/immediate need is met.

### **Issued By**

**Name: Patricia Stevens**

**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**