



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

Transmittal:	20 TA/DC044 Statewide- Upstate and New York City
Date:	May 11, 2020
To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, Staff Development Coordinators, Legal Staff
From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs
Subject:	<u>Stewart v. Roberts</u> : Court Decision Impacts Policy in SSL 131-n(1)(a), 18 NYCRR 352.23(b)(2), and 16-ADM-09 “Temporary Assistance Policy: Change in the Vehicle Resource Exemption and Lump Sum Set-Aside”
Effective Date:	Immediately
Contact Information:	TA Bureau: 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov

Section 2

As a result of a court order in Stewart v. Roberts, effective immediately, some individuals and households who would previously have been ineligible for Public Assistance, also known as Temporary Assistance (TA), due to ownership of a vehicle with a Fair Market Value (FMV) over a specified level, may now be eligible due to their vehicle’s equity value. A vehicle which is not an exempt resource as defined in Social Services Law § 131-n(1)(a) and 18 NYCRR 352.23(b), and in which the owner has minimal or no equity interest, is not an “available” resource which would disqualify the applicant or recipient from the receipt of Public Assistance. “Minimal equity” shall mean where the equity value of the vehicle and the applicant’s other resources are less than the (i) \$2,000 general resources exemption or (ii) the \$3,000 general resource exemption if the owner of the motor vehicle is age 60 or over, as set forth in Social Services Law § 131-n.

Social services districts (districts) must now add a step to the application of the existing vehicle resource exemption policy in Social Services Law (SSL) 131-n, 18 NYCRR 352.23(b)(2), and [16-ADM-09](#) “Temporary Assistance Policy: Change in the Vehicle Resource Exemption and Lump Sum Set-Aside” to pending or future TA applications. At this time, this policy change does not apply to previously denied or discontinued TA applications but shall be applied only to pending and future applications for ongoing assistance.

Prior policy: Since April 1, 2018, when determining TA eligibility, a household could have a first vehicle with a Fair Market Value (FMV) of up to \$12,000 (or such other higher dollar value as the district elected to adopt) that was exempted from the TA resource limit of \$2,000 (or \$3,000 if a member of the

TA household is age 60 or older). If a household owned more than one vehicle, the remaining vehicle(s) were counted at full equity value against the household's applicable resource limit.

New policy effective immediately: Districts must first apply the prior policy when determining TA eligibility. However, where the FMV of the first vehicle exceeds the specified maximum exemption, a second determination must be made regarding the equity value of the vehicle. Those first vehicles not exempted under 18 NYCRR 352.23(b)(2) must be further evaluated under 18 NYCRR 352.23(c) to determine the amount of equity in the vehicle. In such instances, the vehicle's equity value must be applied against the resource limit of \$2,000 or \$3,000 when determining TA eligibility.

Further instructions will be forthcoming in an Administrative Directive (ADM) regarding this policy change, including instructions as to affected persons who may be owed benefits.