



# Office of Temporary and Disability Assistance

ANDREW M. CUOMO  
Governor

MICHAEL P. HEIN  
Commissioner

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Executive Deputy Commissioner

## General Information System (GIS) Message

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### Section 1

<b>Transmittal:</b>	21 TA/DC020 Upstate and New York City
<b>Date:</b>	April 13, 2021
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, TA Directors, Employment Coordinators, WMS Coordinators, Staff Development Coordinators
<b>From:</b>	Alison Maura, Director of Temporary Assistance and HEAP Employment and Income Support Programs
<b>Subject:</b>	<i>Stewart v. Roberts</i> : Preliminary Information for Districts & District Information Needed by April 16 to Comply with Court Decision
<b>Effective Date:</b>	Immediately
<b>Contact Information:</b>	TA Bureau 518-474-9344 or <a href="mailto:otda.sm.cees.tabureau@otda.ny.gov">otda.sm.cees.tabureau@otda.ny.gov</a>

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### Section 2

The purpose of this GIS is: (1) to inform social services districts (districts) that, as a result of class action litigation in *Stewart v. Roberts*, the Court ordered the Office of Temporary and Disability Assistance (OTDA) to direct districts to identify and provide relief to class members through an opt-in process, and that OTDA will develop and send court-ordered notices advising potential class members of how to be identified as a class member through the opt-in process; and, (2) to direct districts to promptly provide OTDA with district contact information for purposes of notifying potential class members how to participate in the opt-in process and to establish a district contact person for Stewart-related communications.

#### *The Stewart Litigation and Class Identification*

As a result of the *Stewart* litigation, effective May 11, 2020, a vehicle which is not an exempt resource as defined in Social Services Law (SSL) § 131-n(1)(a) and 18 New York Codes, Rules and Regulations (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, also known as Temporary Assistance (TA). “Minimal equity” means that the equity value of the vehicle and the applicant’s other resources are less than the (i) \$2,000 general resource 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 SSL § 131-n. Districts were previously advised of this policy change in [20 GIS TA/DC044](#) and [20-ADM-08](#).

The *Stewart* Court ordered that OTDA and districts engage in an opt-in process to identify class members who, based on the application of the prior policy, were denied or discontinued TA between July 20, 2015 and May 11, 2020. OTDA will send notices to potential class members advising that they are entitled to an interview by the district, to determine whether the applicant or recipient was denied or

discontinued TA, in the applicable time frame, for the reason that they owned a vehicle with a fair market value exceeding the applicable resource levels set forth in SSL § 131-n(1)(a) and 18 NYCRR 352.23(b) and whether there was a loan, note, or other encumbrance on the vehicle resulting in the applicant or recipient having no equity or minimal equity. [21 TA/DC016](#) allowed TA eligibility interviews to be conducted over the phone through June 30, 2021. The availability of this telephone interview waiver extends to these interviews as well.

More detailed instructions about the notice and opt-in process, together with information on providing Court-ordered relief to identified class members, will follow in the coming weeks.

*Information Needed from Districts Now:*

In order to facilitate the mailing of notices to potential class members, and to ensure that OTDA is complying with the notice requirements as outlined by the Court, districts must provide the following information to the TA Bureau **by close of business April 16, 2021**:

- Name of district staff person who will be designated as the local contact for purposes of communicating with OTDA on Stewart related issues
- A district telephone number that potential class members can call to schedule/reschedule an interview
- An email address that potential class members can use to email a request to schedule/reschedule an interview

Please email this information to the TA Bureau at: [otda.sm.cees.tabureau@otda.ny.gov](mailto:otda.sm.cees.tabureau@otda.ny.gov) with “Stewart Contact Information” in the subject line.