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**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
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Administrative Directive

Section 1

Transmittal:	06-ADM-07 Revised
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Support
Date:	Revision Date: June 7, 2006/Original Release: May 31, 2006
Subject:	District of Fiscal Responsibility for Homeless Placements Out of District
Suggested Distribution:	Temporary Assistance Directors Food Stamp Directors Medicaid Directors Employment Coordinators Staff Development Coordinators
Contact Person(s):	TA Policy Questions: TA Bureau at 1-800-343-8859 ext. 4-9344 Medicaid Policy Questions: Local District Support Liaison at 1-518-474-8887 (Upstate) or 1-212-417-4500 (NYC)
Attachments:	None
Attachment Available On – Line:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
05 ADM-7		311	SSL 62.5	TASB Chap. 29	
94 ADM-20		352.3(e)			
94 ADM-11		352.8(a)(b)			
86 ADM-40		352.35			
05 INF-12		491			
05 INF-6		800			
04 INF-18		900			
02 INF-38					
00 INF-19					
97 INF-6					

Section 2

I. Summary

- Provides definition of placement, temporary housing facilities and homeless applicant/recipient.

- Clarifies policies and required actions that districts must follow when they place homeless individuals/families outside of their district.
- Introduces new procedures that must be followed when an individual/family needs to be placed out of district.

II. Purpose

The purpose of this directive is to provide policies, procedures and required actions that districts must follow when they place homeless individuals/families outside of their own districts. This directive will also provide definitions of placement, temporary housing and homeless applicant/recipient as they apply to homeless individuals/families.

III. Background

Districts must make every possible effort to place a homeless individual/family within their own district. However, it is sometimes necessary for local districts to place homeless individuals/families outside of their district. Often these placements are made into districts which have more shelters, hotels or other temporary housing facilities available. Although districts have always been fiscally responsible for individuals/families placed into temporary housing in other districts, fiscal responsibility rules have not been consistently applied. In order to fiscally protect the districts into which these placements are made and assure that homeless individuals and families are adequately provided for, the Division of Employment and Transitional Services (DETS) is implementing procedures that placing districts must follow when they place homeless individuals/families outside of their districts. The procedures introduced in this ADM are for homeless placements only and District of Fiscal Responsibility (DFR) procedures outlined in 00 INF-19 should continue to be followed for all other DFR situations.

IV. Program Implications

Temporary Assistance

To ensure consistency in determining fiscal responsibility, the following definitions apply when placing a homeless individual/family:

- **Placement:**

A placement has been made whenever a district employee or any other agent or entity acting on behalf of the district places, arranges for or refers homeless individuals/families to a temporary housing facility within or outside of their district. This is true whether or not the district provides transportation to the other district and whether or not there is a cost for the temporary housing. Districts must use this definition of placement when completing the Quarterly Homeless Statistical Report. This report is submitted as an eReport via Centraport for data as of January 15, April 15, July 15 and October 15 of each year.

Districts may not avoid placing families by verbally informing a homeless individual/family that the district has no available temporary housing and suggesting that the individual/family try another district. A local district must meet the immediate needs of persons who present as homeless in accordance with previous administrative directives including 94-ADM-20, 02-ADM-02 and 05 ADM-7.

▪ **Temporary Housing Facilities:**

For the purpose of this directive, Domestic Violence Shelters are not considered temporary housing facilities.

Temporary housing facilities include:

- Motels
 - Hotels
 - City missions
 - Family shelters authorized by 18 NYCRR 900
 - Shelters for homeless individuals or families operated by a not-for-profit organization where payment is authorized by 18 NYCRR 352.8 (b)
 - State-certified shelters for single adults
 - Other accommodations that a district may use, whether there is a fee or not, that will temporarily house the individual/family
- Note:** this also includes informal temporary housing arrangements made with family or friends.

▪ **Homeless Applicant / Recipient:**

For purposes of Temporary Assistance, a homeless applicant/recipient is an individual/family who meets the definition of homeless found in 94 ADM-20 and notifies a local social services district, either in writing or orally, that they do not have permanent housing and/or are in need of temporary housing assistance.

This directive applies to both homeless individuals and families and to all local social services districts. Following the policies, procedures and requirements in this directive will ensure that districts accept and retain responsibility for their homeless population.

V. Required Action

Temporary Assistance

Districts must allow an individual/family who is not in receipt of temporary assistance, to file a written application and **cannot** place or refer a homeless individual/family out of district without an application being filed. Districts may have to modify their after hours procedures to accommodate applications from homeless applicants. For example, if the sheriff's office is the after hours emergency provider, districts can arrange to have applications available at the

sheriff's office for the homeless individual/family to complete and sign when the district office is not open.

Districts must make every possible effort to place a homeless individual/family within the district. Only as a last resort should a district place a homeless individual/family in a temporary housing facility that is located in another district. If a district must place a homeless individual/family in another district, the placing district continues to be fiscally responsible for the needs of such person/family, even if there is no cost for the temporary housing. Districts are reminded that it is their responsibility to develop resources needed by their homeless population and they should not rely solely on resources from other districts. They should attempt to develop their own temporary housing accommodations if needed. Districts are also reminded that placing a person in temporary housing in another district does not relieve the placing district of their fiscal and procedural responsibilities for such person. When districts make a placement, consideration must be given as to the appropriateness of the placement. Any placement that would be in direct conflict with a person's physical or mental ability, religious beliefs or food needs is not considered appropriate and alternate temporary housing must be secured.

When the district has exhausted all available resources, such as shelters, missions, motels, etc., within its own district, then and only then should they consider placing the homeless individual/family in temporary housing in another district. When it becomes apparent that out-of-district placement is the only available option, the placing district must take the following steps:

1. Contact the out-of-district placement site and verify that the site has availability and that they will accommodate the homeless individual/family. Availability means that there is an actual bed available for each individual being placed. The case record must be notated to reflect the agreement made. The district must also address any other immediate needs that the individual/family may have such as no food or if they are without items necessary for their health and safety. This must be determined on a case-by-case basis and a personal needs allowance (PNA) may be given to meet the immediate need. In the case of a Safety Net Assistance (SNA) applicant, a PNA may be issued during the 45-day waiting period if they have an immediate need.
2. The same day the placement is made, or the next business day if the placement is made after hours, the placing district must contact the district of fiscal responsibility (DFR) liaison (district DFR liaisons can be found on CentraPort under "Directories") in the district where the placement site is located and notify the liaison that they have placed a homeless individual/family in their district. The placing district must accept fiscal responsibility and may also discuss the possibility of arranging for the placement site district to complete a courtesy face-to-face interview if an interview has not been completed. If arrangements have been made for a courtesy interview the case record must be notated to reflect the agreement made.
3. Arrange for transportation to the placement site and also for transportation back and forth for eligibility appointments if necessary. Districts must not rely on the placement site district to complete a courtesy interview unless they have made arrangements with them.

4. Bring the individual/family back to temporary housing within the district as soon as such temporary housing is available.
5. Process the Temporary Assistance (TA) application for ongoing cash assistance including a PNA and restaurant allowance if applicable and for Food Stamps and Medicaid if eligible. The placing district is also responsible for such things as security deposits, moving expenses and furniture allowances necessary for the homeless individual/family to move from temporary housing to permanent housing when permanent housing is located.

If the homeless person subsequently moves into permanent housing in the district in which the temporary housing is located, the placing district retains responsibility for the TA, FS and MA needs during the month of move out of the temporary accommodation and the following month provided that the individual/family is otherwise eligible (97 INF-6).

Note: Whether a placement is made within the district or out-of-district, the case record must be notated to reflect the arrangements made.

VI. Systems Implications

None

VII. Medicaid

In general, an MA application submitted by a homeless person should be evaluated in the same manner as other applications. A homeless person's residence is generally the district in which the applicant is present at the time of application, unless placed by another district or currently in receipt of Medicaid in another district. Additional information concerning applicants for Medicaid who are homeless may be found in 94 ADM-20

When a district places a homeless individual/family eligible for Medicaid in another district, the placing district continues to be responsible for providing Medicaid to such person/family.

VIII. Food Stamp Benefits

As with MA, an application for the Food Stamp Program submitted by a homeless household (See Section V, Page 66 of the Food Stamp Source Book for the definition of a homeless individual or family, and residency verification requirements) should be evaluated by the district in which the applicant is present at the time of application, unless it can be determined that the applicant household is currently in receipt of food stamp benefits in another district.

IX. Additional Information

- A.** Individuals who remain the fiscal responsibility of the placing district may be a factor in the placing district's TANF participation rates and may be a factor in the placing district's SNA participation rates (depending on whether the household contains an adult who is nonexempt from participation in WTW activities). District staff may contact their welfare-to-work technical advisor if they have questions regarding these implications.
- B.** The following are examples to clarify this directive:

Example 1

Mr. Green comes into County A claiming he is homeless. Mr. Green completes the common application and has a face-to-face interview. County A determines that Mr. Green is homeless. After attempting to find placement in County A for Mr. Green, it is determined that there is no available temporary housing in County A. County A contacts a homeless shelter in County B which has availability and agrees to accommodate Mr. Green. County A must notify County B that they are placing Mr. Green in the shelter in County B. County A must also arrange for Mr. Green's transportation back and forth from the placement site to County A for all eligibility appointments.

County A must process his application for assistance. Mr. Green's grant must include a PNA if he receives three meals a day at the shelter, whether or not there is a cost for the shelter. If he receives less than three meals a day in the shelter then Mr. Green would be eligible to receive the basic, HEA and SHEA, as well as a restaurant allowance when appropriate, in his grant whether or not there is a cost for the shelter. County A retains fiscal responsibility for Mr. Green as long as he is in the homeless shelter and, if he chooses to remain in County B, for the month he leaves the shelter and the month after.

County A is responsible for authorizing Medicaid, if Mr. Green has applied for and is determined eligible for Medicaid.

Example 2

Part A

Miss Jackson presents her self as homeless in County A. County A determines that Miss Jackson has traveled from county to county and has no permanent residence. Because Miss Jackson presented herself as homeless to County A, County A is responsible for accepting an application from Miss Jackson and securing temporary housing for her.

County A has no available temporary housing so they contact a mission in County B which has availability and is willing to accommodate Miss Jackson. County A must accept an application from Miss Jackson, complete a face-to-face interview and notify County B that they are placing her at the mission. County A retains fiscal responsibility for Miss Jackson as long as she is in

the mission and if she chooses to remain in County B, for the month she leaves the mission and the month after. This is true even though the mission does not charge a fee and provides three meals a day.

County A is responsible for authorizing Medicaid, if Miss Jackson has applied for and is determined eligible for Medicaid.

Part B

Miss Jackson has exhausted her 30-day stay at the mission in County B and is told she must leave. Miss Jackson presents her self as homeless to County B's social services office.

Normally, this would be considered where-found and County B would be responsible for Miss Jackson's temporary housing. However, since this is a continuation of the original homeless situation, it is an exception to the where-found rule and County A would be responsible for Miss Jackson's temporary housing. County B should contact County A to advise them of the situation. As with any where-found situation, if County A refuses to accept responsibility, County B must meet the emergency/immediate needs and request an inter-district dispute resolution.

County A remains responsible for authorizing Medicaid, if Miss Jackson remains eligible.

Example 3

Mr. Brown and his 3 children contact County A, after hours, because they are homeless and have no available resources. County A has an after hours arrangement with their local sheriff's department. The sheriff's department has Mr. Brown complete an application for assistance and arranges transportation for Mr. Brown and his 3 children to a motel in County B.

The next business day, County A must contact County B to notify them of the placement. County A must make arrangements with County B to do a courtesy interview or if County B can not accommodate the courtesy interview, County A must provide transportation for Mr. Brown to and from all eligibility appointments in County A. County A retains fiscal responsibility for Mr. Brown and his three children as long as he is in the motel and, if he chooses to remain in County B, for the month he leaves the motel and the month after.

County A is responsible for authorizing Medicaid, if Mr. Brown and /or any of his children apply for and are determined eligible for Medicaid.

Example 4

Ms. Smith presents her self as homeless in County A. County A secures temporary housing at a shelter within County A. However, Ms. Smith is disabled and the shelter is not handicap accessible. County A must secure alternate temporary housing that can meet Ms. Smith's needs.

County A is responsible for authorizing Medicaid, if Mrs. Smith has applied for and is determined eligible for Medicaid.

Example 5

At 11:00 pm Mr. Carter calls the after hours help-line in County A because he is homeless. The worker who is on-call advises Mr. Carter that County A does not have temporary housing and suggest that Mr. Carter call County B as they have a shelter. Mr. Carter then calls County B's after hour's help-line only to be told that since he is homeless in County A, County A should be providing temporary shelter for him.

County A **cannot** refer a client who is homeless in their district directly to another district. The worker from County A **must** make temporary housing arrangements for Mr. Carter in accordance with the procedures listed in section V of this directive.

If County A does not follow proper procedure, County B must assist the client by making temporary housing arrangements for Mr. Carter in accordance with the procedures listed in section V of this directive. The next day County B should contact County A to request County A accept **both** fiscal and procedural responsibility for Mr. Carter. If County A refuses, County B should continue to assist Mr. Carter and request an inter-district dispute resolution.

VII. Effective Date

This directive is effective as of the date of issuance.

Issued By

Name:

Title:

Division/Office: