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Governor

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Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

Transmittal:	21 TA/DC070 Upstate and New York City
Date:	October 13, 2021
To:	Subscribers
Suggested Distribution:	Commissioners, HRA Center Directors, TA Directors, SNAP Directors, HEAP Coordinators, Employment Coordinators, Fair Hearing Officers, Staff Development Coordinators, WMS Coordinators
From:	Alison Maura, Director of Temporary Assistance and HEAP Employment and Income Support Programs
Subject:	<i>Colaj v. Roberts</i> : Notifying Social Services Districts of Notices to Class Members and Potential Class Members
Effective Date:	Immediately
Contact Information:	Temporary Assistance Bureau at: 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov
Attachments:	Attachment 1: XL0353 (8/21): "Colaj Notice A" and "XL0206 (Rev. 03/19)" Attachment 2: XL0354 (9/21): "Colaj Notice B" and "XL0206 (Rev. 03/19)"

Section 2

The purpose of this GIS message is to notify social services districts (districts) that: (1) the settlement agreement in the class action lawsuit, *Colaj v. Roberts* (Index No. 452243/2017, New York County) became effective on June 17, 2021; and, (2) the attached notices (Attachment 1 and 2) were issued to class members and potential class members by the New York State Office of Temporary and Disability Assistance (OTDA) on October 12, 2021. Districts were previously notified of this litigation in [GIS 21 TA/DC002](#).

The attached notices (Attachment 1 and 2) inform class members and potential class members that effective November 21, 2017, OTDA changed its policy so that individuals who are asylum applicants with employment authorization can receive Safety Net Assistance (SNA), if otherwise eligible. Attachment 1 notifies class members that they have been identified as having applied for Temporary Assistance (TA) between August 7, 2014 and November 21, 2017 and were denied TA because they were an asylum applicant with employment authorization. In addition, Attachment 1 informs class members that they may be able to receive a one-time benefit payment, if they are eligible and in receipt of TA.

Attachment 2 advises potential class members that if they were an asylum applicant with employment authorization, applied for TA, and were denied between August 7, 2014 and January 5, 2018 because of their immigration status, they may be able to receive a one-time benefit payment, if they are eligible and in receipt of TA.

As a result of these notices, class members and potential class members may be applying for TA online or at their local district offices. Districts should determine TA eligibility for class members and potential class members in accordance with standard practices and procedures, including, but not limited to, verification of appropriate non-citizen status.

Districts should direct individuals with questions about the settlement agreement to the plaintiffs' attorney identified on their notice (Attachment 1 and 2). Districts should not answer questions on the settlement agreement.

Districts are reminded that in accordance with [GIS 17 TA/DC047](#), OTDA recognizes asylum applicants with employment authorization as Permanently Residing Under Color of Law (PRUCOL) for the purposes of determining SNA eligibility. If otherwise eligible, asylum applicants with employment authorization can receive SNA. In addition to the aforementioned GIS message, districts may refer to [19-INF-07](#) and the [LDSS-4579](#): "Non-Citizen Eligibility Desk Aid" for guidance on determining SNA eligibility for asylum applicants with employment authorization.

For any TA related questions, please contact the OTDA TA Bureau: (518) 474-9344 or by email: otda.sm.cees.tabureau@otda.ny.gov.