



# Office of Temporary and Disability Assistance

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## Administrative Directive

### Section 1

<b>Transmittal:</b>	16-ADM-04
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports
<b>Date:</b>	April 18, 2016
<b>Subject:</b>	Temporary Assistance Budgeting: 2016 Earned Income Disregard and Poverty Level Test
<b>Suggested Distribution:</b>	Temporary Assistance Directors SNAP Directors Staff Development Coordinators Employment Coordinators WMS Coordinators Fair Hearing Staff Medicaid Staff TOP Coordinators
<b>Contact Person(s):</b>	Temporary Assistance (TA) Bureau: 1-800-343-8859, ext. 4-9344 SNAP Bureau: 1-800-343-8859, ext. 3-1469 Metropolitan Field Support Bureau: 212-961-8207 Medicaid (MA) Upstate: 518-474-8887; New York City: 212-417-4500
<b>Attachments:</b>	None
<b>Attachment Available Online:</b>	<input type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
97 ADM-23		352.18	SSL 131-	TASB Chapter	ABEL
98 ADM-10		352.19	a(8)(a)(iii)	18, Section J	Transmittal 16-1
99 ADM-03		352.20			
00 ADM-03		352.3(a)-(d)			GIS 01
01 ADM-05		352.8(b)(1)			TA/DC049
02 ADM-05					
03 ADM-04					GIS 10
03 ADM-09					TA/DC014
04 ADM-03					
05-ADM-09					Federal
06-ADM-04					Register:
07-ADM-02					January 25,

08-ADM-01					2016
09-ADM-05					
11-ADM-02					
12-ADM-02					
13-ADM-03					
14-ADM-01					
15-ADM-02					

## Section 2

### I. Summary

This Administrative Directive (ADM) advises Social Services Districts (SSDs) that there is no change to the Earned Income Disregard (EID) for 2016; however, 2016 Federal Poverty Guidelines have changed.

Effective June 1, 2016, the EID will remain at 50%. SSDs must continue using the 50% EID for eligible cases with an Automated Budgeting and Eligibility Logic (ABEL) budget “From Date” of June 1, 2016, or later.

Effective June 1, 2016, the gross earned and unearned income of applicants for and recipients of Temporary Assistance (TA) cannot exceed the 2016 Federal Poverty Guidelines found in Section IV of this directive and at: <https://aspe.hhs.gov/poverty-guidelines>.

### II. Purpose

This directive advises SSDs that effective June 1, 2016, the EID remains unchanged at 50% and that the 2016 Federal Poverty Guidelines have changed and are found in Section IV of this directive and at: <https://aspe.hhs.gov/poverty-guidelines>.

### III. Background

The Welfare Reform Act of 1997 (WRA) required the use of a new budgeting methodology employing a flat percentage EID. The EID is applied to the difference between the eligible applicant or recipient’s gross income and the \$90 work expense disregard. SSL 131-a(8)(a)(iii) requires the Office of Temporary and Disability Assistance (OTDA) to adjust the EID annually, effective June 1 each year, to reflect the most recently released federal poverty guidelines.

The WRA also imposed a Poverty Level Income Test that requires a household’s total gross earned and unearned income to be at or below the federally established poverty level by family size. This test applies only to persons living in situations subject to the maximum shelter allowances set forth in 18 NYCRR § 352.3(a)-(d) and 352.8(b)(1).

The Center for Employment and Economic Supports (CEES) issues an update to the threshold on an annual basis.

#### IV. Program Implications

The EID remains unchanged at 50%, effective June 1, 2016. SSDs must continue using the 50% EID for cases with ABEL budgets effective June 1, 2016 or later. The eligibility criteria for a TA household to receive the EID are unchanged.

However, EID is only available from earned income up until earnings equal the poverty level. This means that individuals living temporarily in hotel/motels, domestic violence shelters, AIDS housing, congregate care facilities, etc. will only receive the EID from earnings up until the poverty level.

Effective June 1, 2016, the Poverty Level Income Test limits will change. Beginning on that date, the gross earned and unearned income of applicants for and recipients of TA cannot exceed the 2016 Federal Poverty Guidelines as published in the Federal Register, and available at:

<https://aspe.hhs.gov/poverty-guidelines>

#### 2016 Federal Poverty Guidelines

Size of Family Unit	Annual Poverty Guidelines
1	\$11,880
2	\$16,020
3	\$20,160
4	\$24,300
5	\$28,440
6	\$32,580
7	\$36,730
8	\$40,890
Additional Person	\$ 4,160

#### V. Required Action

##### Applicants

Effective June 1, 2016, an applicant's eligibility for TA must be determined without application of the 50% EID unless the applicant has received TA for any one of the four months preceding the date of the current application.

##### Recipients

Effective June 1, 2016, a recipient's continuing eligibility for TA must be determined with the application of the 50% EID.

In addition, SSDs must manually re-budget any TA cases with earned income that are residing in any of the living situations stated in Section III, as the increased poverty levels may mean an increase to their TA deficit.

## **VI. Systems Implications**

### Rest of State (ROS)

#### ABEL

To determine an applicant's eligibility for TA, workers must use ABEL Disregard Indicator code "1-If Eligible, Give Disregard", unless the applicant has received TA for any one of the four months preceding the date of the current application. If the applicant has received TA for any one of the four months preceding the date of the current application, workers must use ABEL Disregard Indicator code "2-Calculate With Disregard".

If an applicant is determined eligible for TA using ABEL Disregard Indicator code "1-If Eligible, Give Disregard," the code must be manually changed to "2-Calculate With Disregard".

#### MRB/A

There will be no MRB/A for EID. However, the new poverty levels for the Poverty Level Income Test will migrate on April 9, 2016, and will be available on April 10, 2016 for budgets with "Budget From" dates of June 1, 2016 or later.

#### New York City (NYC)

There will be no mass re-budgeting (MRB) for EID. However, the new poverty levels for the Poverty Level Income Test will migrate on May 21, 2016, and will be available on May 23, 2016 for budgets with "Budget Effective" dates of June 1, 2016 (6/A/16) or later.

## **VII. Additional Information (Optional)**

### Supplemental Nutrition Assistance Program (SNAP), Implications

SNAP households continue to receive a 20% earned income disregard from their gross earned income. Please note that the Federal Poverty Limit Guidelines do not change for the SNAP Program on June 1st. SNAP Poverty Limit changes will be adjusted October 1st, as usual.

#### Medicaid Implications

There are no Medicaid implications.

**VIII. Effective Date**

June 1, 2016

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**Issued By**

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**Title:** Deputy Commissioner  
**Division/Office:** Center for Employment and Economic Supports