



Office of Temporary and Disability Assistance

KATHY HOCHUL
Governor

DANIEL W. TIETZ
Acting Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

General Information System (GIS) Message

Section 1

Transmittal:	22 TA/DC005 Upstate and New York City
Date:	January 13, 2022
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:	Valerie Figueroa, Deputy Commissioner Employment and Income Support Programs
Subject:	<i>Colaj v. Roberts</i> : Informing Social Services Districts of the Issuance of a One-Time Restored Temporary Assistance Benefit Payment to Eligible Class Members
Effective Date:	Immediately
Contact Information:	Temporary Assistance Bureau at: 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov
Attachments:	Attachment: XL0355 (11/21): "Colaj Payment Notice A" and "XL0206 (Rev. 10/21)"

Section 2

The purpose of this GIS message is to inform social services districts (districts) that as a result of the settlement agreement in the class action lawsuit, *Colaj v. Roberts* (Index No. 452243/2017, New York County), the New York State Office of Temporary and Disability Assistance (OTDA) will issue a one-time restored Temporary Assistance (TA) benefit payment ("payment") to each eligible class member. Districts were notified of the settlement agreement in [GIS 21 TA/DC002](#) and [GIS 21 TA/DC070](#).

Under the settlement agreement, class members who applied for TA in New York State between August 7, 2014 and November 21, 2017 and were denied assistance because they were Asylum Applicants with Employment Authorization may receive a payment, if otherwise eligible for TA.

On January 13, 2022, consistent with the terms of the settlement agreement, OTDA will issue a payment to eligible class members currently in receipt of TA. The payment will equal forty-five dollars per month for each month from the date of the originally denied TA application (between August 7, 2014, and November 21, 2017) until either the date the class member became an active TA recipient, the first date the class member was sanctioned, or through November 21, 2017, whichever is earliest.

The payment to each eligible class member will be made to the Electronic Benefit Transfer (EBT) account of the payee of the class member's TA case. The payments will be issued to case types 11, 12, 16 and 17 using the G8 payment type (Colaj Lawsuit – Retroactive Benefit). An XL0355: "Colaj Payment

Notice A” and “XL0206,” copies of which are included in the Attachment, will be mailed to notify them of the payment.

No district action is needed to issue the payment, unless OTDA contacts a district directly regarding such action. The payment 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. The payment must not be applied against any existing, outstanding or future TA overpayment. Additionally, the payment is considered a one-time lump sum payment for the Supplemental Nutrition Assistance Program (SNAP). It is to be excluded as income in the month received and is considered a resource thereafter for households not considered categorically eligible and subject to a resource eligibility test.

Districts should direct individuals with questions about the settlement agreement or the payment to the plaintiffs’ attorney identified on their notice (Attachment). Districts should not answer questions on the settlement agreement or the payment.

Payment to class members who applied to join an existing TA case in New York State and were denied assistance between August 7, 2014 and January 5, 2018 because they were Asylum Applicants with Employment Authorization will be issued at a later date. Further guidance on these class members will be forthcoming.

Districts may refer to [GIS 17 TA/DC047](#), [19-INF-07](#) and the [LDSS-4579](#): “Non-Citizen Eligibility Desk Aid” for guidance on determining TA eligibility for Asylum Applicants with Employment Authorization. For any TA related questions, districts may contact the OTDA TA Bureau: (518) 474-9344 or by email: otda.sm.cees.tabureau@otda.ny.gov.