



# Office of Temporary and Disability Assistance

KATHY HOCHUL  
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Commissioner

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Executive Deputy Commissioner

## General Information System (GIS) Message

### Section 1

<b>Transmittal:</b>	22 TA/DC037 Upstate and New York City
<b>Date:</b>	April 21, 2022
<b>To:</b>	Subscribers
<b>Suggested Distribution:</b>	Commissioners, TA Directors, Staff Development Coordinators, WMS Coordinators
<b>From:</b>	Valerie Figueroa, Deputy Commissioner Employment and Income Support Programs
<b>Subject:</b>	Change to Real Property Lien Policy due to Repeal of Social Services Law § 106: Powers of Social Services Officials to Receive and Dispose of a Deed, Mortgage or Lien
<b>Effective Date:</b>	<b>April 1, 2022</b>
<b>Contact Information:</b>	NYS OTDA 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>

### Section 2

The purpose of this General Information Systems (GIS) is to advise Social Services Districts (districts) of recent changes in law to Social Services Law (SSL) § 106: “Powers of Social Services Officials to Receive and Dispose of a Deed, Mortgage or Lien”, including its repeal as a result of the recently enacted 2022-23 State Fiscal Year Budget. The repeal impacts a district’s ability to accept a real property and/or mortgage lien as a condition of eligibility for Temporary Assistance (TA), as well as impacting a district’s ability to collect on previously filed real property and/or mortgage liens.

Effective April 1, 2022, districts **must not** require an individual applying for or receiving TA, to sign a real property and/or a mortgage lien, as a condition of eligibility for TA. Additionally, the district **must not** require the individual to sign an [LDSS-5041: “Lien Acknowledgement”](#) form. Districts are reminded that the home, which is the usual residence of the assistance unit, is exempt as a resource as outlined in 18 NYCRR § 352.23(b)(1).

The repeal of SSL § 106 also impacts a district’s ability to recover TA real property and/or mortgage liens previously accepted and filed with their district County Clerk. Effective April 9, 2022, districts **must not** recover any TA real property and/or mortgage liens that were previously accepted and have not yet been satisfied.

Districts are not prohibited from recovering TA real property and/or mortgage liens taken **prior to April 1, 2022**, so long as the district has obtained a [LDSS-5041](#), signed by the applicant/recipient, on May 30, 2014 or later, and are satisfied prior to April 9, 2022. Effective immediately, districts **must** satisfy or remove all outstanding real property and/or mortgage liens from district County Clerk records. Districts

are advised to work with their district counsel regarding steps that must be taken to satisfy or remove the outstanding real property and/or mortgage liens from district County Clerk records.