



# Office of Temporary and Disability Assistance

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## General Information System (GIS) Message

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### Section 1

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<b>Date:</b>	May 7, 2020
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, TA Directors, SNAP Directors, WMS Coordinators
<b>From:</b>	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
<b>Subject:</b>	Additional COVID-19 Questions and Answers
<b>Effective Date:</b>	Immediately
<b>Contact Information:</b>	Temporary Assistance (TA) Questions – TA Bureau 518-474-9344 or <a href="mailto:otda.sm.cees.tabureau@otda.ny.gov">otda.sm.cees.tabureau@otda.ny.gov</a> Supplemental Nutrition Assistance Program (SNAP) Questions – SNAP Bureau 518-473-1469 or <a href="mailto:otda.sm.cees.snap@otda.ny.gov">otda.sm.cees.snap@otda.ny.gov</a>
<b>Attachments:</b>	None

### Section 2

The purpose of this GIS message is to provide guidance to social services districts (districts) on meeting the needs of individuals and families who are applying for or receiving Temporary Assistance (TA) and/or Supplemental Nutrition Assistance Program (SNAP) benefits during the COVID-19 State disaster emergency. The Office of Temporary and Disability Assistance (OTDA) is providing the following answers to frequently asked questions raised by districts in response to guidance provided in [GIS 20 TA/DC016](#), [GIS 20 TA/DC019](#), and [GIS 20 TA/DC023](#).

Additionally, OTDA is highlighting questions and answers drawn from the United States Department of Agriculture Food and Nutrition Service (FNS) policy issuances, providing guidance about COVID-19 related loss of income verification and overpayment claims (recoupment) policy as it applies to the Emergency Allotment supplements.

Please note that certain timeframes specified in this release may be extended due to the rapidly evolving situation.

### Temporary Assistance

- Q1. How should districts handle blank fields or revisions to completed applications or recertifications when receiving new or revised information from an A/R during phone interviews for TA?
- A1. When A/Rs provide new or updated information during a phone interview which clarifies information they left blank on the application or recertification, districts should document that information on the [LDSS-2921](#) or [LDSS-3174](#) in the shaded areas where workers can take notes.

OTDA recommends districts date and initial by the information they receive from the A/R in the notes section of the [LDSS-2921](#) or [LDSS-3174](#). Additionally, districts are strongly encouraged to document new or updated information received from the A/R in the case record as a case note.

- Q2. Will the end of the certification period for cases that were extended as part of the mass recertification be changed?
- A2. In accordance with [GIS 20 TA/DC019](#), cases with TA certification periods that were/are expiring at the end of March, April and May 2020 have been automatically extended three months. A subsequent three-month extension is forthcoming.

Districts may continue to mail out recertifications, as the intent of the three-month certification extension is to provide districts more time to process recertifications and to provide recipients more time to return them. Priority must be given to opening cases and providing benefits rather than taking negative actions and processing these extended recertifications earlier than is now required.

This does not mean that whatever action was required within the three-month extension time period should not be taken. For example, if a recipient's case would be closed for excess income, and their benefits are extended for another three months, the district would need to close the case and issue an overpayment for the benefits that the recipient wasn't entitled to receive. Districts must evaluate such cases to ensure that information that is provided is still current in light of COVID-19 related changes, such as a new job that may have ended due to COVID-19.

- Q3. If a TA case was clocking down for failure to recertify prior to a mass recertification, should the district reopen the case and extend the TA benefits for the certification extension period?
- A3. If an individual contacts the district within 30 days of their case closing, the district must evaluate the reason for the failure to recertify and determine, on a case by case basis whether good cause, within the parameters of 18 NYCRR 351.26, exists. If good cause exists, the district must reopen the case and issue benefits for the certification extension period without requiring a recertification application. The regulatory definition of good cause must be applied consistently for all cases. If an individual contacts the district more than 30 days after their case has been closed, the case cannot be reopened and the individual must be advised to reapply.
- Q4. If districts receive information after the mass recertification that would cause a TA case to close or benefits to be reduced, should districts be taking appropriate case action for the cases that were included in the mass recertification?
- A4. Yes, districts should still take appropriate case action if information is received which would cause the TA case to close or benefits to be reduced, as long as the information is fully verified (i.e. pay stubs showing an individual is over income for a job at which they are currently employed).

Districts must be mindful of allowing good cause for a recipient who is unable to provide certain documentation or information during this time. Additionally, if the circumstances which would have caused ineligibility are likely to have changed due to COVID-19 since the recipient sent in their recertification paperwork (i.e. a recipient who would have had excess income due to securing a new job in a hotel but that hotel is no longer operating), this information should be explored and reevaluated prior to case closure.

- Q5. Can a Domestic Violence Liaison (DVL) who has taken on the role of TA worker, interviewing and processing TA applicants' cases, complete the entire eligibility process for a TA applicant and also assess credibility of individuals who identified as a victim of Domestic Violence (DV)?
- A5. Yes. TA workers often work in a "dual capacity" where they may assume additional responsibilities in a district. A/Rs who have alleged DV should be provided strict confidentiality throughout their TA application process. It is important that districts strongly adhere to the confidentiality guidelines

found in [98-ADM-03](#). Districts should also attempt to avoid situations where a conflict of interest may arise when processing TA cases. It is important to note that workers who are identified to take on the DVL role must complete the required training prior to assuming the role.

- Q6. Since in-person contact is not being required for drug and alcohol assessments during this time, should districts impose TA sanctions if an applicant fails to complete the drug and alcohol assessment by phone with the Credentialed Alcohol and Substance Abuse Counselor (CASAC)?
- A6. As the CASAC is making the drug and alcohol assessment available by phone and in-person contact is not required for the assessment to be completed, districts should continue to sanction unless an applicant presents good cause for not being able to participate in the phone assessment. Districts should only grant good cause if applicants have a good cause reason for not participating in the drug and alcohol phone assessment.
- Q7. In response to the COVID-19 outbreak, can the completion of the [LDSS-4525](#) or the Office of Alcoholism and Substance Abuse Services (OASAS) consent to release form that is associated with TA drug and alcohol requirements be waived?
- A7. A release form must be completed and is necessary in order for the provider to communicate the results with the district. A referral for the drug and alcohol assessment can and should be made by the district prior to obtaining the signature on the release. The signed release of information can be obtained via fax, mail, or drop box. The A/R should be considered in compliance with TA eligibility requirements while the signature is being obtained by the district.
- Q8. If an A/R requests to have their drug and alcohol sanction lifted and the district does not have an appropriate treatment activity available for the A/R to demonstrate compliance due to the State disaster emergency, can the district lift the sanction?
- A8. During the COVID-19 State disaster emergency, if an otherwise-eligible A/R requests to have a durational sanction lifted after the duration has ended, the district should lift the sanction and may only require an appropriate and available activity to demonstrate compliance. If no appropriate activity is available and the A/R demonstrates a willingness to comply until such activity becomes available, then the A/R should be considered in compliance.
- Q9. Is there TA transportation funding or reimbursement available for homeless A/Rs who have symptoms of COVID-19 and are told to self-quarantine or seek medical care?
- A9. An Emergency Assistance to Families (EAF) allowance must be provided to eligible homeless families under regulation [18 NYCRR 372.4\(d\)](#), for transportation or other services necessary to cope with the emergency which cannot be met by other means. Payment amounts can vary according to case circumstances and type of transportation used. Examples include bus/subway MetroCards, vouchers for cabs, and van rental. For more information, please see [94-ADM-20](#), page 21.

There is no authority to pay for transportation using Safety Net Assistance (SNA) or Emergency Assistance for Adults (EAA) funds. Transportation could be provided through local funds as an administrative expense for A/Rs who are ineligible for EAF.

- Q10. If a district has opted to pursue real property liens for individuals applying for or receiving TA, must the district continue to require real property liens during COVID-19?
- A10. Yes, districts which have opted to require liens for TA A/Rs must continue to do so. However, the [LDSS-5041](#): Lien Acknowledgement form and/or the real property lien may be signed at the next in person interview or contact the individual has with the district.

Q11. When requesting documentation to verify an eligibility requirement, should districts be requiring A/Rs to submit original documents?

A11. No, a copy of a document or an uploaded electronic image of a document via myBenefits or the NYDocSubmit mobile application is acceptable documentation for TA, provided that the district has reviewed and verified in the same manner as any other documentation provided to the district. This includes, but is not limited to, documents such as birth certificates, divorce orders, custody orders, landlord forms and paystubs. Additionally, districts are reminded that information obtained by an eligibility worker from a public record or from a collateral source and notated in the case record is considered verified documentation.

**Note:** This question and answer supersedes and replaces question and answer number nine in [GIS 20 TA/DC023](#).

Q12. How should districts handle instances where an A/R is unable to provide citizenship/non-citizen documentation to establish eligibility or continued eligibility for TA?

A12. Due to the COVID-19 outbreak, access to documentation may be limited. If A/Rs are unable to submit the required citizenship/non-citizen documentation to establish eligibility or continued eligibility for TA, it is appropriate for districts to postpone the requirement to provide documentation under good cause provisions during the State disaster emergency. Districts must advise A/Rs that they must submit citizenship/non-citizen documentation at the next feasible opportunity. Districts must document the good cause reason and track the case to ensure that documentation is provided once it becomes accessible. For non-citizens, districts must continue to verify satisfactory immigration status using all of the appropriate means available, including the A/R's declaration of satisfactory immigration status on the [LDSS-2921](#) or [LDSS-3174](#) and verification through SAVE when required. See [03-INF-19](#) for additional information about how expired documentation may be used in an eligibility determination.

Q13. Has OTDA considered waiving the requirement of a family member to give permission for cremation during the State disaster emergency?

A13. While OTDA certainly appreciates the challenge of this sensitive and pressing issue during this time, OTDA is unable to issue a blanket approval to cremate in all instances of an indigent burial.

Friends and relatives of the deceased who arrange a burial have a right to determine the method of disposing of the remains of the deceased, as long as the expense does not exceed the district maximum. The district must not mandate that the deceased be cremated if the burials are funded using TA funds. The district may set this maximum at, below, or above, the cost of the cremation in the district. While the rate set may effectively determine the type of burial, the choice of burial remains with friends, personal representatives, and relatives.

Districts are reminded that burial plans do not have to be approved by OTDA. Any amount the district chooses to pay over \$900 must be paid using local funds. If the district increases the amount paid to funeral homes for indigent burials, the district may claim up to \$900 for TA reimbursement based on the client's category of assistance.

## Supplemental Nutrition Assistance Program

### Operational Question

Q1. If a business has recently closed due in part to a COVID-19 outbreak, how can State agencies verify a recently terminated applicant's income?

A1. Per 7 CFR 273.2(f)(1)(i), in the event that income verification cannot be completed through routine verification procedures, such as contacting the employer, State agencies shall determine an amount to be used for certification purposes based on the best available information.

Examples of how State agencies may do this include:

- Using readily available data matches to verify household-reported information; or
- Use of collateral contacts.

(OTDA notes that in the event that neither a data match nor collateral contact is available, the information provided by the household may be the "best available information", and, if used, should be so noted in the case record.)

### Verification of Job Loss

Q2. Can a State or local "Stay at Home", "Shelter in Place", or comparable order be used to verify job loss?

A2. In the event attempts to verify income have been unsuccessful because the person or organization providing the income has failed [or is unable] to cooperate, per 7 CFR 273.2(f)(1)(i), State agencies have flexibility to determine the amount based on the best available information, including using collateral contacts. **For SNAP, State and local "Stay at Home", "Shelter in Place", or comparable orders may be used as a collateral contact to verify an individual has lost their job and thereby experienced a loss of income due to COVID-19 related business closures.**

Generally, these orders require the closure of non-essential business. This flexibility allows States to use this information as a collateral contact to verify a household member is no longer employed at a non-essential business. State agencies are in the best position to determine which businesses are considered non-essential and impacted by these orders in their State. If employment status remains questionable (such as the individual is employed by a hospital and claiming loss of job due to COVID-19), the State would follow routine procedures for verifying questionable information under 7 CFR 273.2(f)(2).

Q3. Can State agencies use emergency allotments to offset a SNAP overpayment claim?

A3. Federal regulations do not require State agencies to reduce emergency allotments to offset a SNAP overpayment claim, provided they follow the requirements at 7 CFR 273.18(g). Emergency allotments received under section 2302(a)(1) of FFCRA should be treated in the same manner as D-SNAP payments or supplemental payments.

(OTDA notes that the Emergency Allotment supplemental benefits will be subject to the same expungement rules as regular SNAP benefits, and, if expunged, the amount expunged would offset any outstanding SNAP overpayment claims.)

## **General Reminders and Recommendations**

As a reminder, all districts are expected to stay open during regular business hours Monday through Friday, and they must continue to meet emergency needs.

Additionally, districts are reminded that they must have after hours procedures in place to handle emergencies. Please see [GIS 20 TA/DC018](#) for additional information.