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## Local Commissioners Memorandum

### Section 1

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<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office :</b>	Center of Employment and Economic Supports
<b>Date:</b>	February 20, 2014
<b>Subject:</b>	Eligibility Determination and Claiming of EAF Benefits
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<b>Attachments:</b>	none
<b>Attachment Available On – Line:</b>	

### Section 2

#### I. Purpose

This Local Commissioners Memorandum (LCM) provides instruction for Social Services Districts (SSD) for the eligibility determination and claiming of Emergency Assistance to Needy Families (EAF) granted for nonrecurring, short-term assistance for cases which are later found eligible for ongoing, recurring temporary assistance (TA).

#### II. Background

Federal law allows States to provide TANF funded assistance to meet nonrecurring, short-term needs. However such assistance cannot extend beyond four months. Pursuant to federal guidance TANF-ACF-PI-2008-05, “nonrecurrent, short-term benefits must not be intended to meet recurrent ongoing needs.” This guidance further clarifies that short-term assistance is, “not intended as the stepping stone or transition into the

State's ongoing assistance program upon expiration of the short-term period." This federal guidance supersedes any State or local policies which might conflict with this guidance.

### **III. Program Implications**

In New York State, nonrecurrent, short-term TANF funded assistance is authorized under the Emergency Assistance for Needy Families (EAF) program. Pursuant to 02 ADM-02, when an applicant/recipient is facing an emergency, the SSD must meet the immediate need and, pursuant to Social Services Law § 133, must grant temporary assistance to the family pending completion of the investigation of the immediate need. When an emergency exists, governing regulations require the SSD to provide same day interviews. This same day interview determines whether or not there is an emergency or immediate need using at a minimum, verification of identity, family composition and citizenship/alien status. The SSD must attempt to obtain as much information as possible which may include collateral contacts to potential housing resources. However, otherwise eligible applicant families who are cooperating but are lacking required information may be granted short-term EAF until verification can be obtained or until ineligibility is determined. To be eligible for EAF the family must complete and submit the LDSS-2921, Common Application as well as the LDSS-4403 (upstate) or the W-145TT (NYC), Determination of Eligibility for EAF. If the family is currently receiving TA case, then only the LDSS-4403 or the W-145TT must be completed.

Federal law is clear that short-term assistance must not be a stepping stone or transition into the State's ongoing assistance program at the completion of the four month period. As stated previously, federal law supersedes any State or local policies which might conflict with this guideline. As is existing policy, SSDs must not establish local policies or procedures which promote a delay in having recipients of EAF to apply for ongoing TA until the end of the four month period. SSDs also must not routinely identify and claim as EAF the first four months of assistance on cases that concurrently become eligible for ongoing assistance.

The application for the emergency should only cover the current need and not be considered an application to meet future emergencies. Each subsequent emergency requires a new completed application to meet the new emergent need. Upon establishing that the applicant has an emergency that appears will continue beyond the immediate need, the SSD should consider whether to evaluate the case for ongoing assistance. 03 INF-34 further clarifies when SSDs can limit emergency/immediate needs grants due to frequent reapplications for recurring and emergency temporary assistance.

Upon application for ongoing assistance, the SSD has 30 days to determine eligibility for Family Assistance (FA) and 45 days to determine eligibility for Safety Net Assistance (SNA) and, if the applicant is determined eligible, to provide assistance. Once the ongoing category of assistance is established and the case is opened, payments should be coded in the Welfare Management System (WMS) by the established category of assistance and claimed accordingly; they must not be identified and claimed as EAF payments. For cases that are determined eligible for ongoing assistance, SSDs must not submit EAF claims beyond the applicable application period (30 or 45 days). For example, if a family with children is evicted, applies for and is found eligible for EAF,

and is placed into temporary housing, the SSD should evaluate if this need will likely extend beyond the current month and if so, evaluate the application for ongoing assistance as soon as possible. The SSD then determines eligibility for ongoing assistance and if the case is found to be eligible for assistance in the SNA category, the SSD may use EAF, if otherwise eligible, to cover the temporary housing assistance for the initial application period of 45 days and SNA assistance would be claimed for any ongoing period thereafter. The SSD should code benefits issued during the application period using a non-assistance pay type (for example an emergency rent payment would be coded E8 for Upstate or D8 for NYC).

#### **IV. Claiming**

Payments determined to be EAF eligible should be coded as EAF (Case Type 19 and/or Special Claiming Code F) in WMS and claimed on the Schedule F (Schedule of Costs from Emergency Assistance to Needy Families with Children) in the appropriate column.

Once eligibility for Family Assistance (FA) or Safety Net Assistance (SNA) has been determined, payments should be authorized in WMS with the appropriate coding (Case Type 11 for FA or Case Type 16 or 17 for SNA) and should not be coded as EAF (Case Type 19 and/or Special Claiming Code F). FA payments are reported on the Schedule A (Expenditures for Family Assistance) and SNA cases should be reported on the Schedule C (Expenditures for Safety Net Assistance) of the RF-2 Claiming Package.

Instructions for completing the Schedules A, C and F claim forms can be found in the Fiscal Reference Manual (FRM) volume 2, chapter 3 at [http://otda.state.nyenet/bfdm/finance/FRM\\_Vol2\\_Manual.asp](http://otda.state.nyenet/bfdm/finance/FRM_Vol2_Manual.asp).

#### **Issued By**

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