



**George E. Pataki**  
Governor

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

**Robert Doar**  
Commissioner

## Administrative Directive

### Section 1

<b>Transmittal:</b>	05-ADM-02
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Temporary Assistance
<b>Date:</b>	January 27, 2005
<b>Subject:</b>	Section 8 Voucher: Change to the Temporary Assistance (TA) Budgeting for Some Section 8 Voucher Cases
<b>Suggested Distribution:</b>	Temporary Assistance Staff Food Stamps Staff Staff Development Coordinators Medicaid Staff
<b>Contact Person(s):</b>	DTA: at 1-800-343-8859 TA: Bureau of Cash Assistance at extension 4-9344 FS: FS Bureau at extension 3-1469 Medicaid: Bureau of Local District Support - Upstate: (518) 474-8216; NYC: (212) 268-6855
<b>Attachments:</b>	Attachment 1-TA Shelter Allowance Caps by District and Family Size Attachment 2-Listing of Districts in Which This ADM Does Not Apply Attachment 3-Listing of Grandfathered Section 8 Voucher Programs in Affected Districts Attachment 4-Request for Information
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
91 ADM-3 04 ADM-5		18 NYCRR 352.2(b) 352.3(d) 352.32(e)	SSL 131-a	FSSB Section 11	

### Section 2

## **I. Purpose**

The purpose of this release is to inform social services districts (SSDs) of the establishment of a shelter allowance maximum particular to certain Temporary Assistance (TA) recipients who also participate in the Section 8 Voucher program. This change establishes a shelter allowance for the family's out-of-pocket rent expense up to a maximum of 30% of the Standard of Need by family size considering only the basic allowances, including the Home Energy Allowance (HEA) the Supplemental Home Energy Allowance (SHEA) and the shelter allowance maximum (with children).

This release also discusses the treatment of TA recipients, who also participate in the Section 8 Voucher program but who are not affected by the new budgeting methodology, because the Section 8 agency that issued the voucher is covered under the grandfathering provision of the regulation.

## **II. Background**

The regulations of the Housing and Urban Development (HUD) Section 8 voucher program rules provide that the tenant's share of the rent is the highest of (1) ten percent (10%) of the family's total income; (2) thirty percent (30%) of the family's gross income adjusted to reflect certain deductions; or (3) in states (such as New York) that pay separate, identifiable shelter allowances for rent up to the amount of the actual charges, the maximum allowable shelter allowance.

We recently became aware that housing authorities throughout the State have varied greatly in their implementation of HUD requirements. Many are charging 30% of income and applying HUD adjustments, resulting in vastly differing amounts paid by districts for shelter allowances. This disparity affects the amount of the federal subsidy, the amount of the recipient's income when calculating food stamp benefits, and the amount of assistance owed by the recipient to the district and State for past assistance under various recovery provisions of State law. HUD has directed housing authorities to recalculate the rent payable by public assistance recipients to conform to its regulations by January 1, 2005. The impending increases in rent will strain the budgets of SSDs, impairing their ability to meet administrative obligations, services and supports to recipients, while simultaneously reducing federal subsidies and the Food Stamp allotments of Section 8 tenants.

These changes to the State's regulations, governing the shelter allowance of applicants and recipients of Temporary Assistance (TA) who participate in the Section 8 voucher program, provide that New York will pay a rent allowance of up to 30% of the total of the maximum allowances otherwise available for basic needs, energy and shelter. This will insure that participants in the voucher program will not receive a lower subsidy than other families based only on the fact that they also receive TA.

The reduced Section 8 voucher subsidy that would otherwise be paid on January 1, 2005, would increase public assistance benefits without increasing spending power. Since Food Stamp benefits are generally reduced by any increase in income, the change would produce a reduction in Food Stamps. TA families, who participate in the Section 8 voucher program, are likely to be disadvantaged in a way that non-public assistance families with the same level of income are not.

This Office recognizes that some public housing authorities may already have been computing the tenant's share using the local social services district shelter maximums. This change includes a grandfathering provision in order to mitigate any negative financial impact of this change on those authorities and those tenants who have already absorbed any negative impact on the Food Stamps benefit.

### III. Program Implications

Attachment 2 is a listing of districts in which ALL Section 8 vouchers will have been issued by grandfathered Section 8 issuing agencies. **In other words, this ADM does not apply in social services districts (SSDs) which appear on Attachment 2.**

Attachment 3 is a listing of Section 8 issuing programs in affected SSDs known to be eligible for the grandfathering provision. Affected SSDs must contact any Section 8 issuing agency, **except those shown on Attachment 3**, to determine if the Section 8 agency is eligible under the grandfathering provision. The "Request for Information" (Attachment 4) was developed for that purpose. The text on Attachment 4 should be transferred to the SSD letterhead.

Effective January 1, 2005, affected TA households are eligible for the lower Section 8 maximum shelter allowance as shown on Attachment 1. However, the SSD must not calculate an overpayment for any shelter allowance in excess of the new maximum for the period from January 1, 2005 to the effective date of the timely notice, after the SSD has determined that the household's voucher was issued by an affected Section 8 issuing agency.

Although cooperation and communication between the Section 8 agency and the SSDs have always been necessary, additional cooperation and communication may be required during the implementation stage of the change.

### IV. Required Action

#### A. Temporary Assistance

At the next contact with a household that participates in the Section 8 voucher program, but no later than the next recertification, the SSD must determine whether or not the recipient's voucher was issued by a Section 8 issuing agency that is eligible to be grandfathered.

If all PHAs/Section 8 issuing agencies in a local district qualify under the grandfathering provision, then no change will be made to the TA budgets of the individuals or families with Section 8 vouchers except as stated in IV. A. i below.

With the exception of shelter type code 38 in NYC, none of the shelter type codes discussed below are presently supported in ABEL. (See Systems Implications below.)

#### i. Grandfathered cases:

Grandfathering means that the individuals and families whose Section 8 vouchers were issued by a grandfathered agency will not be subject to the new TA shelter allowance cap. A PHA/Section 8 issuing agency will qualify under the grandfathering provision if that agency, for periods on or before October 1,

2004, routinely calculated a TA individual's or family's rent due as the SSD private housing maximums, and not by calculating the rent based on 10% of gross income, or 30% of adjusted gross income. "On or before October 1, 2004" means that rent due and owed by the tenant for the month of October 1, 2004, or earlier was calculated as the SSD maximum allowable private housing shelter allowance.

See Attachment 3 for a list of the PHA/Section 8 voucher issuing agencies that qualify under the grandfathering provision. All TA/Section 8 voucher cases in the SSDs listed on Attachment 2 should have shelter type code 39 entered on their budgets at next recertification after the new shelter type codes are available.

Once the worker has determined that the PHA/Section 8 voucher issuing agency qualifies under the grandfathering provision, any TA case, current or new, with a voucher issued by that agency must assign shelter type code "39-Section 8 Voucher – up to agency max" (Upstate). Cases with this shelter type code will continue to have a shelter allowance for rent, paid up to the private housing maximum included in their standard of need.

In NYC, TA cases with vouchers issued by a grandfathered Section 8 agency will continue to be coded as shelter type 38.

ii. Cases in Affected LSSDs:

If a Section 8 voucher is issued by an agency not appearing on Attachment 3, the SSD must contact the Section 8 issuing agencies in that district, by sending each Section 8 program the Request for Information (Attachment 4). If the program responds to the Request for Information that they qualify under the grandfathering provision, the SSD should accept that declaration and apply the appropriate shelter type code (38 in NYC and 39 Upstate) and continue to allow rent as paid up to the SSD maximum allowance.

If a PHA/Section 8 issuing agency responds that the program does not qualify under the grandfathering provision, the TA households receiving a current or new Section 8 voucher from that program are entitled to rent, as paid up to the new Section 8 voucher shelter maximum. (Attachment 1).

No change to the household's TA budget can be made until the SSD has determined if a PHA/Section 8 issuing agency is an affected agency. Once that determination is made, and when system support is available, the case must be assigned shelter type code 40- "Section 8 Voucher (30% limit)" (Upstate and NYC). Timely and adequate notice of the reduction (or closing) must be done. No overpayment may be calculated due to an affected TA household receiving a shelter allowance in excess of the new Section 8 voucher shelter maximum for the period from January 1, 2005, through the effective date of the timely notice.

At this time, neither upstate or NYC ABEL will support the new shelter allowance schedules. (See Systems Implications below.) Once ABEL supports the new Section 8 voucher shelter allowance maximums, workers will enter the actual out-of-pocket rent expense that the individual or family must pay in the actual field and shelter type 40 "Section 8 Voucher (30% limit)". ABEL will

provide an allowance for rent as paid up to the maximum 30% of the Basic, HEA, SHEA and private housing maximum (with children).

For example, if a family of three in NYC participates in the Section 8 voucher program and the voucher is issued by an agency that does not qualify under the grandfathering provision, the maximum shelter allowance will be \$207 per month. This amount is calculated by totaling the Basic, HEA, SHEA and private housing shelter maximum (with children) allowances for a family of three. In NYC that total is \$691.00. Thirty percent (30%) of \$691 is \$207 (rounded to the nearest whole dollar).

It is possible that the Section 8 voucher issuing agency will calculate a rent greater than the SSD Section 8 voucher cap. This will usually occur because there are other non-TA persons in the dwelling unit with income. In such cases, the shelter allowance for shelter type 40 “Section 8 Voucher (30% limit)” (Upstate and NYC) will still be capped at 30% of the Standard of Need as described above.

The Section 8 voucher issuing agency may calculate a rent that is less than the SSD cap. This may happen when the Section 8 agency determines that the household is entitled to a HUD utility allowance and reduces the family’s out-of-pocket rent obligation by that amount. For example, the TA shelter cap for a family of three in NYC is \$207. If the Section 8 issuing agency determines that the family needs \$26 per month to pay the domestic utility bill, the Section 8 issuing agency will reduce the family’s shelter obligation by \$26. The family’s out-of-pocket rent obligation will be \$181 per month (\$207 - \$26). The SSD will consider the out-of-pocket expense as the actual rent obligation. Since \$181 is less than the 30% cap of \$207, the shelter allowance in the TA Standard of Need will be \$181.

iii. Coding and budgeting of secondary tenants in units subsidized with Section 8 Vouchers:

Individuals or family members on TA who are NOT the primary tenants must still be coded with the appropriate Section 8 Voucher code. This is true whether the TA recipient is a roomer, or a family member of the primary tenant.

For example:

- TA recipient residing with, or in the care of a non-TA tenant of record and voucher holder who is charging rent. The TA individual(s) must have the appropriate Section 8 voucher code assigned. If that shelter code is 40 “Section 8 voucher (30% cap)” (Upstate and NYC), the shelter allowance for the TA recipient is the amount charged by the primary tenant up to the 30% cap.
- TA recipient residing with, or in the care of a non-TA tenant of record and voucher holder who is charging room and board. Unless the voucher is issued by a Section 8 issuing agency that qualifies under the grandfathering provision, the room and board allowance maximum will be the total of the Basic, HEA, SHEA, and voucher shelter allowance

capped at 30%. (See Attachment 1). The shelter type code in such a case is 04 - Room and Board. The recipient is also entitled to the \$45 (per person) PNA.

iv. Cases in which the needs of an SSI family member are considered (04 ADM-5)

When the TA unit resides with a family member who is required to be included in the TA filing unit except that he or she is a recipient of SSI, the SSI individual's needs are considered when determining the Standard of Need for the TA family members. The standard of need is then reduced prorata by the number of SSI family members.

When the family holds a Section 8 voucher and the TA shelter type code is 40 "Section 8 voucher (30% cap)" (Upstate and NYC), the cap will be 30% of the prorated Standard of Need. For example, if a three person family in NYC includes an SSI member and two TA members, the NYC Standard of Need for three (\$691.00) is reduced by 1/3 to \$483.70. Thirty percent (30%) of \$483.70 is \$145.11. In this example, the shelter allowance for the TA members of the family is capped at \$145.00.

v. Cooperative cases – no legal lines of responsibility (Shelter proration indicator codes "S" and "N" and shelter type code 40 "Section 8 Voucher (30% cap)")

Shelter proration indicator "S" provides un-prorated Basic, HEA, SHEA and Shelter. The shelter allowance will be capped at 30% of each case's Basic, HEA, SHEA and shelter.

Shelter proration indicator "N" provides prorated Basic, HEA, SHEA and un-prorated Shelter. The 30% cap will be 30% of the total of the prorated Basic, HEA and SHEA and full shelter.

vi. Upstate Danks EP 1 – 9 and shelter type code 40 "Section 8 Voucher (30% cap)"

Shelter Proration indicator 1-9 (Danks EPs) provides an FA benefit that is the total of the full Basic, HEA, SHEA and Shelter for the FA family members plus the full Basic, HEA, SHEA and shelter for the Danks EP(s). The shelter allowance will be capped at 30% of the total FA Basic, HEA, SHEA and shelter.

vii. Household in excess of eight

Households greater than eight, which receive their Section 8 voucher subsidy through a PHA or other Section 8 issuing agency subject to the capped shelter, may be entitled to up to an additional \$22 for each case member over eight. The \$22 is 30% of the additional Basic, HEA, and SHEA. However, in no event can the Section 8 voucher shelter allowance exceed the local agency monthly private housing shelter allowance for a family of eight.

## A. Upstate

ABEL will not support a shelter allowance in excess of the eight person amount. (See Attachment 1). The worker may enter the additional shelter as Other PA Allowance Type 14: "Other Shelter Need." Workers will make this entry only when there is a household greater than eight and the family's out-of-pocket rent obligation is greater than the eight person capped amount.

The following examples will illustrate:

1. A nine person family with a Section 8 voucher in Nassau County has an out-of-pocket rent obligation of \$408. The eight person maximum for affected Section 8 voucher cases in Nassau County is \$386. The worker must provide up to an additional \$22 for the 9<sup>th</sup> person. The Nassau County maximum (\$386) + the additional amount for the 9<sup>th</sup> person (\$22) = \$408. The family is entitled to an allowance for rent as paid up to the maximum for nine people, in this case, \$408.
2. A ten person TA family living in Westchester County has an out-of-pocket rent expense of \$370. The eight person shelter allowance maximum for affected Section 8 voucher families in Westchester County is \$378. The actual expense is below the eight person maximum. The TA shelter allowance for the family is \$370.
3. A nine person family residing in Suffolk County participates in the Section 8 voucher program. The nine person TA family resides with a non-TA friend who has income. The household's out-of-pocket rent is \$449. Suffolk County's shelter maximum for this Section 8 voucher family is \$409 (\$387 eight person max + \$22 for the ninth person). The family's TA shelter allowance is capped at \$409. The tenth person in the dwelling is not considered because that person is not in receipt of TA.

## B. NYC

NYC ABEL will add the appropriate additional amount based on the TA suffix size.

### viii. Additional allowances:

Additional allowances that the individual or family may be entitled to receive are not considered when determining the 30% cap.

### ix. Fuel for Heating Allowance:

Individuals and families with shelter type code 40 – "Section 8 voucher (30% cap)" (Upstate and NYC) will be entitled to a Fuel for Heating Allowance if:

- the case includes the customer and tenant of record, or
- the customer and tenant of record is in the dwelling unit and is on a cooperative case in which all allowances are prorated, or

- TA children are in the care of a self-maintaining legally responsible relative who is the customer and tenant of record, or
- TA children are in the care of a self-maintaining non-legally responsible relative who is the customer and tenant of record and who is requesting a Fuel for Heating Allowance in the children's benefit. (See 91 ADM-3)

The Fuel for Heating Allowance is not considered when determining the 30% cap.

x. Notices:

For affected cases whose TA benefit will be reduced, or whose cases will close due to a lower standard of need, timely and adequate notice will be required.

It is possible that when the PHA/Section 8 agency uses the new allowance cap to calculate the tenant's share, the result will be a greater tenant share than the family now pays. In other words, some families may get a TA increase even though the rent cannot exceed the cap. In those cases, an Adequate Only Notice must be provided unless the family experiences a reduction in FS benefits. Then timely and adequate notice will be required.

For affected cases, the following CNS language, when available, will be generated by the normal ABEL budget comparison, triggered by a newly stored budget with a shelter type code of 40-“Section 8 Voucher (30% cap):

Public assistance recipients can get a shelter allowance for rent paid up to a maximum amount. The maximum amount is less for some families who participate in the Section 8 Voucher program.

You receive a rent subsidy under the Section 8 voucher program. Social Services can allow an amount for shelter that is the amount you pay, but no more than the maximum allowed amount. The maximum allowed amount is 30% of the maximum Standard of Need by family size (not considering fuel for heating or special allowances). For example, if the social services district's maximum Standard of Need for a family of three is \$691 per month, the maximum shelter allowance is \$207 if that family has a Section 8 voucher rent subsidy.

If your out-of-pocket cost for rent (the amount you must pay to your landlord) is more than the amount that we allow, it could be for one of the following reasons:

- There are individuals living with you who have income other than public assistance, or
- The Section 8 agency did not calculate your tenant share of the rent correctly, or
- The Section 8 agency does not know that your income (including the amount of your PA) has changed, or
- DSS made a mistake and the 30% limit should not apply to you. This could happen because not every Section 8 agency is affected



by the DSS rule that provides for a 30% limit on the public assistance rent allowance.

Even if you are not the primary tenant, you are subject to the 30% shelter maximum if the primary tenant has a Section 8 voucher rent subsidy from a Section 8 agency that is affected by the DSS rule.

This decision is based on 18 NYCRR 352.3(d) (2).

See Systems Implications below.

## B. Food Stamps

TA and Food Stamp (FS) workers must take care to enter the actual out-of-pocket rent expense in the ABEL FS Input screen (Upstate WMS) or the NSBL02 screen (NYC WMS) to ensure correct calculations of FS benefit amounts. In addition, households that participate in the Section 8 voucher program and pay separately for heat/air conditioning or for domestic utilities must have the appropriate FS Standard Utility Allowance (SUA) included in their FS benefit calculation.

## C. Medical Assistance

If the new methodology for calculating a shelter cap for Temporary Assistance (TA) recipients who participate in the Section 8 voucher program decreases the Standard of Need (SON), and results in recipients being ineligible for TA, the new closing code **F34 “Excess Income-Section 8 Lower Standard of Need” must be used, once available**, to continue Medicaid unchanged for the remainder of the 12 months since the household was (re)determined eligible.

There is no affect on the Medicaid portion of TA cases that are grandfathered, or on cases that have no decrease in the SON as a result of the new budgeting methodology. Under these circumstances, TA recipients remain eligible for Medicaid, as long as they remain eligible for TA.

For Medicaid-only applicants/recipients (A/R) there is no change in policy. For individuals participating in the Section 8 voucher program, the amount actually paid by the A/R, up to the agency shelter maximum for the applicable family size, is the amount budgeted as a shelter expense.

## V. Systems Implications

For both Upstate and NYC, further information will be provided as soon as possible regarding the availability of ABEL support for the new Section 8 shelter allowance maximums, the new closing code, and the CNS reason language.

**Although affected households are eligible for a shelter allowance of no more than the applicable Section 8 voucher shelter allowance maximums as of January 1, 2005, no changes should be made to affected cases currently paying more than the new maximums until systems support is available. No overpayments may be calculated due to the receipt of a shelter allowance in excess of the new Section 8**

**voucher shelter allowance maximums for affected households until systems support is available (and timely notice has been provided).**

## **VI. Additional Information**

Districts are reminded that the correct coding of shelter type, TA fuel allowance and FS SUA are essential not just for the correct TA and FS benefits, but also for the annual HEAP auto-pay.

## **VII. Effective Date**

The effective date of this release is January 1, 2005.

**Issued By** \_\_\_\_\_

**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** Temporary Assistance

**SECTION 8 VOUCHER SHELTER MAXIMUM**  
30% OF BASIC, HEA, SHEA AND SHELTER MAXIMA COMBINED  
(ROUNDED TO NEAREST WHOLE DOLLAR)  
BASED ON SCHEDULES SA-1, SA-2B, SA-2C AND SHELTER MAXIMA WITH CHILDREN

FAMILY SIZE	1	2	3	4	5	6	7	8	9+ *
<b>Dutchess</b>	<b>127</b>	<b>153</b>	<b>211</b>	<b>252</b>	<b>294</b>	<b>323</b>	<b>351</b>	<b>373</b>	
<b>Nassau</b>	<b>134</b>	<b>166</b>	<b>221</b>	<b>263</b>	<b>307</b>	<b>335</b>	<b>365</b>	<b>386</b>	
<b>New York City</b>	<b>124</b>	<b>150</b>	<b>207</b>	<b>248</b>	<b>289</b>	<b>318</b>	<b>346</b>	<b>368</b>	
<b>Orange</b>	<b>129</b>	<b>155</b>	<b>214</b>	<b>255</b>	<b>297</b>	<b>326</b>	<b>355</b>	<b>376</b>	
<b>Putnam</b>	<b>133</b>	<b>159</b>	<b>220</b>	<b>262</b>	<b>305</b>	<b>334</b>	<b>363</b>	<b>385</b>	
<b>Rockland</b>	<b>132</b>	<b>171</b>	<b>218</b>	<b>259</b>	<b>302</b>	<b>331</b>	<b>360</b>	<b>382</b>	
<b>Suffolk</b>	<b>134</b>	<b>173</b>	<b>221</b>	<b>264</b>	<b>307</b>	<b>336</b>	<b>366</b>	<b>387</b>	
<b>Sullivan</b>	<b>104</b>	<b>139</b>	<b>176</b>	<b>213</b>	<b>251</b>	<b>277</b>	<b>304</b>	<b>326</b>	
<b>Ulster</b>	<b>120</b>	<b>157</b>	<b>192</b>	<b>227</b>	<b>263</b>	<b>289</b>	<b>316</b>	<b>350</b>	
<b>Westchester</b>	<b>130</b>	<b>160</b>	<b>215</b>	<b>256</b>	<b>299</b>	<b>328</b>	<b>357</b>	<b>378</b>	

\* Add \$22 for each additional case member However, in no event can the shelter allowance for the family exceed the local agency monthly shelter allowance for that size family.

Listing of Districts in Which This ADM Does Not Apply

All the Public Housing Authorities in these counties, including the upstate DHCR Section 8 program administrators, qualify under the grandfathering provision.

Albany	Monroe
Allegany	Montgomery
Broome	Niagara
Cattaraugus	Oneida
Cayuga	Onondaga
Chautauqua	Ontario
Chemung	Orleans
Chenango	Oswego
Clinton	Otsego
Columbia	Rensselaer
Cortland	Saratoga
Delaware	Schenectady
Erie	Schoharie
Essex	Schuyler
Franklin	Seneca
Fulton	St. Lawrence
Genesee	Steuben
Greene	Tioga
Hamilton	Tompkins
Herkimer	Warren
Jefferson	Washington
Lewis	Wayne
Livingston	Wyoming
Madison	Yates

Listing of Grandfathered Section 8 Voucher Programs in Affected Districts

*This listing is not necessarily all inclusive.  
A program not on this list may qualify for the grandfathering provision.*

Dutchess:

Rural Opportunities, Inc.  
Hollowbrook Park Plaza  
Building 3  
29 Marshall Road, Suite 3F  
Wappingers Falls, NY 12590

Nassau:

Nassau County Office of Housing and Intergovernmental Affairs  
100 County Seat Drive  
Mineola, NY 11501

NYC:

Subsidy Services Unit \*  
NYS Division of Housing and Community Renewal  
25 Beaver Street, Room 666  
New York, NY 10004

\* (Serves all five boroughs)

Orange:

Rural Opportunities, Inc.  
Playtogs Plaza  
130 Dolson Avenue, 3<sup>rd</sup> Floor  
Middletown, NY 10940

Putnam:

Putnam County Housing Corporation  
11 Seminary Hill Road  
Carmel, NY 10512

Rockland:

Rockland County Office of Community Development  
151 South Main Street, Suite 212  
New City, NY 10956

Suffolk:

Community Development Corporation of Long Island  
2100 Middle County road, Suite 300  
Centereach, NY 11720

Sullivan:

Rural Opportunities, Inc.  
Six Prince Street  
Monticello, NY 12701

Ulster:

Rural Ulster Preservation Company  
289 Fair Street  
Kingston, NY 12401

Westchester:

Westchester County Planning Department  
Section 8 Rental Assistance Program  
112 East Post Road, 1<sup>st</sup> Floor  
White Plains, NY 10601

Enhanced Section 8 Outreach Program (ESOP)  
20 South Broadway, Suite 1102  
Yonkers, NY 10701-3713

Request for Information

Dear Section 8 Housing Voucher Director:

This is to request information that will help us to determine the correct shelter allowance maximum to allow for public assistance households who receive their Section 8 voucher through your agency.

\_\_\_\_\_ County Department of Social Services has been informed of a change in Social Services Regulations by the New York State Office of Temporary and Disability Assistance (OTDA).

The new regulation establishes a shelter allowance maximum for public assistance households who also participate in the Section 8 voucher program. The shelter allowance maximum varies by local social services district and by family size and is set at thirty percent (30%) of the public assistance standard of need (excluding the fuel allowance and special allowances).

The new regulation applies to all PHAs/Section 8 issuing agencies except those which qualify under the grandfathering provision. The TA households that receive their Section 8 subsidy from a PHA/Section 8 issuing agency which qualifies under the grandfathering provision can still receive a shelter allowance for rent as paid up to the local social services district shelter maximums (with children, or without children).

In order to qualify under the grandfathering provision, the Section 8 issuing agency must have routinely determined the tenants' share of the rent for families in receipt of public assistance as the local social services district maximum, rather than as 30% of adjusted gross income or 10% of gross income, for rent due and payable by the family for the month of October, 2004.

For example, if such a family of three in NYC was told that their share of the rent due for October, 2004 was \$400 (the NYC public assistance shelter maximum), or \$400 reduced only by the HUD utility allowance, and if the issuing agency routinely calculated welfare tenants' rent in that way, the Section 8 issuing agency is eligible to be grandfathered.

Please indicate below your method for calculating the public assistance tenant's share of the rent for rent due and payable by the tenant for October 1, 2004. Your statement of how rent was routinely calculated for public assistance households for October 1, 2004 will help us to determine if your agency qualifies to be grandfathered. OTDA has told us that this declaration by the PHA/Section 8 issuing agency is sufficient until OTDA's administrative process for verifying which agencies qualify under the grandfathering provision have been finalized.

Kindly let us know by \_\_\_\_\_ so that we may appropriately budget the households that have received their Section 8 vouchers through your agency.

Thank you for your attention and cooperation.

Sincerely,

**PHA/Section 8 Issuing Agency Response:**

The (\_\_\_\_Section 8 issuing agency name\_\_\_\_) routinely calculated the tenant share of rent (due and payable by the tenant for October, 2004) for households in receipt of public assistance in the following way.

- \_\_\_\_ The tenant share of the rent was the social services shelter maximum (reduced only by the HUD utility allowance).      Agency qualifies for grandfathering provision.
- \_\_\_\_ The tenant share of the rent was calculated as 30% of adjusted gross income, or 10% of gross income.      Agency does not qualify for grandfathering provision.