

## Temporary Assistance Questions & Answers

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## **BUDGETING**

1. Q. If a case is budgeted as a cooperative (co-op) case and a lump sum is received, does the lump sum apply to all cases involved in the co-op?

A. The answer depends on whether or not the recipient who received the lump sum is legally responsible for anyone in the other case(s) involved in the co-op. If the recipient who received the lump sum is legally responsible for anyone in one of the co-op cases, the lump sum must be applied to the recipient's case in addition to any other case that contains an individual for whom the recipient is legally responsible. If the individual who received the lump sum is not legally responsible for anyone in the other case(s) involved in the co-op, the lump sum would apply to the case in which the recipient who received the lump sum payment is active. The remaining case(s) that are part of the co-op must be re-budgeted to reflect the closing of one case of the co-op. Social Services Districts (districts) must also consider the lump sum set aside policy. *For more information on Lump Sum Set-Asides see [03 ADM-10](#).*

2. Q. Can a Temporary Assistance (TA) recipient who owns his or her own home charge room and/or board to another non-relative TA recipient?

A. Yes. These cases must be budgeted in accordance with co-op budgeting procedures or budgeted according to emergency housing guidelines.

## **CHILD SUPPORT**

3. Q. How would a IV-D sanction be imposed against an SSI parent when the children who are currently in receipt of TA, are being placed in Foster Care with the intent to return the children to the parent?

A. Since the intent is to return the children to the home, the case must remain open to provide shelter and fuel allowances for the children. As the parent is SSI and there is no active individual on the TA case, a bottom line budget must be completed and a manual notice must be sent. *For more information, see [91 ADM-1](#).*

For example: An SSI mother and her two children are active TA in Albany County. Their rent is 650.00 and they heat with natural gas. The SSI mother is determined non-compliant with child support and must be sanctioned at the same time the two children are placed in foster care with the intent to return the children to the mother. The TA case must remain active to provide the shelter and fuel allowances for the two children. Since the SSI mother is not active on the case the TA worker completes a bottom line budget. The bottom line budget would reflect total needs of 277.00 (shelter allowance of 219.00 and fuel allowance of 58.00 for the two children) which is then reduced by 25% due to the child support sanction. The monthly TA grant is 207.75 (277.00 – 69.25).

## **DISTRICT OF FISCAL RESPONSIBILITY (DFR)**

4. Q. When a district places an applicant/recipient (A/R) in a hotel/motel in another district and the hotel/motel rents rooms on a monthly basis, is the A/R considered to have permanent housing?

A. No, hotel/motels are considered temporary housing and must never be considered permanent housing for DFR. When a district places an A/R in a hotel/motel in another district the DFR is the district that placed the A/R. *For more information, see [06 ADM-07](#).*

5. Q. A TA recipient who is a resident of district A enters a medical facility for inpatient treatment in district B. The treatment facility finds the recipient an apartment in district B, and the recipient decides to live in district B with no intention of returning to district A. Which district is the DFR?

A. This is a question that highlights the distinction between the medical rule, Social Services Law (SSL) 62.5 (d), and temporary absence which is only in Office regulation (18 NYCRR 349.4). Temporary absence allows for a change in DFR when an A/R changes residence; however, the medical rule takes precedence over temporary absence. Therefore, in this scenario where the medical rule applies, district A has continuing responsibility until there is a break in need, meaning the recipient is not in receipt of TA and/or MA for a calendar month. *For more information on DFR and the medical rule see [97 INF-6](#).*

6. Q. A homeless A/R from district A is placed in a THA facility in district B, then fails to comply and has both the THA is discontinued and the TA closed by district A. If the client reapplies in district A a few days later when still homeless, what district is the DFR for the THA costs?

A. District A. When a “from” district places a client in need of THA in another district, the from district is responsible (presuming eligibility exists) for any THA costs that might arise until such time as the client obtains permanent housing in the where-found district.

7. Q. A homeless A/R from district A is placed in temporary housing in district B. Which district is responsible for security costs if the homeless A/R discontinues THA and moves into permanent housing?

A. The placing district (district A) is responsible as the security costs arise out of the initial placement.

## **DRUG & ALCOHOL (D/A)**

8. Q. Must an A/R 60 years of age or older be screened for D/A?

A. Yes, all heads of household regardless of age and all adult household members 18 years of age and older must be screened for D/A. Based on this screening, if warranted; the A/R must be referred for an assessment to determine if D/A treatment is appropriate.

9. Q. Can district require that an A/R receive D/A treatment from a provider located within their district?

A. Yes, the district can require in-district treatment provided an appropriate treatment program is available. In determining whether an appropriate treatment program is available locally, it is essential that the district's Credentialed Alcohol and Substance Abuse Counselor (CASAC) communicate with the in-district treatment provider and with the out-of-district treatment provider to assure that adequate arrangements can be made for in-district treatment. In the event there is a disagreement between professional staff in

the district requiring the individual to return, and the out-of-county treatment providers staff, the former will be responsible for the final decision on whether the in-district care is adequate. D/A professional staff in the district requiring an individual to return must carefully document the basis for their final decision. *For more information, see 99 INF-19.*

10. Q. Can a CASAC Trainee (CASAC-T) perform D/A assessments?

A. No. Per the Office of Alcohol and Substance Abuse Services (OASAS), a CASAC-T cannot independently perform assessments. In very rare situations, CASAC-T's may conduct D/A assessments on a time-limited bases if the CASAC-T's results are signed off on by a fully credentialed, supervising CASAC. However, the use of a CASAC-T in this capacity would require prior approval by OASAS.

### **EMERGENCY ASSISTANCE FOR ADULTS (EAA)**

11. Q. Is the ability to pay on-going future rent an eligibility requirement for a rental arrears payment for all programs including EAA?

A. No, the ability to pay on-going future rent is an eligibility requirement for Emergency Assistance to Families (EAF) & Emergency Safety Net Assistance (ESNA); it is not a requirement of EAA.

12. Q. Can a district make payments for EAA on a Supplemental Nutrition Assistance Program (SNAP) or Medicaid (MA) case?

A. Yes, if the district has a plan in place to make such payments. [03 ADM-8](#) explains how to submit such a plan.

13. Q. If EAA is paid through a SNAP or MA case does it eliminate the need for an [LDSS-2921](#) "NEW YORK STATE APPLICATION FOR CERTAIN BENEFITS AND SERVICES"?

A. No, applicants for EAA must still complete and file an LDSS-2921.

14. Q. Is there a regulation that provides authority for a district to require an SSI individual to petition for a representative payee due to frequent misuse of SSI funds?

A. Per 18 NYCRR 397.5 (c), cash which has been lost or mismanaged by a person who by reason of advanced age, illness, infirmity, mental weakness, physical handicap, intemperance, addiction to drugs, or other cause has suffered substantial impairment of his ability to care for his property shall be replaced. When such assistance is granted, a referral shall be made for adult protective services (APS) for an evaluation and determination of the need for protective services and a representative payee.

### **ENERGY**

15. Q. Is there any limit to how many times an SSI recipient can apply for emergency utility assistance?

A. No, an SSI individual may apply as often as necessary. There is no management test or repayment agreement required for individuals receiving assistance with utility arrears through EAA.

16. Q. When calculating utility arrears for a Non-TA (NTA) or an SSI applicant, should the district deduct personal payments the NTA or SSI applicant made? For instance, if a 4-month arrearage for an NTA or SSI applicant is \$1,200.00 and during the 4-month period, the applicant made a 200.00 payment, would the district pay only \$1,000?

A. No, the district would pay the entire \$1,200 of a 4-month arrearage for an NTA or SSI applicant. The Public Service Commission (PSC) allows utility companies to apply customer's payments to any time period for which money is owed so an NTA or SSI customer's payment is not necessarily placed on the current bill. Therefore, in the example above the district must pay the full \$1,200. *For more information, see [GIS 15 TA/DC012](#).*

17. Q. When calculating the utility arrears for a TA recipient, should the district deduct personal payments the TA recipient made? For instance, if a 4-month arrearage for a TA recipient is \$1,200.00 and during the 4-month period, the TA recipient made a \$200.00 payment, would the district pay only \$1000.00?

A. Yes, the district would pay \$1,000.00 of the \$1,200.00 owed for the 4-month arrearage period for a TA recipient. This is because payments must not be made which duplicate assistance already granted, and the \$200.00 paid by the TA recipient during the arrears period is considered to be from assistance granted. *For more information, see [GIS 15TA/DC012](#).*

18. Q. How does a district calculate utility arrears in shared meter situations?

A. In situations where the applicant is the owner of the property, the tenant has a written agreement with the landlord regarding the shared meter, or the utility is not PSC regulated, the arrears payment is prorated by the number of residential units. If the shared meter is for an area which is uninhabited, the district should attempt to obtain an estimate from the utility provider of the applicant's proportionate share of the arrears. If the usage for space outside the applicant's dwelling is minimal, the entire bill may be paid. If the applicant who has a shared meter has service provided by a PSC regulated utility provider, a "Request for Shared Meter Investigation" must be filed with the utility provider prior to the issuance of any arrears payment.

19. Q. A district calculates that the 4-month arrearage payment necessary to prevent the disconnection of an NTA applicant's utility service totals \$1800. The district determined the customer has \$1,000 in available resources to apply towards alleviating the emergency. When the district contacts the utility company to issue the guarantee for payment of the 4-month arrearage, the utility company states they will only accept the entire \$1800. What action should the district take, and how much should they pay the utility company?

A. The district will need to communicate with the utility company. NTA customer payments made during an arrears period are not deducted by the district when calculating the total arrears to be paid on behalf of an NTA applicant, so the 4-month arrears total which must be paid is \$1,800.00. However, the applicant must apply his available resources towards alleviating his emergency. The district will need to communicate to the utility that while the

full \$1,800 4-month arrearage is being paid, \$1000 will be coming directly from the customer, and the remaining \$800 will be coming from the district.

Each utility has its own system for districts, and it is possible that a utility company's computer system will not support this type of distinction between sources of payment. Therefore, in such instances, it is recommended that districts communicate directly with their utility company's designated district liaison to resolve any complexities.

See GIS [15TA/DC012](#) for additional information on the calculation of utility arrears when TA, HEAP, and/or customer payments have been made.

20. Q. A household seeking emergency assistance for utilities must have repaid a prior re-payment agreement or be current in their payments on a re-payment agreement in order to receive utility arrears assistance. In some instances, households have more than one prior re-payment agreement (usually acquired during a moratorium/cold weather period.) Does a household have to be current on both repayment agreements prior to becoming eligible for additional utility arrears assistance?

A. Applicants who have received utility arrears assistance with the condition that such assistance must be repaid are ineligible to receive subsequent utility arrears assistance if they fail to repay, or have failed to make payment in accordance with the schedule(s) set forth in the re-payment agreement(s) as of the date of application for such subsequent assistance.

The only exceptions are if the applicant meets one of the three following conditions:

1. The applicant is receiving FA, SNA, or SSI (or additional state payments) on the date of the request for subsequent utility arrears assistance.
  2. The applicant's gross monthly household income is below the TA standard of need on the date of application for subsequent utility arrears assistance.
  3. The district has utilized the option to suspend the enforcement of utility repayment agreements during the cold weather period for households defaulting on an existing utility repayment agreement and applying for assistance with a current utility (natural gas and/or electricity) related emergency. For the purpose of this suspension only, the cold weather period is defined as November 1st of each year and ending April 15th of the following year (see [09-ADM-17](#)).
21. Q. If a non-cash SNA (case type 12 and 17) recipient has a utility disconnect notice, and is found eligible for a 4-month arrearage payment and 6-month guarantee, can the district restrict the payment to the utility company before restricting the shelter payment, so that the guaranteed payment to the utility comes out of the recipient's grant before the shelter costs?

A. No. non-cash SNA case types 12 and 17, have mandated grant restrictions prescribed in regulation. In accordance with 18 NYCRR § 370.4(b)(2)(ii), the shelter must be restricted first followed by fuel and domestic energy. Because mandated SNA grant restrictions supersede all methods of grant restriction utilities cannot be restricted before shelter assistance even if a recipient has a utility disconnect notice. *Additional information can also be found in [99-LCM-20](#) and [99-INF-13](#).*

22. Q. Does the district need to obtain the written permission from a non-cash SNA recipient in order to restrict the entire amount of a heat only utility bill when there has been a 4-month arrearage payment made to the utility heat account?

A. No. When the A/R of non-cash SNA is in a shut-off situation, the district will not need the written permission of the non-cash SNA A/R in order to pay the entire heat-only bill. A letter of guarantee must be used to guarantee the amount in excess of the restricted payment. The amount of payment authorized in excess of the restricted amount is subject to recoupment.

23. Q. Is money from an Earned Income Tax Credit (EITC) exempt for energy emergencies?

A. No. Money from an EITC is not exempt for energy emergencies. Per [13-ADM-02](#), EITC, non-EITC tax credits or a refund which are determined exempt resources must be used to mitigate any emergency before the use of emergency assistance.

## **COMPANION/SERVICE ANIMALS**

24. Q. What is a service dog?

A. The Americans with Disabilities Act (ADA) defines service animals to include dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include, but are not limited to guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, or calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack. Service dogs are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.

25. Q. Must a district house a service dog in temporary housing with its owner?

A. Yes. Blind, hearing impaired or disabled persons who maintain guide/service dogs must be provided temporary housing that accommodates both the A/R and the dog.

26. Q. Is a district allowed to request verification that a dog is a trained service dog?

A. There is no official service dog certification. A dog may be trained by a trainer or by the owner. The key is that the dog performs a task for disabled persons that is directly related to the person's disability. No verification is needed if the dog's service tasks are obvious, such as observing a dog guide a blind individual or pulling a person's wheel chair. If the dog's task(s) is not visible, then the owner can attest to the task performed.

Note: A Physician's note does not make a dog a service animal; the dog must perform a specific task directly related to the person's disability.

27. Q. Must a district house pets that are solely companion or emotional support dogs in temporary housing with their owner?

A. No, only those animals that qualify as service dogs that are trained to perform a task for disabled persons must be housed in temporary housing with their owner. Dogs whose sole function is to provide comfort or emotional support do not qualify as service dogs. District staff should be aware, however, that some tasks performed by service dogs may involve emotional support functions (like calming a person with PTSD during an anxiety attack) but the dog may still be considered a service dog so it is important to make the distinction between service animals and pets. Although a district is not required to house a dog that does not qualify as a service dog in temporary housing with its owner, many hotels are dog friendly and do not charge additional costs for housing a pet. A district also may need to consider requests for reasonable accommodations in situations where persons with disabilities use (or seek to use) dogs that are not individually trained or animals other than dogs as assistance animals in temporary housing.

28. Q. Can a district house a pet that does not qualify as a service dog in temporary housing with its owner?

A. A district may house a pet in temporary housing with its owner. Although a district is not required to house a pet that does not qualify as a service dog in temporary housing with its owner, many hotels are pet friendly and do not charge additional costs for housing a pet.

29. Q. Can a district include in an Independent Living Plan (ILP) that no pets are allowed in a temporary housing placement?

A. A "no pets" statement is not appropriate for an ILP because an ILP is a tool intended to move an A/R toward permanent housing. If a temporary housing facility, including hotels and motels, has a no pets allowed policy then the THA facility must enforce its own rules.

## **OVERPAYMENTS**

30. Q. A household has a TA overpayment and it is being recovered by recoupment from its TA grant. The TA case is later discontinued. The household re-applies and begins receiving TA. Can the district start recouping the overpayment again without re-noticing the household? Does it make a difference if the overpayment claim is over 10 years old?

A. There is no time limit prohibiting the recoupment from a TA grant. When a case is reopened and is found to have an outstanding overpayment, the overpayment can be recouped from the TA grant, without a new notice, only if the household was previously given notice advising the household of the type, reason, time period and amount of the overpayment. If the household was previously given notice with this information, then the worker would enter CNS code "L92: Restart Previously Notified Recoupment" which will include the proper CNS language.

## **LIENS**

31. Q. Why would a district subordinate its rights to a real property lien?

A. A district may choose to subordinate its rights to a real property lien when the homeowner seeks modification to an older, pre-existing mortgage, such as refinancing a mortgage or changing a home equity loan. In such cases, it may be to the advantage of



the district to subordinate its rights to a real property lien so that the homeowner can maximize his or her chances of retaining affordable housing, or otherwise lowering his or her monthly expenses. This promotes self-sufficiency and potentially facilitates the A/R avoiding the need to seek further assistance.

32. Q. A homeowner signed a real property lien prior to May 30, 2014 and received TA. The TA case is later closed and the real property lien remains unsatisfied. After a time, the homeowner reapplies for TA. Must the district require the homeowner to sign the [LDSS-5041: Lien Acknowledgement](#)?

A. No. Since the real property lien was signed by the homeowner and filed prior to May 30, 2014, the district would not require the homeowner to sign the LDSS-5041. The requirement to sign the LDSS-5041 is only for real property liens from May 30, 2014 and forward.

33. Q. If a homeowner signed a lien/mortgage after May 30, 2014, but did not sign LDSS-5041; can it be mailed to the recipient at this time?

A. Yes, the LDSS-5041 can be mailed to the homeowner for him or her to sign and return to the district. The 10-year look back period will start from the date the homeowner signed the LDSS-5041, not the date the homeowner signed the lien/mortgage.

34. Q. Must all real property owners sign an LDSS-5041? For example, a wife applies for TA and owns a home jointly with her spouse, who is not currently residing in the home.

A. If both property owners are applying for or in receipt of TA, then both must sign. If only one of the two property owners are applying for or in receipt of TA, then only that individual must sign the LDSS-5041.

35. Q. Can a household be sanctioned if the property owner fails to sign a LDSS-5041?

A. Yes. Procedures for use of the form, as well as outcomes of noncompliance, can be found in [15-ADM-05-T](#): "Recovery of Liens and Requirement to Provide Biennial Accounting".

36. Q. Is the check date/payment date or date of service used when determining what TA payments are used in the calculation of the amount owed on a real property lien?

A. The check date/payment date must be used when calculating the amount of TA owed on a real property lien.

37. Q. Can a district recover TA received by a household, if the A/R did not own the home during the entire 10-year look back period?

A. SSL 106 allows districts to look back ten years to recover any assistance and non-assistance TA payments made to the household, even if the A/R did not own the real property for the entire 10-year look back period. The district has the option to recover for the 10-year look back period or to initiate the real property lien for a specific payment made to the household.

38. Q. Is a district obligated to go back 10 years prior to the date the lien/mortgage was signed/lien acknowledgement signed?

A. Districts have the ability to go back 10 years, but it is not a requirement. Districts may use a real property lien to recover only a specific payment, if they choose.

39. Q. If the district has a real property lien on a home that is now in tax auction or foreclosure and the real property lien has not been repaid, can the district still recover or is the real property lien automatically discharged?

A. The real property lien remains active. When the property is sold, payment on all judgments (liens) against the property must be satisfied. At this time the district, along with other lienholders, will be paid accordingly. Due to the nature of a tax auction or foreclosure, the full value of the lien may not be satisfied.

40. Q. What happens if records were lost prior to 2010 due to a fire?

A. Districts must have documentation to support the calculation of the amount of TA owed on a real property lien. This includes documentation of all TA payments and recoveries. If the district does not have documentation, then the district cannot recover for any period that documentation is missing or unavailable.

## **MCKINNEY-VENTO**

41. Q. Can the school where a homeless student attended pre-kindergarten (Pre-K) be considered the students school district of origin?

A. Yes. School district of origin includes a homeless student's Pre-K placement.

42. Q. Are districts responsible to transport homeless students to their Pre-K placement?

A. If the district places the student outside of their Pre-K school district, the district is required to provide transportation to and from the student's Pre-K placement.

43. Q. School districts may affirm that a homeless student and his/her family meet HUD's definition of homeless and are eligible for HUD's various homeless assistance programs. If a school district has affirmed that a student meets the HUD definition of homeless, does this mean that the student and their family are automatically eligible for TA?

A. No. If a student and family are affirmed by the school district as meeting the HUD definition of homeless and are in need of emergency and/or on-going TA, the household must still submit an application and comply with all TA eligibility requirements in order to receive assistance.

44. Q. Must a district continue to transport a student to and from school after he/she becomes permanently housed?

A. No. The districts responsibility to provide transportation to and from school ends once the student becomes permanently housed. However, once the student is permanently housed, the school district is responsible to provide transportation to and from school for

the student until the end of the school year during which the student transitions from temporary to permanent housing. It is strongly suggested and encouraged that the district work with the school district during the transition from district responsibility to school district responsibility so that transportation for the student is not interrupted during the transition.

## **GENERAL**

45. Q. If an individual wish to submit an application for emergency assistance, but the district has determined he or she does not have an immediate need, is it correct for the district to direct the individual to apply at a later date?

A. No, an individual has the right to submit an application at any time. Districts are required to respond to an applicant's declaration of an emergency/immediate need at the time of application for TA. The district must accept the application, assess the emergency situation and if an immediate need is determined to exist meet the immediate need the same day the applicant applies. Districts are required to provide notification of an eligibility decision with a [LDSS-4002](#) "ACTION TAKEN ON YOUR REQUEST FOR ASSISTANCE TO MEET AN IMMEDIATE NEED OR A SPECIAL ALLOWANCE" regardless of whether or not the district determines an immediate need exists. An individual's right to apply and be interviewed for TA must not be denied, limited or discouraged.

46. Q. How are districts notified that there is a Resource File Integration (RFI) pending?

A. RFI management reports may be accessed through WMS which provide detailed information and are valuable tools that can be used to notify workers of an unresolved RFI match. See [14-INF-05](#) for more information.

47. Q. Are district staff mandated to complete the Department of Labor (DOL) Unemployment Insurance (UI) Confidentiality Training annually?

A. Yes, per the Memorandum of Understanding (MOU) between OTDA and DOL, all district staff with access to UI information are required to complete the Unemployment Insurance Confidentiality Training each year.

48. Q. Is a district able to pay late fees when a TA A/R requests assistance to pay shelter arrears and the shelter arrears include late fees?

A. No, regulations only allow for payment of rent, property taxes or mortgage arrears. There is no authority to pay additional fees including late fees, legal fees or penalties.

49. Q. What is the definition of short-term assistance for EAF?

A. EAF cannot extend beyond four (4) months. See [14-LCM-01](#) for additional information.

50. Q. What category of assistance can be used to meet an emergency or immediate need when a non-parent caregiver receives SSI and a child lives in the household?

A. EAA is used to meet the emergency or immediate need. Using the EAA category of assistance is beneficial to the household because EAA payments are not subject to

recovery, including repayment agreements. If the emergency or immediate need cannot be met under EAA then EAF or ESNA can be utilized to meet the need, if otherwise eligible.

51. Q. What category of assistance can be used to meet an emergency or immediate need when a child in receipt of SSI lives in the household with a non-parent caregiver who is not in receipt of SSI?

A. EAF or ESNA can be used to meet the emergency or immediate need. EAA would only be utilized if the non-parent caregiver received SSI.

52. Q. Must a district offer the National Voter Registration Act (NVRA) form for voter registration when a recipient submits a [LDSS-3668](#) SHELTER VERIFICATION form for a new address?

A. No, the LDSS-3668 is intended for and completed by the landlord and is not considered a change of address form. Although there is no state-wide change of address form, a district that utilizes a local change of address form should note on its local form that the A/R was advised of the availability of NVRA services at the time the change of address form was initiated. *For more information, see GIS [16TA/DCO43](#).*