



# Office of Temporary and Disability Assistance

ANDREW M. CUOMO  
Governor

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Commissioner

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Executive Deputy Commissioner

## General Information System (GIS) Message

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### Section 1

<b>Transmittal:</b>	21 TA/DC024 Upstate and New York City
<b>Date:</b>	May 3, 2021
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, HRA Center Directors, TA Directors, SNAP Directors, HEAP Coordinators, Employment Coordinators, Fair Hearing Officers, Staff Development Coordinators, WMS Coordinators
<b>From:</b>	Alison Maura, Director of Temporary Assistance and HEAP Employment and Income Support Programs
<b>Subject:</b>	Notifying Social Services Districts of the Supplemental Settlement Agreement in <i>Karamalla et. al. v. Devine</i> (Index No. 2015-000107, Erie County)
<b>Effective Date:</b>	Immediately
<b>Contact Information:</b>	Temporary Assistance Bureau at: (518) 474-9344 or: <a href="mailto:otda.sm.cees.tabureau@otda.ny.gov">otda.sm.cees.tabureau@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment 1 – XL0349 (4/21): “Karamalla Notice B” and “XL0206 (Rev. 03/19)”</a> <a href="#">Attachment 2 – LDSS-5177 (Rev. 2/21): “Karamalla Payment Notice B” and “XL0206 (Rev. 03/19)”</a>

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### Section 2

The purpose of this GIS message is to inform social services districts (districts) that: (1) the Office of Temporary and Disability Assistance (OTDA) reached a supplemental settlement agreement in the class action lawsuit, *Karamalla et. al. v. Devine* (Index No. 2015-000107, Erie County), which became effective on December 23, 2020 and covers a limited group of additional, potential class members (“potential class members”); and, (2) OTDA has/will issue a one-time restored Temporary Assistance (TA) benefit payment (“one-time payment”) to each eligible class member; and, (3) the attached XL0349: “Karamalla Notice B” and “XL0206” (Attachment 1) will be issued by OTDA to potential class members on May 4, 2021. Districts were previously notified of this litigation in [GIS 19 TA/DC039](#), [GIS 19 TA/DC053](#) and [GIS 20 TA/DC037](#).

Under the supplemental settlement agreement, individuals who are identified as previously having Temporary Protected Status (TPS) and who applied to join an existing TA case in New York State and were denied Safety Net Assistance (SNA) between June 17, 2012 and November 28, 2016 solely because of their TPS may receive a one-time payment as described below.

On April 14, 2021, consistent with the terms of the supplemental settlement agreement, OTDA began issuing one-time payments to eligible class members currently in receipt of TA in an amount equal to sixty dollars per month for each month from the date two months prior to the date of the original TA

denial (dated between June 17, 2012 and November 28, 2016), until the date the class member became an active TA recipient, or through August 18, 2018, whichever is earlier.

For individuals who did not receive a one-time payment on April 14, 2021, because they were not in receipt of TA and/or had not been identified as class members, OTDA will issue one-time payments on a quarterly basis over the course of the next two years to those individuals if they are identified as class members and become eligible and are in receipt of TA, consistent with the terms of the supplemental settlement agreement. The one-time payment to each eligible class member has been made/will be made to the Electronic Benefit Transfer (EBT) account of the payee of the class member's TA case. One-time payments have been issued/will be issued to TA only or TA/SNAP case types 11, 12, 16 and 17 using the G5 payment type (Karamalla Lawsuit – Retroactive Benefit). When a class member is issued their one-time payment, an LDSS-5177: "Karamalla Payment Notice B" and "XL0206" (Attachment 2), is mailed to notify them of the one-time payment.

No district action is needed to issue these one-time payments. These one-time payments must be exempted and disregarded as income in the month received and as a resource in the month received and in the following month in determining TA eligibility for the class member or their household. These one-time payments must not be applied against any existing, outstanding or future TA overpayment. Additionally, these one-time payments are considered a one-time lump sum payment for the Supplemental Nutrition Assistance Program (SNAP) and are to be excluded as income in the month received and considered a resource thereafter for households not considered categorically eligible and subject to a resource eligibility test.

As indicated above, OTDA will issue the attached XL0349: "Karamalla Notice B" and "XL0206" (Attachment 1) to potential class members on May 4, 2021, which will inform them that effective October 14, 2016, OTDA changed its policy so that people with TPS can receive SNA, if otherwise eligible. The notice will also advise potential class members that if they had or have TPS, applied for TA, and were denied between June 17, 2012 and November 28, 2016 because of their immigration status, they may be able to receive a one-time payment, if they are eligible and in receipt of TA. As a result of this notice, potential class members may be applying for TA online or at their local district offices. Districts should determine TA eligibility for potential class members in accordance with standard practices and procedures, including, but not limited to, verification of appropriate non-citizen status.

Districts are not expected to answer any questions regarding the supplemental settlement agreement or the one-time payments. Instead, districts should direct individuals to the plaintiffs' attorney identified on their XL0349: "Karamalla Notice B" and/or LDSS-5177: "Karamalla Payment Notice B" to answer any questions.

Districts may refer to [GIS 16 TA/DC053](#), [GIS 18 TA/DC042](#), [19-INF-07](#) and the [LDSS-4579](#): "Non-Citizen Eligibility Desk Aid" for guidance on determining SNA eligibility for non-citizens with TPS. For any TA related questions, please contact the OTDA TA Bureau by calling: (518) 474-9344 or emailing: [otda.sm.cees.tabureau@otda.ny.gov](mailto:otda.sm.cees.tabureau@otda.ny.gov).