



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	22 TA/DC070 Upstate and New York City
Date:	July 18, 2022
To:	Subscribers
Suggested Distribution:	Temporary Assistance (TA) Directors, Supplemental Nutrition Assistance Program (SNAP) Directors, Staff Development Coordinators, Employment Coordinators, Fair Hearing Staff
From:	Valerie Figueroa, Deputy Commissioner Employment and Income Support Programs
Subject:	Use of Temporary Assistance, Emergency Assistance to Needy Families (EAF), Emergency Safety Net Assistance (ESNA) and Emergency Assistance for Adults (EAA) to Assist with Rental Arrears
Effective Date:	Immediately
Contact Information:	Temporary Assistance Bureau: (518) 474-9344 or otda.sm.cees.tabureau@otda.ny.gov

Section 2

This General Information System (GIS) message is to remind Social Service Districts (districts) of the types of assistance that are available to assist households who are at risk of eviction due to rent arrears.

Temporary Assistance (TA) funding can continue to be utilized to pay rent arrears for those determined eligible for emergency assistance. It is not necessary to wait for a formal eviction notice before assessing an applicant's eligibility for a rental arrears payment. A payment can be made to prevent eviction or foreclosure if it is determined that an immediate threat of eviction is present. For example, a note from a landlord stating that rent is owed, and if not paid, the landlord will pursue formal eviction procedures is sufficient to begin the process. Where the applicant is eligible for the payment, districts are reminded to act in a timely manner to prevent the eviction or foreclosure.

Districts with approved shelter supplement plans must ensure that households continue to meet the eligibility requirements outlined in their supplement plans. For those districts with approved shelter supplement plans that include special provisions for the payment of arrears and/or an ongoing shelter supplement, additional documentation may still be required to verify eviction proceedings. Districts must also ensure that for any changes reported timely by an individual/family the TA case is re-budgeted as appropriate.

When a district determines that a TA arrears payment is appropriate, eligibility must be explored in accordance with 18 NYCRR 352.7(g)(3) and 352.7(g)(4). For all case types, except Emergency Assistance for Adults (EAA), a total period of six months of arrears can be paid once every five years,

unless the district determines, at its discretion, that additional shelter arrears payments are necessary based on the individual case circumstances. Districts may apply this discretionary policy to pay more than 6 months of arrears or make an arrears payment more than once in a five-year period. Although the use of this discretionary policy does not require OTDA approval, districts should advise their TA liaisons if they plan to provide these additional arrears payments. For EAA, a total of four months of rent arrears may be paid. Please note, there is no five-year limitation with EAA as there are with the other case types.

Districts are reminded that prior to making shelter arrears payments under 18 NYCRR 352.7(g)(3) and 352.7(g)(4), the case circumstances must be reviewed to ensure that the applicant/recipient can demonstrate an ability to pay the shelter expense in the future, including any amounts in excess of the appropriate monthly maximum shelter standard. In addition, prior to using TA monies to pay arrears, the district must explore any available community resources that may be used to assist with the arrears payments, including funds from local non-profits. It is often in the client's best interests to utilize other available funding first since districts can pursue recovery of TA monies in many cases, while funding from other agencies is typically not subject to recovery.

For additional information on meeting emergency/immediate needs and the payment of shelter arrears with TA funds, please see [02_ADM-02](#) and [06-INF-25](#).