

GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

September 18, 2008

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TO: Commissioners; TA Directors; HEAP Directors

FROM: Russell Sykes, Deputy Commissioner, Center for Employment & Economic Supports

SUBJECT: Use of the "Financial Statement" (LDSS-3596) for Utility Arrearage Assistance and the Updated 2007-08 Food/Non-Food Guidelines

EFFECTIVE DATE: October 1, 2008 (Guidelines)

CONTACT PERSON: Temporary Assistance Bureau at 1-800-343-8859; extension 4-9344

The purpose of this GIS message is to reiterate Temporary Assistance policy on the use of the "Financial Statement" (LDSS-3596) and provide updated information on the Food/Non-Food Expenses used on the LDSS-3596.

The LDSS-3596 assesses an applicant's/recipient's financial situation to determine if he/she can be required to attempt to negotiate a Deferred Payment Agreement (DPA) with his/her utility company as an alternative payment arrangement, in lieu of a district issuing a payment to prevent shut-off or to restore utility service under SSL § 131-s. A positive cash flow on a LDSS-3596 is **not** a basis for denial of assistance with a payment to prevent shut-off or to restore utility service under SSL § 131-s, but is an indication that an applicant/recipient may be eligible to negotiate and enter into alternative payment arrangements, a DPA, with his/her utility company. The district should refer the applicant/recipient to his/her utility company, with a copy of the LDSS-3596, to attempt a negotiation of a DPA if there is an indication of a positive cash flow on the LDSS-3596.

Affordability is not a factor districts can consider when determining eligibility for a payment to prevent a shut-off, restore service, or provide a minimum delivery to meet energy related emergencies. However, affordability is a consideration in determining eligibility for emergency assistance with shelter arrears, in accordance with 18 NYCRR § 352.7(g)(3). Energy related emergencies include both utility (natural gas and electricity) heat, heat related, or domestic energy and/or non-utility (other than natural gas or electricity) heat only emergencies. Non-utility (other than natural gas or electricity) energy used exclusively for domestic energy is not considered as an energy emergency.

Although an applicant/recipient may have a positive cash flow, a utility company may refuse to enter into a DPA with the customer. A refusal by a utility company to enter into a DPA with a customer is not a basis for district denial of assistance with the payment to prevent shut-off or to restore utility service under SSL § 131-s. However, a refusal on the part of any applicant/recipient with a positive cash flow to attempt negotiation of a DPA is a basis for denial of emergency assistance under SSL § 131-s.

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The LDSS-3596 allows for entry of a deduction from gross income for Food/Non-Food monthly expenses. These annual guidelines established by the Office of Temporary and Disability Assistance are based on the Food Stamp Program's Thrifty Food Plan that is also updated annually. Districts must begin using the updated Food/Non-Food guidelines beginning October 1, 2008. Policy regarding the use of the LDSS-3596 is currently in effect.

The amount of the Food/Non-Food deduction allowed on the LDSS-3596 for this expense is the actual monthly expenses of the household up to the maximum amounts listed below. These are only guidelines. Households may exceed these maximum amounts only under special circumstances such as special dietary needs or medical conditions. The district must determine the merit of each such request on a case-by-case basis to determine if a higher deduction is appropriate.

Household Size	Food/Non-Food Expense
1	\$ 264
2	\$ 484
3	\$ 694
4	\$ 882
5	\$ 1,047
6	\$ 1,257
7	\$ 1,389
8	\$ 1,587
Each Additional Person	+ \$198

The LDSS-3596 also allows for entry of a deduction from gross income for essential Car/Transportation monthly expenses. The guideline for this deduction is up to 20% of the household's gross income; however, the deduction can exceed this guideline on a case by case basis. Districts must consider that in light of the higher costs of transportation (gas, insurance, vehicle payments/maintenance/repairs, public transportation, etc.) this deduction may indeed exceed the 20% limit.

Please refer to the Energy Manual, Section X, "Deferred Payment Agreements" for assistance in completing the LDSS-3596.