



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

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To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, HEAP Coordinators, SNAP Directors, Employment Coordinators, Fair Hearing Officers, Staff Development Coordinators, WMS Coordinators
From:	Valerie Figueroa, Deputy Commissioner Employment and Income Support Programs
Subject:	Clarification of Public Assistance Resource Limit Policy Changes Included in the SFY 2022-23 New York State Budget
Effective Date:	Immediately
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Section 2

The purpose of this General Information System (GIS) message is to provide clarification to social services districts (districts) regarding the definition of “disabled” when determining an applicant’s resource limit as it relates to the Public Assistance (PA) resource limit policy in light of certain changes included in the SFY 2022-23 New York State (NYS) Budget.

Effective October 1st, 2022, one of the changes to the PA resource limit policy states that the amount of liquid and non-liquid assets the applicant household can currently own and still qualify for PA is \$3,750. This applies to PA applicant households where any household member is age 60 years or older or is **disabled**. This information was initially communicated to districts via [GIS 22 TA/DC085](#) and [22-ADM-11](#).

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), the federal Welfare Reform Law, specifically provides that section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) apply to any program or activity receiving federal Temporary Assistance for Needy Families (TANF) funds. 42 U.S.C. 608 subdivision (d) and 45 CFR 260.35 require the ADA to apply to any program or activity funded by TANF.

To implement the appropriate resource limit when determining eligibility for PA applicants, the definition of “disability” under the ADA will be applicable to applicants for both Family Assistance (FA) and Safety Net Assistance (SNA). According to the ADA’s definition, a person with a disability is one who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of such person;
- Has a record of such impairment; or
- Is regarded as having such impairment.

For the expanded definitions of these impairments, please refer to [06-ADM-05](#). It is important to note that the ADA indicates the definition of disability should be applied broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.

Districts should make reasonable efforts to recognize potential disabilities, based on the applicant's disclosure or on an indication of an apparent disability. However, districts may only make reasonable and **necessary inquiries** into the existence of a disability for purposes of making the resource eligibility determination. In addition, districts should use behavioral observations, historical data known to the agency or other means to help identify those persons who may not be able to, or who choose not to, self-disclose existing physical or mental conditions to district staff. District staff should conduct an initial inquiry to identify an applicant household's disability needs if the applicant agrees to take part in such inquiry. If there is an initial indication that the person or a member of their household has a disability based on the applicant's disclosure or other information or indication that an apparent disability may exist, the district should inform the applicant that the presence of a disability in the household increases the amount of liquid and non-liquid assets the applicant household can currently own and still qualify for PA to \$3,750.

Districts should indicate in the case record the existence of a disability to document that the household's assets are to be counted under the \$3,750 resource limit. Districts must adhere to confidentiality provisions as required by Social Services Law (SSL) § 136 for applicants for PA and care. Districts must also protect the confidentiality and privacy of information regarding the existence of a person's disability.