

**Questions and Answers on the New York State Shelter
Arrears Eviction Forestallment (SAEF) Program**

Q1: Are districts required to submit a plan to the New York State Office of Temporary and Disability Assistance (OTDA) for review and approval in order to utilize the New York State Shelter Arrears Eviction Forestallment (SAEF) program funds outlined in [24-LCM-12](#)?

A1: The social services districts' (districts) plans for administering the program and determining eligibility do not need to be submitted to OTDA for approval. However, there are program requirements that must be followed which can be found in section III. B. of [24-LCM-12](#), under participant eligibility. Following the release of this Local Commissioners Memorandum (LCM), OTDA will be sending a survey to districts to learn about their SAEF program parameters, if they are prioritizing certain populations, whether they are contracting out, etc.

Q2: Are districts required to issue SAEF program payments on a first come first serve basis based on shelter arrears assistance denials under Emergency Assistance to Families (EAF) or Emergency Safety Net Assistance (ESNA) programs beginning on October 1, 2024?

A2: Districts may begin to assess for program eligibility effective October 1, 2024. While payments must be issued between October 1, 2024, through September 30, 2025, districts may issue SAEF program payments that cover an arrears period prior to October 1, 2024. For payments that cover an arrears period prior to October 1, 2024, the arrears owed must fall between October 1, 2023, through September 30, 2024. The SAEF program payments may cover up to six consecutive or non-consecutive months. SAEF program eligibility is based on current circumstances, not during the time when arrears were accrued.

For example, if a household has incurred arrears for the period of April 2024 through September 2024, a SAEF program payment may be issued for those arrears, if the household is determined otherwise eligible at the time when SAEF program eligibility is being determined. Districts must ensure households that are determined eligible are not issued more than six months of shelter arrears assistance under the SAEF program between October 1, 2024 through September 30, 2025.

While first come first serve will be appropriate for some districts, this may only be true within the parameters of a district's SAEF program plan, as some districts may choose to prioritize households in specific circumstances.

Q3: Do households have to fill out a separate application for the SAEF program, or is the LDSS-2921 application sufficient?

A3: The LCM does not mandate a separate application. Section III. B. of [24-LCM-12](#) indicates households must first apply for shelter arrears assistance under EAF or ESNA. As SAEF program funds can only be used when EAF and ESNA are not an option, households must be ineligible for both programs, in order to be assessed for SAEF program eligibility. However, these applications are not considered SAEF program applications. It is each district's responsibility to ensure households are aware of the SAEF program and evaluated for assistance through the SAEF program if they are income eligible for ESNA and/or EAF but denied due to failure to

meet one or more of the program requirements. Districts must document all of this information in the case record.

Districts may choose to have households complete a separate application for the SAEF program following an EAF or ESNA denial. OTDA has created a SAEF program application template that districts may use if they wish, which is provided as an attachment to this LCM.

Q4: [24-LCM-12](#) indicates districts must issue a determination letter to inform households if they are eligible for the SAEF program. If there is no mechanism in the Welfare Management System (WMS) to issue payments, will a manual notice need to be issued?

A4: Yes, households must be notified of the eligibility decision via a manual notice. OTDA has provided a SAEF program notice of determination letter template that districts may use for this purpose as an attachment to this LCM.

Q5: Do SAEF program households have fair hearing rights?

A5: SAEF program households do not have fair hearing rights on SAEF program eligibility. The manual notice that informs the household of the eligibility decision must include language advising households of their right to appeal the decision and districts must establish their own appeals process for SAEF program funds. A potential SAEF program household may, however, seek a fair hearing for the initial denial under EAF or ESNA.

Q6: What are the income eligibility requirements for the SAEF program?

A6: Households must meet the EAF or ESNA income eligibility requirements. This is not an area where districts have flexibility. For further guidance, please refer to section III. B. of [24-LCM-12](#).

Q7: Do districts have the option to set a resource limit for their SAEF programs, and do households have to pursue accessible and available community resources, prior to being evaluated for SAEF program eligibility?

A7: As long as the SAEF program requirements outlined in [24-LCM-12](#) are met, including any supplemental guidance, districts have discretion with setting resource limits under this program. Additionally, districts have the option to require households to pursue other available resources prior to evaluating for SAEF program eligibility.

Q8: Is a household that is unable to reasonably demonstrate an ability to pay future shelter expenses eligible for assistance under the SAEF program, if determined otherwise eligible?

A8: Yes, SAEF program payments may be issued to households who are unable to reasonably demonstrate an ability to pay future shelter expenses.

Q9: Can districts issue SAEF program payments to households that include an adult who receives Supplemental Security Income (SSI) benefits with a minor

child in the household, or households that apply for shelter arrears assistance who would first be evaluated under Emergency Assistance for Adults (EAA)?

A9: SAEF program funds can only be used when EAF and ESNA are not an option. Households must first be found ineligible for shelter arrears assistance under EAF and/or ESNA, prior to being assessed for SAEF program eligibility. An SSI household may be found ineligible for EAA, then evaluated under EAF and/or ESNA and still found ineligible. Such households could be considered for the SAEF program.

Q10: To receive a SAEF program payment, must households be threatened or faced with a formal eviction?

A10: A formal eviction threat is not a requirement of the SAEF program, but may be a requirement if the district's plan defines it as such. SAEF program funds are for services and expenses related to the payment of shelter arrears necessary to retain housing for certain households. Districts have the option to provide SAEF program payments to eligible households with shelter arrears that may not be threatened or faced with eviction. If households present documentation of a formal eviction, districts must evaluate and document it when making a SAEF program eligibility determination. Additionally, districts must ensure that the SAEF program payment will be accepted by the landlord to prevent eviction for a specified timeframe.

Q11: What is the timeframe a landlord must agree to not start eviction proceedings?

A11: This is an area of local discretion, and districts should work with landlords to determine a reasonable timeframe.

Q12: Can SAEF program funds be used for mortgage arrears, homeowners' association fees, legal and/or late fees?

A12: Yes, as long as the household can establish that those expenses are necessary to retain their housing.

Q13: If a household has two months' worth of shelter arrears and they are unable to demonstrate the ability to pay future shelter expenses, can the district provide assistance through the SAEF program, and then again a few months later when the household returns for assistance with an additional two months of shelter arrears?

A13: Yes, as long as the household's SAEF program eligibility is being determined each time the household is in need of shelter arrears assistance, and they are determined eligible each time based on their current circumstances, not during the time when arrears were accrued, the household may receive multiple SAEF program payments. The total amount of payments issued between October 1, 2024, through September 30, 2025 cannot exceed six months. The six months of SAEF program payments do not have to be consecutive or paid all at once; payments may be issued partially (less than six months of arrears assistance needed) or in full (all six months paid at once). Please see section III. A. of [24-LCM-12](#) for further guidance.

Q14: Is there a limit on the total number of months households may receive assistance under the SAEF program?

A14: Districts must ensure households do not receive more than six months of shelter arrears assistance under the SAEF program between October 1, 2024, through September 30, 2025.

Q15: If payments are not being made through WMS, does that mean households will not have a Public Assistance (PA) case on WMS?

A15: Not necessarily. Households could be in receipt of on-going PA. SAEF program payments cannot be issued through WMS, as the funding source for the SAEF program is not PA funds.

Q16: [24-LCM-12](#) indicates that certain SAEF program information must be maintained in a case record. As these cases are not on WMS, where may districts store such records?

A16: As SAEF program eligibility is based off of an EAF or ESNA application denial, the SAEF program files may be stored with the PA case record on I/EDR, or whatever local imaging system the district uses. This applies only to those districts who are handling their own SAEF program applications. For districts who opt to contract out their program, files must be kept separate from the PA case record.

Q17: As households often incur more than six months of shelter arrears, may districts issue a SAEF program payment to an eligible household, and use a different funding source to cover a separate period of shelter arrears that the SAEF program payment does not cover? Other funding streams include but are not limited to Solutions to End Homelessness Program (STEHP), Legal Services Housing Stability, Emergency Solutions Grants (ESG), EAF, ESNA, and local county non-reimbursable funds.

A17: The eligibility parameters for each funding source must be evaluated separately and met, prior to issuing payments under the respective programs. Arrears payments from different funding sources must never be for the same amount for the same time period.

Q18: If a household's current housing situation is not sustainable, can SAEF program funds be used to establish new housing that is affordable for a household?

A18: No, SAEF program funds must only be used for services and expenses related to the payment of shelter arrears necessary to retain housing for certain households.

Q19: There appears to be no cap on the dollar amount that can be paid in arrears under the SAEF program. In certain districts, households often have over \$30,000 owed in shelter arrears. What happens once a district has exhausted their allocation?

A19: While there is no cap on the amount of arrears that can be paid under the SAEF program, districts may establish local criteria regarding the use of their allocations and are responsible for ensuring that allocations are not exceeded. For

any districts that exhaust their allocations, OTDA requests that those districts track and report the number of households that may have qualified for assistance under the SAEF program to OTDA.

Q20: Was an award letter sent out for each district's allocation?

A20: [24-LCM-12](#), [Attachment A](#), serves as the district's award letter.

Q21: When and how will SAEF program funds be provided to districts?

A21: In accordance with section IV. of [24-LCM-12](#), district allocations will be paid as claims are submitted to substantiate payment.

Q22: Are the allocations included in [24-LCM-12](#), [Attachment A](#), one-time allocations, or will additional funds be provided?

A22: The 2024-2025 SAEF program allocations were made available in the New York State Fiscal Year 2024-2025 Budget. Funding for the SAEF program is subject to legislative enactment. It is unknown at this time whether additional allocations will be provided in the future.

Q23: Must districts administer a SAEF program and use the funds that were allocated to them?

A23: Districts are strongly encouraged to utilize the SAEF program allocations provided in [24-LCM-12](#). The intent of this funding source is to provide vital assistance to households who are income eligible for EAF or ESNA, but do not qualify for other reasons. Up to 10% of each district's SAEF program allocation is available to support the district's administrative costs, including any additional staffing needs related to determining SAEF program eligibility and issuing arrears payments.

Q24: How should districts identify the SAEF program expenses on the composite report for claiming purposes?

A24: These payments are not PA funded and cannot be issued and claimed through WMS. Therefore, they cannot be included on the composite report. Guidance on claiming expenditures for the SAEF program can be found under section III. E. of [24-LCM-12](#).

Q25: Section III. D. of [24-LCM-12](#) outlines the reporting requirements for the SAEF program. Will OTDA provide a program summation report template for districts to use?

A25: Districts are required to use the attached template (Attachment 3) when reporting the information to OTDA. The reporting elements included in the template provided replace the list of elements in the paragraph "Demographic information must include" in Section III. D. of [24-LCM-12](#). The template includes information that must be reported to OTDA, along with criteria that is optional for reporting purposes. Districts are still required to maintain the household-payment records outlined under Section III. D. of [24-LCM-12](#). As a reminder, districts must submit the required

reporting information to the OTDA Temporary Assistance (TA) Bureau by October 31, 2025, via email at: tabureau@otda.ny.gov.

Q26: Section III. D. of [24-LCM-12](#) includes language that encourages districts to track and include other characteristics of landlords and tenants in their program summation report. What are some examples of those other characteristics?

A26: Districts may wish to consider tracking data on households/tenants that receive SAEF program payments. Examples include: certain populations that may have higher needs, those that receive SSI, and/or Social Security Disability Income (SSDI).

Districts may wish to collect and report the number of landlords that received at least one payment, the number of landlords that were LLCs, the number of landlords with an address in the district, and the number of landlords with an address outside of New York State. Using the landlord names or business names, districts may also consider collecting and reporting information such as the number of landlords by number of properties owned, and whether there have been complaints against any of the landlords. In addition, districts could conduct interviews with landlords and report on those findings. Collecting and reporting this information to OTDA is optional.

Q27: Section III. B. of [24-LCM-12](#) indicates that one of the SAEF program eligibility requirements is that a household must meet the PA (Family Assistance (FA) or Safety Net Assistance (SNA)) citizenship/non-citizen status eligibility requirements. If a household includes a non-citizen member who does not have a non-citizen category/status that is satisfactory for PA benefit eligibility, can that household receive a SAEF program payment?

A27: As long as one household member meets the PA citizenship/non-citizen status eligibility requirements, and the household meets the EAF or ESNA income eligibility requirements and all other SAEF program eligibility requirements, the household can receive a SAEF program payment. As a reminder, the income of all the individuals that reside in the household, including those that may not have a non-citizen category/status that is satisfactory for PA benefit eligibility, must be counted in accordance with the EAF or ESNA income eligibility standards.