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| INFORMATIONAL LETTER |
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TRANSMITTAL: 93 INF-3

TO: Commissioners of
Social Services

DIVISION: Economic
Security

DATE: January 8, 1993

SUBJECT: Questions and Answers from May 21, 1992
Teleconference on Immediate Needs

SUGGESTED

DISTRIBUTION: Income Maintenance Directors
Staff Development Coordinators
Food Stamp Directors
HEAP Liaisons

CONTACT PERSON: Call 1-800-342-3715
Income Support, Maureen Standish, extension 3-6555
Food Stamps, County Representative, extension 4-9225
Energy Programs, County Representative, extension
4-9321

ATTACHMENTS: Attachment A - Questions and Answers (Available on-line)
Attachment B - Filing References (Available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.

Date January 8, 1993

Trans. No. 93 INF-8

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The purpose of this letter is to transmit the attached questions and answers from the May 21, 1992 teleconference on immediate needs. It was not possible for many of these questions to be asked live during the teleconference. The material is divided into three parts: Income Support issues; Food Stamp issues; and Energy issues. This material will also be incorporated into the appropriate source book pages.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security

Income Support Issues

1. Q. Can a client call on the telephone to request immediate need assistance or must the client always have a face-to-face interview? If so, does the social services district (SSD) mail a "Action Taken on Your Request for Assistance to Meet an Immediate Need or a Special Allowance" (DSS-4002)?
 - A. An applicant must come into the SSD, or send in an authorized representative if mentally or physically unable to come in person. However, a recipient can request over the telephone an additional allowance to meet an immediate need (see 89 ADM-6). The pre-screening interview would be done over the telephone. When a recipient calls, expressing an emergency need, a DSS-4002 must be completed and mailed, along with the completed "Request for an Additional Allowance" (DSS-3815).

2. Q. Is the "Request for an Additional Allowance" (DSS-3815) needed if the SSD's policy is to automatically provide a pregnancy allowance?
 - A. Yes. 89 ADM-6 requires that the "Request for an Additional Allowance" be completed by the recipient or the worker. A copy of the request must go into the case record and a copy must go to the recipient.

3. Q. Office staff work from 9 am to 5 pm. How late is it reasonable to remain available for a client to make an immediate need request (in order to be able to respond in a same day interview?)
 - A. As long as the client comes into the SSD before normal closing hours, the SSD must pre-screen the client to assess the emergency situation and meet the immediate need, if one exists, in some manner that day.

4. Q. What if a client has no verification of identity or citizenship/alien status and is unable to provide collateral contacts, but is cooperative?
 - A. Most applicants should be able to provide collateral contacts such as neighbors, clergy, shelter providers, etc. However, if the applicant is cooperating, immediate need assistance must be provided until the SSD can assist the applicant in providing some kind of documentation or the SSD can determine the applicant ineligible for assistance.

5. Q. A client appears with no documentation at all, but is homeless and has no food. Can anything be done while waiting for verification?

- A. As long as the applicant is cooperating in providing documentation and verification and has no available income or resources to meet the need, the immediate needs for housing and food must be met either through a referral to a community resource or by issuing a pre-investigation grant. The assistance can be short-term, until some kind of verification can be obtained or until ineligibility is determined.
6. Q. When would it be appropriate to force an applicant/recipient (A/R) to use their credit card to meet an immediate or emergency need (i.e. shut-off, fuel emergency, shelter or food emergency)?
- A. It would never be appropriate to require a PA recipient to use their credit card to incur debt to meet an emergency or immediate need. For non-energy related emergencies, it would be appropriate in situations where eligibility for recurring PA is not yet determined or the applicant was applying for emergency assistance only, an immediate need exists, the availability of the credit is verified and the applicant has a means of repaying the debt (i.e. employment). Medical Assistance (MA) does not consider a credit card a resource available to meet medical needs or any other needs before an applicant's eligibility is established. See question no. 2 under Energy Issues for treatment under Energy Programs. See question no. 2 under Food Stamp Issues for treatment under Food Stamps.
7. Q. Can an automobile with a value over the public assistance (PA) resource limit be considered a liquid resource when investigating the necessity of meeting immediate needs?
- A. Generally, an automobile with a lien cannot be converted into a liquid resource in time to meet the immediate need(s), so it would not be considered an available resource. However, if there are no liens and the immediate need can be met by liquidating the car, efforts must be made to sell the car.
8. Q. If an applicant refuses to use available income (wages) to meet an immediate need, such as a utility turn-off, can assistance be denied even if there are children in the household?
- A. Yes. If there is available income or resources to meet an immediate need and the applicant refuses to use them, an SSD must deny immediate need assistance, even if there are children involved. If the children are placed in danger because of the parent's actions, a referral to protective/preventive services should be made.
9. Q. An applicant is denied Emergency Assistance to Families (EAF) because of refusal to use available income (wages) and availability has been verified. The applicant returns the next day and provides receipts from purchases which exhausted the available income. Are they now eligible for EAF?

- A. If the purchases were for non-essential items, EAF would be denied based upon the fact that the "emergency" was not the result of a sudden occurrence or set of circumstances demanding immediate attention; i.e. the emergency was the result of their using resources that should have been used to meet the emergency.
10. Q. If the immediate need of the applicant is met through a referral to a residential program for victims of domestic violence, must the applicant use resources to pay for the program?
- A. Income and resources which are the victims' (not those of the spouse), and are available, must be counted before PA can pay any portion of the per diem rate for the shelter stay. (See 92 LCM-104 for a further discussion of domestic violence payment issues).
11. Q. A teenager (16-18 years old) leaves home and requests housing at the SSD, but does not want to follow rules in the parent's home. No parental abuse is alleged. The SSD calls parents and parents say that the child can return if he/she adheres to rules. Can the SSD deny the application? The child is not deprived of parental support or care.
- A. Yes, under these specific circumstances, assistance must be denied.
12. Q. How does an SSD know for sure whether the credit card is above or below the limit? How can this be verified?
- A. Depending upon the amount of time available before the need must be met, a worker could have the client call the bank while still in the DSS office and ask the bank to inform the worker of the available credit or a worker could ask the applicant to return with a statement from the bank. Some credit cards have an "800" number on the back whereby information on credit available can be obtained through the "electronic operator". However, if the limit cannot be verified before the need must be met, it cannot be considered an available resource.
13. Q. How are SSDs expected to canvass all available resources such as advance wages? What if an SSD cannot reach the employer, the bank, life insurance company, etc.
- A. If all these sources cannot be verified and a need is immediate, it must be met until verification can be obtained.
14. Q. On the sample DSS-4002 handed out during the teleconference, the first box on the MA section was checked. This indicates that the applicant should proceed to apply for MA-Only if they need MA instead of waiting for a decision on their current application. Is this correct?
- A. No. The last box should have been checked. An applicant for recurring assistance should not apply for MA-only while their PA application is pending.

15. Q. Is it an invalid notice if more than one issue is addressed on the DSS-4002 or are separate notices suggested for clarity? Is the State doing anything to streamline the DSS-4002 so that more than one notice can be addressed on one form?
- A. It is not an invalid notice. Separate notices were suggested for clarity. However, we have revised the notice so that multiple needs can be addressed on one notice with more clarity. The new form was introduced in 92 INF-52 dated December 7, 1992 and will be available in the near future.
16. Q. If a client is pre-screened at the PA unit and referred to the FS unit, does the SSD need to do two notices - one from PA stating they were referred for expedited food stamps and one from the food stamp unit when they are given food stamps?
- A. Yes. The PA pre-screener would have to provide a DSS-4002 and the FS worker would have to provide an "Action Taken Notice" (DSS-3152).
17. Q. Does every person requesting only immediate need assistance have to complete and sign an application before being screened for their immediate need? If they refuse to fill out the application, must we still give them a DSS-4002?
- A. Generally, yes. However, if someone comes into the SSD late in the day and the need is met by referral to a community resource, it is not necessary to have an application completed if this is not practical. However, a DSS-4002 must be provided.
18. Q. Will the DSS-4002 be required to be given to HR applicants who assert emergency needs during the 45 day waiting period?
- A. Yes.
19. Q. Why is the DSS-4002 provided when the emergency need is eventually met in a situation where the need was not determined to be immediate on the day requested, but the SSD continued to investigate the situation to determine if the need should be met later on? Shouldn't the notification be the regular PA acceptance notice?
- A. The regular acceptance notice concerns the application for recurring assistance, not the emergency need. The DSS-4002 is the notice to be used since the emergency need may become an immediate need and have to be met prior to the case being accepted.
20. Q. How does an SSD determine the amount of a food voucher to meet immediate needs? The example on the DSS-4002 used \$9.70.
- A. There is no definitive "rule" to determine this. However, a pre-investigation grant cannot exceed the amount of money a

recipient similarly situated would receive for a given month. The \$9.70 was a pro-rated amount of the basic allowance, Home Energy allowance (HEA) and Supplemental Home Energy Allowance (SHEA) for the family size in the example we used, which was a three person family.

21. Q. We have been advised by legal services that expedited food stamps (FS) cannot substitute for cash assistance to meet emergency food needs. Yet, the example suggests that 2 days of non-shelter grant and expedited FS is sufficient?
- A. Immediate food needs can be met by expedited FS. Later on in the month when the food purchased by the FS is gone and there is a food need, referral to a community resource or issuance of a pre-investigation grant can be done if the PA eligibility determination has not yet been made.
22. Q. If a client has no food and expedited FS and community resources cannot meet the immediate need, can cash be given instead of a food voucher?
- A. Yes, but only in an amount not to exceed the sum of the basic allowance, HEA and SHEA, or restaurant allowance if appropriate, for any given month.
23. Q. If the client has no transportation to and from the place where the food voucher can be redeemed, should transportation be provided as well?
- A. The immediate need for food is not being met if the applicant is unable to get to the store to redeem the voucher. Tokens or a portion of the non-shelter grant can be provided as a pre-investigation grant to meet the transportation need. However, an applicant can never be provided with total assistance which exceeds the amount that a similarly situated recipient would receive for the month. For example, a recipient in the district receives a monthly non-shelter grant of \$137 (basic, HEA and SHEA). An applicant in that county could not receive immediate need assistance to cover non-shelter needs which exceeds \$137 (for items normally covered under the basic, HEA and SHEA, such as food and money to get to the store to redeem a voucher) plus a restaurant allowance if appropriate.
24. Q. When EBICS goes into effect will food vouchers be eliminated?
- A. No. There will still be a need for food vouchers for two reasons. The benefit may not be available at the EBICS site the day the applicant has an immediate need and an SSD may want to avoid the use of cash as a pre-investigation grant.
25. Q. Can immediate needs be recouped or be considered an overpayment if an SSD later determines that the household was ineligible for the immediate needs grant?

- A. If the household is later determined to have been ineligible for an immediate needs grant under any category of assistance, it is an overpayment subject to either recoupment or recovery, as is any overpayment.
26. Q. If a shelter arrears grant is made to a recipient to prevent eviction, is this always recouped? If so, the actual shelter amount or the agency shelter maximum?
- A. Department regulation 352.7(g)(5) allows SSD's to advance the shelter allowance to recipients to prevent eviction or foreclosure. This advance is limited to the monthly maximum shelter amounts and must be recouped as it is a duplicate payment. In order to provide this advance, the recipient must agree in writing to have it recouped from future grants as per 18 NYCRR 352.11.
27. Q. When an immediate need for rent arrears is paid for an applicant of ongoing assistance, is there a recoupment initiated at time of case opening?
- A. Yes, for any amount paid to an applicant above the SSD's maximum shelter allowance. See 91 ADM-38.
28. Q. Is it proper for food vouchers to be deducted from future ongoing assistance? If yes, is it limited to 10% [or 15% for HR's]?
- A. For applicants, the amount of the food voucher would be deducted from the first regularly recurring grant (not recouped at 10% or 15% of future grants) only if it covered a period of time that the first regularly recurring grant was intended to cover (after the date of eligibility has been established). For example, a food voucher is issued to cover the period June 2 - June 12. Eligibility is established on June 15. In this example, the amount of the food voucher would not be deducted from the first regularly recurring grant. A recipient who has already received the full monthly grant and food stamps to which the recipient was entitled, is not eligible to receive additional cash public assistance for that time period (i.e. a food voucher).
29. Q. What about clients who move from county to county? For example, a client applies for PA in County A and is homeless. County A offers a shelter but the client does not like the shelter. The client comes to county B the same day or the next day and claims to be homeless. Is county B required to provide temporary housing?
- A. Yes. However, if county A had offered permanent housing which the client refused, county B would not be required to provide temporary housing since a permanent housing resource is available.

30. Q. How does an SSD determine which county is responsible for clients in drug/alcohol facilities who repeatedly change counties and fall into non-compliance and end up in emergencies? In this scenario, the county of origin is less than co-operative to meet these needs.
- A. In order to deal with this question, it is helpful to draw the distinction between the two policy areas that affect the answer to this question: district of fiscal responsibility and continuing eligibility.

When an SSD is responsible for a client in a residential drug/alcohol facility out of district, this responsibility has kicked in because of the:

- a) medical rule (entered a residential medical facility directly from another district);
- b) placement rule (placed by the district into a formal residential program); or
- c) temporary absence rule.

The medical and the placement rules provide for indefinite responsibility. This means that the original SSD is responsible for the recipient until there is a break in the recipient's need for PA and care (i.e. PA and/or MA). A "break in need" ends the original SSD's continuing responsibility. We suggest using a 30 day period of continuous ineligibility as a guideline for determining that a "break in need" has occurred. For MA purposes, there is considered to be no break in need as long as the spend down continues to be met.

In contrast to the medical and placement rules, temporary absence only continues for as long as the recipient continues to engage in the activity for which the recipient left the original district. In the situation of a residential drug/alcohol facility, the person can only be temporarily absent while in the program. If the recipient graduates or otherwise leaves the facility, temporary absence ends and the recipient either returns home to the original district or is transitioned (covered for the month of move and the following month) from the original district to the new district.

To determine the continuing eligibility of a recipient out of district, the SSD uses the same criteria that are used for recipients physically residing in the district. If a recipient who is supposed to be receiving drug/alcohol treatment in a residential program drops out of that program, that recipient loses eligibility for PA. That recipient can only regain PA eligibility by entering a comparable residential facility.

With the above background in mind, an SSD must evaluate each case individually. If an SSD is providing assistance to a recipient in a residential drug/alcohol treatment facility and that person

drops-out, that person loses eligibility for any PA including emergency assistance. If this non-compliance continues for 30 days or longer, the original district would cease to be fiscally responsible for that person if and when the person regains PA eligibility.

When there is a dispute between districts about which district is fiscally responsible for a particular recipient, the SSD in which the person is found must accept and process the application (or other paperwork) and, if the person is eligible, provide assistance. The wherefound district can then take the other district to an interdistrict dispute hearing.

31. Q. There is no definition of eviction in Department regulations. What constitutes a threat of eviction? At what point should an SSD become involved?
- A. The SSD must make a determination of whether or not an immediate need exists on the same day that the applicant or recipient requests assistance to prevent an eviction or foreclosure, whatever the status of the eviction. An SSD does not need a formal eviction notice to begin the process of determining whether the applicant/recipient is eligible for an arrears payment. 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. The important thing to remember is that action must be taken by the SSD in enough time to prevent the eviction/foreclosure if the A/R is eligible for the payment.
32. Q. An A/R is placed in a hotel/motel and advised to make an active effort to seek permanent housing. An SSD calls the A/R after 2 weeks and learns the A/R has made no effort to find housing. Can the A/R be denied additional temporary housing in the hotel/motel?
- A. To continue to be eligible for a hotel/motel allowance, an A/R must actively seek permanent housing. It is not unreasonable for an SSD to require the A/R to document the search for permanent housing. The A/R must be informed, preferably in writing, of what they are required to do and the consequences of not doing so. If the A/R fails to do what is required without good cause, the SSD must issue a 10 day notice informing the A/R that continued hotel/motel payment will not be made because the A/R did not actively seek permanent housing.
33. Q. How are immediate needs for prescription drugs handled? Can an immediate need grant be made for prescription drugs such as an antibiotic?
- A. If a medical condition constitutes an emergency medical need, a referral to a hospital emergency room should be made. There is no "emergency Medical Assistance". However, EAF can cover

emergency medical needs not covered by the emergency room. EHR cannot be directly used to meet a medical need. Rather, for applicants not EAF eligible the non-shelter grant, or a portion thereof, can be paid as a pre-investigation grant to meet needs normally covered under the non-shelter grant, which could include prescription drugs.

34. Q. How should SSD's deal with clients who assert emergency medical needs? The DSS-4002 makes no reference to the issuance of temporary medical cards. What guidelines should be utilized for the issuance of temporary medicaid cards?

A. Clients who have an emergency medical need before eligibility is approved should be referred to a hospital emergency room for necessary treatment.

After eligibility has been determined clients who have an emergency medical need should be issued either an emergency EMEVS card if possible or a DSS-2831A to assure that medical needs will be met.

35. Q. What impact will the 45 day waiting period for HR have on immediate need requests?

A. There may be an increase in the occurrence of immediate needs. Payments made to meet an emergency need prior to the 45th day are subject to state reimbursement as long as the emergency is documented in the case record.

Food Stamp Issues

1. Q. What is the difference between issuance and authorization of expedited benefits?

A. State law requires the issuance of expedited benefits by the next business day after application. An issuance means that the benefits may be obtained by the household. Specifically, the household has an active ID card, valid PIN number (in AFSI), and benefits are available on the electronic issuance system.

Authorization of the benefits, on the other hand, refers to the part of the certification process where the examiner "authorizes" a payment line or benefit to the household. In many cases the authorization of the benefit takes place a whole day prior to when the benefit is available, i.e. "issued".
2. Q. Can an applicant for FS be denied expedited issuance if they have a credit card with a credit dollar line amount that would exceed resource limits?

A. Credit cards are not considered as a resource for FS purposes.
3. Q. If a voucher for food is provided for June 6 - June 12, when does FS eligibility begin? Date of application or date following last date on voucher?

A. Once a food stamp application is approved, benefits are determined from the date the application is filed.
4. Q. Why provide expedited issuance to people in homeless shelters where three meals a day are provided?

A. Federal regulation requires that expedited issuance be given to the homeless. Homelessness is a serious problem in New York State. Every effort to assist individuals and families to obtain more permanent shelter or enable them to pay for the food in their temporary quarters should be done.
5. Q. A household with one person on SSI (for example) is ineligible for expedited FS and no other income is available. If SSI is to meet that client's need, why can't the rest of the household receive expedited FS (if SSI is used to pay rent for example, leaving the family without funds for food)?

A. Eligibility criteria for expedited processing of a FS application is very specific. Under federal regulation only the following households are eligible for expedited processing:
 1. Households with less than \$150 in monthly gross income provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments) do not exceed \$100;

2. Migrant or seasonal farmworker households who are destitute as specified in the FSSB, Section V-I-1, provided their liquid resources do not exceed \$100;
3. Eligible households in which all members are homeless; or
4. Eligible households whose combined monthly gross income and liquid resources are less than the household's rent/mortgage plus heating/utilities.

If a household is not eligible for expedited processing, but has an emergency food need, the FS worker should refer the household to a food pantry and/or to a public assistance worker for assistance to meet that emergency need.

6. Q. How is an emergency food need of a migrant household met if the household does not meet any of the regular expedited criteria or the special destitute criteria for migrants?
 - A. If a migrant household is not eligible for expedited FS, but has an emergency food need the household should be referred to a food pantry and/or a PA worker for assistance to meet that emergency need.
7. Q. Applicants who reside in alcohol and drug rehabilitation facilities must have an authorized representative for FS. If the representative is not present at the interview how can we authorize expedited FS?
 - A. When an application is filed it must be screened for eligibility for expedited processing. For applicants who reside in alcohol and drug rehabilitation facilities an authorized representative must apply for the resident. Screening for expedited processing should be completed in a fashion similar to any other application. An interview is required with the authorized representative.
8. Q. What is acceptable documentation for identity?
 - A. Any documents which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document may be imposed. All possible sources of direct or collateral verification of identity must be explored such as a telephone contact with shelter or community agencies, or a statement from a third party, or a notarized statement from the applicant.
9. Q.a. What is considered pended verification for expedited FS?
 - b. Can pended verification delay issuance of FS benefits?
 - c. How long is verification pended?
 - A.a. Although the SSD should attempt to get as much verification as possible, the only verification that is required for expedited

issuance is identity of the applicant. Therefore, any verification other than identity of the applicant that is necessary for a FS determination, but is not available at the time of expedited issuance, is considered pended verification.

Note: Anticipated receipt of income (e.g. UIB) is not considered pended verification - future receipt of income is processed as a reported change when the income has been reported as received.

- b. Pended verification as described above cannot delay issuance of the initial FS benefit. Households eligible for expedited benefits which have pended verification must receive only their prorated benefit for the month of application within the expedited time frame. However, the second months benefit cannot be issued until the verification requirements are completed.
 - c. Verification can be pended until the end of the assigned certification period if the certification period is three months or under. This is because the recertification notice (DSS-3153) is sent by the second month. For cases certified for four months or longer, verification can be pended through the second month since a timely "Adverse Action Notice" to discontinuance benefits effective the end of the second month must be issued when verification has not been completed.
10. Q. For PA/FS cases does the DSS-4002 take the place of the DSS-3152?
- A. No. When expedited FS are issued a FS case is opened. As with any case opening or denial an "Action Taken Notice" (DSS-3152) must be issued to advise the applicant that the FS case has been approved or denied. If approved, the notice must advise when benefits will be available, the certification period, any ongoing benefit amount, any pended verification and the citation of the regulation(s) the action is based on.

Energy Issues

1. Q. Is HEAP available to illegal aliens who are not PA recipients?
A. HEAP is available to illegal aliens since citizenship is not a requirement.
2. Q. When is the use of credit cards required to meet Immediate Needs?
A. The use of credit cards may be used as a resource in cases where the applicant has a positive cash flow.
3. Q. What are the procedures for completing the deferred payment agreement (DPA)?
A. Deferred Payment Agreement Procedures

One of the most important alternative payment possibilities that must be considered prior to authorization of utility arrearage assistance is whether or not the household seeking assistance has attempted to negotiate a deferred payment agreement (DPA) with the utility company. A DPA is an arrangement for payment negotiated between a utility company and a customer who is experiencing difficulty in meeting bill payment obligations. Agreements must be negotiated so that current bills are paid as due and the payment of arrears is consistent with the customer's ability to pay.

a. Payment Arrangement Requirement

Households in a utility emergency are required to attempt a payment arrangement with the utility company.

Note: The SSD has the option of waiving the payment arrangement requirement for PA/SSI households. However, the SSD must analyze PA/SSI households on a case by case basis to determine if a DPA is a viable alternative. In cases where it appears a DPA could be negotiated, the SSD may require the recipient to attempt a DPA.

When waiving the DPA requirement for PA/SSI households, the SSD must note the reason for the exemption in the case file.

b. Required Form

In order for the SSD to verify a DPA has been attempted and is not possible, utility companies must complete the "Financial Statement" (DSS-3596) and provide this form to the SSD.

The "Financial Statement" may be completed in person by the applicant or it may be necessary for the utility and customer to negotiate the DPA over the phone. In this case, a copy of the "Financial Statement" should be transmitted to the SSD within five (5) business days.

The "Financial Statement" must be retained in the case file.

c. Completion of the "Financial Statement"

(1) All resources, income and expenses claimed by the applicant on the "Financial Statement" are subject to verification/documentation by the SSD.

(2) Resources

All liquid resources that may be available for a down payment should be listed in Section A of the "Financial Statement" form. There are no resource exemptions. Resources must be documented. Credit card advances or loans can be required if the applicant has a positive cash flow.

(3) Expenses

- o Expenses are calculated on a monthly basis and on a prospective basis. It is not required that essential expenses be paid by the applicant in order to be allowed on the "Financial Statement".
- o Weekly expenses are multiplied by 4.3, bi-weekly expenses by 2.15 to calculate monthly costs.
- o Shelter

In general, the rent or mortgage as paid is considered an allowable expense. The rent/mortgage payment must be documented by the applicant.

In situations where the rent is shared or paid by someone else not in the applicant's household, only the amount actually paid by the applicant is allowed. In addition, households which receive a rent subsidy are only allowed the actual amount which they pay.

Basic homeowners insurance is also an allowable deduction.

Water/sewer expenses are also allowable expenses if the household is directly responsible for these costs.

NOTE: Insurance, water/ sewer cannot be allowed as separate expenses if these costs are included in the mortgage payment.

o Food/non-food

Guidelines for this expense are established by NYSDSS based on the FS Program Thrifty Food Plan. As guidelines are updated periodically, the SSD should make sure current guidelines are used.

Guidelines are as follows:

<u>Household Size</u>	<u>Food/Non-Food Expense Range</u>
1	up to \$ 167
2	up to \$ 305
3	up to \$ 438
4	up to \$ 555
5	up to \$ 660
6	up to \$ 792
7	up to \$ 876
8	up to \$1001
9	up to \$1125
10	up to \$1250
Each additional person	+\$125

NOTE: A full amount for food is entered in the expense section even if the household receives FS.

The amounts listed above are only guidelines. A household should first be asked what amount is spent on food/non-food items on a monthly basis. If the household spends less than the highest guideline for the family size, the actual expense is used for the "Financial Statements". If the household spends more, the individual case circumstances must be reviewed to determine if the higher amount will be allowed (i.e. special dietary needs).

o Medical Expenses

This expense should reflect the average monthly amount for ongoing care, treatments, prescriptions, etc., which are current or prospective. Any insurance coverage (Medicaid, Medicare, private insurance) which will cover all or part of the ongoing expenses should be deducted to calculate the amount used for the DPA.

Bills previously incurred for medical care or prescriptions are not allowed but are considered in the same manner as an installment payment.

o Utilities

This amount should reflect the applicant's monthly budget payment. Utility companies should calculate the budget amount to complete this section. The amount to be applied towards the arrearage is not included in this section.

o Other Fuel

An average monthly fuel cost is allowed when the applicant's heat is provided by a source other than the utility. The monthly figure is calculated by determining annual costs and dividing by 12.

o Basic Telephone

Only basic monthly phone charges are allowed. Long distance and other optional telephone features (touchtone, call forwarding, etc.) are not allowable expenses.

o Real Estate Taxes

A monthly amount is allowed for real estate taxes on the applicant owned residential home. The annual property/school taxes are divided by 12 to calculate the monthly amount. Taxes must be documented.

NOTE: Taxes should not be allowed as a separate expense if they are already included in the mortgage payment.

o Car/Transportation Expenses

Essential/employment related monthly car/transportation expenses are allowed for items such as car payments, insurance, gas, maintenance, or public transportation. Generally, actual expenses as documented/verified by the applicant will be allowed unless the total amount exceeds 20% of the household's gross monthly income. If a household's transportation related expenses exceed this guideline, the SSD must review the expenses to determine if the excessive costs are

warranted. The SSD can allow expenses exceeding the 20% if there are valid reasons (i.e. applicant travels long distances to work, has high cost auto insurance, etc.).

o Personal Needs Allowance

A personal needs allowance of \$30.00 per month per household member is allowed.

o Child Care

Essential or employment related child care costs are allowed.

o Court Ordered

Payments which are court ordered and/or wage garnishees are allowed as expenses.

o Non-allowable Expenses

The following are considered non-essential expenses and will not be included on the "Financial Statement":

- cable TV charges
- credit card/installment payments for non-essential items
- tuition/student loan payments
- life insurance payments
- disability insurance premiums
- insurance payments on non-essential items such as boats, trailers, snowmobiles, non-essential cars, etc.

(4) Income

- (a) Income for the entire household is counted for purposes of the "Financial Statement".
- (b) All income sources must be documented.
- (c) To calculate the monthly income amount, weekly wages are multiplied by 4.3, bi-weekly wages by 2.15, etc.
- (d) Mandatory employment expenses are deducted from the gross monthly income. These include: Social Security, taxes, mandatory union dues/shop fees, health insurance premiums, and NYS disability payments.

NOTE: When a household member is claiming less dependents than are actually allowed for tax purposes, the individual's income is adjusted by utilizing current Federal/State tax withholding charts.

(e) court ordered child support or garnishees are also deducted from the gross income.

d. Refusal to Negotiate a Payment Arrangement or Provide Information

Refusal to negotiate a payment arrangement and/or provide information/documentation on the "Financial Statement", or accept a fair and reasonable offer constitutes sufficient grounds for denial of emergency benefits. If the applicant is denied for these reasons and if a child or elderly/disabled adult resides in the household, a referral to the appropriate services unit should be made.

e. Downpayments

(1) A payment arrangement can be negotiated without a downpayment if the household has not previously defaulted on a fair and reasonable arrangement and does not have available resources to make a downpayment.

(2) If the household has defaulted on a fair and reasonable payment arrangement, the utility company can require a downpayment.

f. Change in Financial Circumstances

(1) Applicants have the right to have an existing payment arrangement renegotiated if their financial circumstances change significantly because of reasons beyond their control.

(2) Applicants should be encouraged to contact the utility company before they default to renegotiate the payment arrangement.

(3) No downpayment is required in renegotiating the payment arrangement.

g. Applicant Default on Previous Payment Arrangement

(1) If an applicant has previously defaulted on a payment arrangement, the SSD must determine:

o If the payment arrangement was in writing. The SSD must obtain a copy of the written payment arrangement form for review or proof that the prior arrangement was reasonable.

- o If the payment arrangement was fair/reasonable and based on the household's financial circumstances.

h. Utility Company Responsibilities

(1) Utility Obligations

A utility must make reasonable efforts to contact eligible customers or applicants by phone, mail or in person to offer a payment arrangement tailored to the customer's financial circumstances.

A payment arrangement may provide for repayments as low as \$10 per month and no downpayment when the customer demonstrates such need on the form that calculates income versus expenses.

A payment arrangement may provide installments on any schedule for any period of time if mutually agreed to by both parties and may provide for any size or no downpayment.

A utility may postpone a scheduled termination for up to 10 calendar days for the purpose of negotiating a payment arrangement.

A utility must renegotiate an existing payment arrangement if the customer demonstrates that the financial circumstances of the household have changed due to conditions beyond their control.

In such cases where the parties have been unable to reach agreement, the PSC may become involved to resolve the issue.

(2) Terms of Agreement

A downpayment request can be up to 15% of the total arrearage or one-half (1/2) of one month's average use, whichever is greater.

Example: If the total arrearage was \$500 then 15% of that would equal \$75.

If the average monthly usage was \$70 then 50% of that would equal \$35.

The downpayment request would then be the greater of the two, \$75, and not to exceed \$75.

The only exception to this formula is when the calculated amount is less than 50% of the average monthly cost. In this instance, because the amount is small, the utility may ask for up to 50% of the average monthly cost.

The monthly installments should not exceed 50% of the average monthly usage or one-tenth (1/10) of the balance, whichever is greater.

NOTE: If the customer demonstrates financial need, a downpayment may not be required and installments may be as low as \$10 per month above current bills. Also, the agreement should not be signed if the customer is unable to pay its terms.

(3) Broken Agreements

If a customer fails to make payment on the agreement date, they have 20 calendar days to make payment or a final termination notice may be issued.

If no payment has been made by the 20th calendar day, the utility may demand full payment of the total outstanding charges.

If the customer can demonstrate that the household's financial circumstances have changed due to circumstances beyond their control, a new agreement may be available.

Any final termination sent because the customer has broken an existing agreement must also be accompanied by a written offer of a new agreement of installment payments, possibly as low as \$10 above incurred cost.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
89 ADM-6		350	131-a	PASB	92 LCM-104
86 ADM-7		351		IV-F-all	
83 ADM-47		352		VI-C-3-all	
91 ADM-38		370		XIII-D-7.3-	
		372		7.4	
		387		XIV-D-all	
		397		XIV-G-all	
				XV-K-all	
				XV-P-all	
				XVIII-C	
				XVIII-D-	
				all	
				XIX-A-all	
				XIX-C-all	
				XIX-E	
				XXII-F-all	
				FSSB	
				V-D-1.5	
				V-E-1.3 &	
				1.4	
				V-I-all	
				XIV-A-3&4	
				XIV-B	