



Office of Temporary and Disability Assistance

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Administrative Directive Memorandum

Section 1

Transmittal:	18-ADM-05
To:	Social Services District Commissioners
Issuing Division/Office:	Integrated Family Assistance Programs / Employment and Income Support Programs
Date:	August 16, 2018
Subject:	30 Percent Income Contribution for Individuals Diagnosed with Acquired Immune Deficiency (AIDS) or Human Immunodeficiency Virus (HIV) and Changes to Maximum Amounts Allowed for Emergency Shelter Allowances (ESA)
Suggested Distribution:	Temporary Assistance Directors SNAP Directors Employment Coordinators WMS Coordinators Fair Hearing Staff Medicaid Staff
Contact Person(s):	Temporary Assistance Bureau: (518) 474-9344 SNAP Bureau: (518) 473-1469 Metropolitan Field Support Bureau: (212) 961-8184 or (212) 961-8185
Attachments:	Attachment A: 30% Income Contribution - District Plan Attachment B: 30% Income Contribution/Fair Market Rent for Emergency Shelter Allowance - Manual Budgeting Calculation Examples Attachment C: Quarterly Report for 30% Income Contribution/Fair Market Rent for Emergency Shelter Allowance
Attachment Available Online:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
90 ADM-8 09-ADM-03 99 LCM-20 14-LCM-15	N/A	18 NYCRR 352.3(k)	SSL Section 131-a, 15 Public Health Law § 2782	N/A	GIS 17 TA/DC006

Section 2

I. Summary

This Administrative Directive (ADM) informs social services districts (districts) of amendments to Social Services Law (SSL) § 131-a which provides districts the option to cap applicant/recipients (A/R) contributions toward their monthly shelter costs to thirty percent (30%) of their monthly gross earned income, prior to applying appropriate disregards, and/or unearned income. This budgeting methodology is only for A/R of Temporary Assistance (TA) who have a medical diagnosis of Acquired Immune Deficiency (AIDS) or Human Immunodeficiency Virus

(HIV) infection as defined by the AIDS Institute of the State Department of Health. Currently, this policy is optional and districts that want to participate must submit a plan to the Office of Temporary and Disability Assistance (OTDA). The submitted plan must be approved by OTDA and the New York State Division of Budget (DOB) prior to implementation.

In addition, the ADM provides guidance to districts on how to opt into the 30% income contribution; how to submit a plan for approval by OTDA and DOB; the required manual budgeting process; manual notice requirements and required data to be reported to OTDA.

Districts are reimbursed for costs associated with the policy option based on the category of assistance. The current reimbursement rate for Family Assistance is 100% Federal reimbursement, and Safety Net Assistance is reimbursed at 29% State reimbursement.

A provision in the SFY 2018-19 State Budget updates the guidance in 18 NYCRR 352.3(k) regarding the Emergency Shelter Allowance (ESA). The law provides an option for districts to provide A/R's that are medically diagnosed as having AIDS/HIV, with a shelter allowance up to the district's current Fair Market Rent (FMR).

II. Purpose

The purpose of this ADM is to inform districts of amendments to SSL § 131-a, and to provide guidance on:

- District option to provide Emergency Shelter Allowances (ESA) up to each district's current FMR;
- District submission of plans as well as OTDA and DOB approval of plans for 30% Income Contribution and ESA up to FMR;
- TA A/R eligibility requirements for the 30% income contribution option;
- Manual budgeting methodology required to determine an AIDS/HIV A/R's 30% income contribution amount to be paid toward actual monthly shelter expense;
- Manual notices needed to inform TA A/R of decisions related to the 30% income contribution option; and,
- Required data for reporting to OTDA.

III. Background

Social Services Law § 131-a (15) was added to allow districts an option to limit the contribution required of A/Rs of TA who are diagnosed with AIDS/HIV and have earned and/or unearned income, to 30% of their monthly gross earned and/or unearned income towards their actual monthly shelter costs.

Additionally, State Budget language now allows districts the option to provide A/Rs who are medically diagnosed as having AIDS/HIV, with an ESA up to a district's current FMR.

Districts must submit plans to OTDA and obtain approval from OTDA and DOB prior to implementing either or both provisions outlined above.

Additional information regarding the ESA for AIDS/HIV individuals can be found in [09-ADM-03](#) "Change to the AIDS/HIV-related Illness Emergency Shelter Allowance" and 18 NYCRR 352.3(k).

IV. Program Implications

SSL § 131-a (15) provides districts the option to limit an A/R's contribution toward his or her actual monthly shelter expenses to thirty percent (30%) of his or her monthly gross earned income, prior to applying appropriate disregards, and/or unearned income. This 30% income contribution option is limited to an A/R who is medically diagnosed as having AIDS or HIV.

State Budget language provides districts with the option to provide an ESA to an A/R who is medically diagnosed as having AIDS/HIV, with a shelter allowance maximum of up to the district's current FMR. The current ESA has a maximum of \$480 for the first person medically diagnosed as having AIDS/HIV and \$330 for each additional household member. See 18 NYCRR 352.3(k).

Districts are not mandated to opt into the 30% income contribution and/or the new ESA provisions. Districts that opt for the 30% income contribution and/or the new ESA provisions, must agree to adhere to procedures outlined in this directive including submitting a written plan for approval by OTDA and DOB.

V. Required Action

A. Plan Submission/Approval

Districts that opt into the 30% income contribution provision and/or the FMR for ESA provision, must complete and submit "Attachment A: 30% Income Contribution/Fair Market Rent for Emergency Shelter Allowance – District Plan" for OTDA and DOB approval prior to implementation. The completed plan is to be sent to:

Office of Temporary and Disability Assistance
Employment and Income Support Programs
40 North Pearl Street, Floor 11C
Albany, NY 12243

A district cannot begin either provision prior to receiving approval from OTDA and DOB.

B. Eligibility for 30% Income Contribution

1. A TA A/R must be otherwise eligible for TA to participate in 30% income contribution.
2. A/Rs who have been medically diagnosed as having AIDS/HIV are eligible for the 30% income contribution. However, due to the confidentiality of health information, individuals must first self-identify they have been medically diagnosed as having AIDS/HIV. There is no change in the confidentiality policy; therefore, districts must not ask A/Rs if they have AIDS/HIV.
3. Approved districts are not required to advise each A/R of TA of the availability of the 30% income contribution. Only those A/R who self-identify as having AIDS/HIV are required to be notified of the 30% income contribution.
4. Districts must request required medical documentation to support the A/R's self-identifying statement regarding AIDS/HIV status. For additional information on what is acceptable documentation of an individual's AIDS/HIV status, see "[90 ADM-8: Emergency Shelter Allowances for Persons with AIDS or HIV-related Illness Faced with Homelessness.](#)"

5. Districts must not approve a sanctioned A/R to participate in the 30% income contribution. This includes an A/R sanctioned for non-compliance with Child Support or those with a TA Intentional Program Violation (IPV).
6. Districts must complete a manual budget calculation to determine an A/R 30% income contribution amount to be used towards the payment of actual monthly shelter costs. When completing the manual budget, districts must use Shelter Type “20-Emergency Shelter Allowance” and input the household’s full shelter expense.

Shelter Type “20” is not capped at the district’s shelter allowance maximum amounts for household size. Instruction and examples for this calculation are found in Attachment B: “30% Income Contribution – Manual Budgeting Calculation”.

7. If the TA case has a recoupment, districts must reduce the shelter supplement by the monthly amount of the recoupment. An increased supplement cannot make up for an A/R’s reduced TA grant due to recoupment.
8. Districts must evaluate cases participating in the 30% income contribution for use of the appropriate fuel for heating and/or domestic energy restrictions. Cases that are on voucher payments for fuel for heating and/or domestic energy will not have a remaining deficit to restrict the appropriate amounts from their cash grant.

For cases that have fuel/energy restrictions due to administrative ease or have a voluntary restriction, districts have the option to place these cases on voucher with \$0 restricted and incur energy overpayments. Districts must place non-cash SNA cases on restriction, even if there is not a sufficient deficit remaining in the budget after the shelter payment is made. For more information on mandated SNA restriction, see [99 LCM-20](#): “Non-Cash Safety Net Assistance (SNA) Restriction Hierarchy and Available Restriction and Payment Options”.

9. Districts are advised that two separate shelter payments must be made for monthly shelter expenses; regular shelter payment using payment type “10-Shelter” or “46-Private Rent” and a separate payment using payment type “E5-Enhanced Shelter Allowance” for the 30% income contribution supplement amount.
10. Districts must authorize the 30% income contribution supplement payment directly to the landlord regardless of case type.
11. TA must not be discontinued when the TA recipient fails to pay his or her 30% contribution amount towards shelter costs. Nor can a sanction be imposed for failure of the recipient to pay their 30% contribution amount.

C. Fair Market Rent for Emergency Shelter Allowance

1. A/R’s who are TA eligible and medically diagnosed as having AIDS/HIV are eligible for an ESA. However, as stated in [09-ADM-03](#) “Change to the AIDS/HIV-related Illness Emergency Shelter Allowance”, an applicant/recipient must request the ESA.
2. Districts that opt to provide an A/R with an ESA **UP TO** the district’s current FMR, must complete “Attachment A: 30% Income Contribution/Fair Market Rent for Emergency Shelter Allowance - District Plan” prior to implementation. The completed plan is to be sent to the address listed in Section V.A.
3. The current ESA has a maximum of \$480 for the first person medically diagnosed as having AIDS/HIV and \$330 for each additional household member.

4. Districts can locate their current FMR rates at:

https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2018_code/select_Geography.odn

D. Notice Requirements

Districts must provide an appropriate notice of decision. The Client Notice System (CNS) is unable to accommodate notices for the 30% income contribution. Therefore, manual notices must be provided to A/Rs whose TA eligibility is determined using the 30% income contribution budgeting methodology. The notice must include the amount of the A/R's monthly shelter contribution, in addition to standard eligibility information provided to A/Rs as required in 18 NYCRR 358-3.3.

The following manual notices must be used to notify A/Rs of their 30% income contribution amount, together with their TA eligibility:

- [LDSS-4013A](#): Action Taken on Your Application: Public Assistance, Supplemental Nutrition Assistance Program (SNAP) and Medical Assistance Coverage (Rev. 5/16)
- [LDSS-4015A](#): Notice of Intent to Change Benefits: Public Assistance, Supplemental Nutrition Assistance Program (SNAP), Medical Assistance Coverage and Services (Timely & Adequate) (Rev. 5/16)

In addition, the language below must be included on the above-mentioned notices when advising A/Rs of the amount of their 30% income contribution:

“Your household must pay \$xxx.xx for housing. This payment includes a 30% income contribution amount that certain household member(s) must pay toward housing.”

There is no change regarding a district's requirement to provide notice, using CNS, regarding an A/R's ESA amount.

E. Required Reporting to EISP

Districts that opt into the 30% income contribution, are required to provide OTDA with data using Attachment C: “Quarterly Report for 30% Income Contribution/Fair Market Rent for Emergency Shelter Allowance”. This spreadsheet must be submitted within 30 days after the completion of a quarter. For example, the data for the quarter January – March must be submitted by April 30th.

Data can be sent in an e-mail to the Temporary Assistance Bureau mailbox at: otda.sm.cees.tabureau@otda.ny.gov.

Attachment A: “30% Income Contribution/Fair Market Rent for Emergency Shelter Allowance - District Plan” provides additional information on data elements required to be reported.

VI. Systems Implications

To assist in identifying cases that are budgeted using the 30% income contribution budgeting methodology, the Automated Budgeting and Eligibility Logic (ABEL) field “IND” allows for entry of code “H: 30% Income Calculation”. Once a TA budget is stored, the “IND” field displays as “SI” on the ABEL output screen.

Entry of code “H” must be completed when it has been determined a shelter supplement will be issued (see Attachment B: 30% Income Contribution – Manual Budgeting).

If an A/R is eligible for the 30% income contribution, but his or her income is not sufficient to generate a shelter supplement, districts must NOT enter “H” in the “IND” field in ABEL.

It is imperative that districts use the proper ABEL budgeting and BICS payment codes to insure correct identification of cases with the 30% income contribution budgeting methodology.

Districts must continue to use Shelter Type “20-Emergency Shelter Allowance” when providing an ESA. The amount of shelter cost entered into ABEL will be determined by a district submitted and approved plan.

VII. Supplemental Nutrition Assistance Program (SNAP) Implications

Shelter supplements, including those issued using the 30% income contribution budgeting methodology and FMR for ESA, are exempt as SNAP income.

VIII. Other

The 30% income contribution as described in this directive, is for Rest of State (ROS) districts only. New York City currently has an approved plan for a comparable budgeting methodology.

IX. Effective Date

This policy is effective immediately. Districts that opt to utilize the 30% income contribution and/or FMR for ESA, must submit a plan and receive approval from OTDA and DOB before beginning either provision in their district.

Issued By

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Title: Deputy Commissioner
Division/Office: Integrated Family Assistance Programs