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TO: Subscribers

SUGGESTED DISTRIBUTION: TA Directors, SNAP Directors, HEAP Directors, Medicaid Directors, WMS Coordinators, Staff Development Coordinators, Employment Coordinators

FROM: Jeffery Gaskell, Assistant Deputy Commissioner
Employment and Income Support Programs

SUBJECT: September 11th Victim Compensation Fund Reauthorization

EFFECTIVE DATE: Immediately

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The purpose of this GIS is to inform social services districts (districts) that the September 11th Victim Compensation Fund (VCF) has been extended as part of the reauthorization of the James Zadroga 9/11 Health and Compensation Act of 2010 (Zadroga Act). The reauthorization of the Zadroga Act extended the VCF, allowing individuals to submit claims until December 18, 2020.

Background

The VCF was created to provide compensation for any individual (or a personal representative of a deceased individual) who suffered physical harm or was killed as a result of the terrorist-related aircraft crashes of September 11, 2001 or the debris removal efforts that took place in the immediate aftermath of those crashes. See previously released [GIS 04 TA/DC021](#) for additional information.

The Reauthorized Zadroga Act makes several changes including the following:

- the statute extends the deadline for filing claims;
- adds or changes certain eligibility definitions; and,
- changes certain policies and procedures for evaluating claims and computing losses.

More information on the Zadroga Act can be found at: <https://www.vcf.gov/>.

Temporary Assistance (TA)

There is no change in policy that payments made under the VCF are not exempt from consideration as income for TA if paid out on a regular basis (weekly, bi-weekly, monthly, etc.), and are not excluded for consideration as a lump sum if paid out all at once. districts must determine whether income rules, lump sum rules, or a combination of both apply in each particular case.

Additionally, districts must not seek to place a lien against the awards from this fund under SSL 104-b. Liens of this type are normally taken against awards paid for personal injury, but SSL 104-b does not apply in this case.

Since a personal representative of any of those who died as a result of the terrorist related aircraft crashes may apply for relief under the VCF, recipients of these payments may reside in many districts outside of New York City and the surrounding area.

Supplemental Nutrition Assistance Program (SNAP)

Recurring payments from the VCF are counted as unearned income for purposes of determining SNAP eligibility and benefit amount. Lump sum payments are excluded as SNAP income but considered as resources.

Home Energy Assistance Program (HEAP)

Recurring payments from the VCF are counted as unearned income for purposes of determining HEAP eligibility and benefit amount. Lump sum payments are excluded as HEAP income but considered as resources.

Medicaid (MA)

Payments made under the VCF to individuals in a modified adjusted gross income (MAGI) category are tax exempt and therefore not countable income for Medicaid eligibility. Payments made under the VCF to individuals in a non-MAGI category are not exempt from income or resources for Medicaid purposes. Payment is income in the month received and a resource thereafter. As usual, recovery of Medicaid correctly paid before the funds were received is not appropriate.