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OFFICE OF TEMPORARY AND DISABILITY
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David A. Hansell
Commissioner

Administrative Directive

Section 1

Transmittal:	07-ADM-03
To:	Local District Commissioners
Issuing Division/Office:	Division of Employment and Transitional Supports
Date:	June 4, 2007
Subject:	The Recoupment of Duplicate Restricted Rental Payments and Change of Timely Reporting Requirements from Five (5) Business Days to 10 Calendar Days
Suggested Distribution:	Temporary Assistance Directors TOP/CAP Coordinators WMS Coordinators Staff Development Coordinators
Contact Person(s):	1-800-343-8859; Temporary Assistance Bureau at extension 4-9344
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.
94 INF-49	94 INF-49	352.31 (d)	SSL 153.8 Section 106-b	TASB Chapter 20, Section C	

Section 2

I. Summary

This Administrative Directive informs social services districts (SSDs) of a change in reporting requirements, for purposes of recoupment of duplicate rent payments, from five business days to ten calendar days for temporary assistance (TA) recipients who have restricted shelter payments in the form of rent sent directly to a landlord, and who move from one dwelling unit to another.

II. Background

Generally, all TA overpayments are subject to recoupment or recovery. However, this directive informs SSDs of an exception to this rule.

When a recipient moves from one dwelling unit to another and the rent is sent directly to a landlord, duplicate rent payments may result. This happens when a recipient fails to provide timely notice of the move to the SSD, or when the SSD fails to act in a timely manner upon notice provided by the recipient about the move. This Directive defines timely notice as being at least ten (10) “calendar days” prior to the date of the move. The date of report counts as day one. A previous release, 94 INF-49, defined timely as five (5) business days. This current Directive cancels the former release.

III. Program Implications

This change in reporting timeframes provides the SSD with sufficient time to make the change and is consistent with general TA reporting requirements. This Directive applies to both Family Assistance and Safety Net Assistance and applies to any circumstance where the recipient of TA has rent restricted from his/her grant and paid directly to a landlord.

IV. Required Action

Once the recipient informs the SSD of the pending move, the SSD must act upon this information in a timely manner. If the recipient does not inform the SSD at least ten (10) calendar days prior to the move and duplicate rent is issued, the SSD must initiate a recoupment against the recipient. However, if the recipient demonstrates good cause, including, but not limited to: Domestic Violence, Fire, Flood, Section 8 requirements, or conditions beyond the recipient’s control for failing to timely provide the SSD with information regarding an impending move, the SSD must not initiate a recoupment against the recipient. **The SSD, however, must not seek reimbursement from the State for duplicate rent payment as the SSD failed to act timely in preventing the unnecessary payment.**

When the recipient does provide notice to the SSD at least ten (10) days prior to the move but a duplicate rent payment is made, the SSD must not initiate a recoupment against the recipient for the duplicate rent.

Efforts should always be made first to recover the duplicate rent payment from the former landlord for periods the recipient did not reside at the premises. However, if the landlord is uncooperative in returning the rent to the SSD, the SSD must initiate recoupment of duplicate rent when the recipient did not notify the SSD in a timely manner as defined by this directive.

Example 1

On July 1, Ms. Jones decides to move to another dwelling on August 1. She notifies the SSD of this change on July 20 twelve (12) “calendar days” before the move. The SSD does not make the appropriate changes until after August 1st and a duplicate rent payment is made. In this case, the client provided the agency with sufficient time to make the necessary adjustments to her case. Therefore, any recovery of the duplicate payment is limited to the landlord of the previous apartment and not against Ms. Jones.

Example 2

On September 1, Mr. Smith decides to move to another dwelling on October 1. He notifies the SSD of this change September 24, seven (7) “calendar days” before the move. The agency processes the change. However, a duplicate rent payment is made to the previous landlord. In this case, since the client did not provide the SSD with his change of address in a timely manner, and did not have good cause for failing to notify the SSD, the SSD must initiate a recoupment for the duplicate payment against Mr. Smith’s case if it is unsuccessful in obtaining the duplicate payment(s) from the landlord. If Mr. Smith had claimed good cause and the reason why he had not provided timely notice was reasonable and acceptable to the SSD, the SSD would not initiate a recoupment against Mr. Smith’s case.

V. Systems Implications

There are no system implications to this change.

VI. Additional Information

None.

VII. Effective Date

This Directive is effective immediately upon release.

Issued By_____

Name: Russell Sykes
Title: Deputy Commissioner
Division/Office: Division of Employment and Transitional Supports