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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 96 ADM-13

TO: Commissioners of
 Social Services

DIVISION: Temporary
 Assistance

DATE: July 17, 1996

SUBJECT: Limitations on Home Relief Benefits for New Residents

SUGGESTED DISTRIBUTION:	Income Maintenance Directors Medical Assistance Directors Food Stamp Directors Staff Development Coordinators CAP Coordinators
CONTACT PERSON:	Call 1-800-343-8859 and ask for: Temporary Assistance Regional Representative: Region 1 - 3-0332; Region 2 - 4-9344; Region 3 - 4-9307; Region 4 - 4-3231; Region 5 - 3-1469; Region 6 - 212-383-1658. Medical Assistance - Shari Niedbalec - 3-5503
ATTACHMENTS:	General Assistance State Maximum Standards of Need (on line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		311.1(a) 352.29(i)	SSL 131-a(3)		

I. PURPOSE

This directive advises social services districts of the limitations on receipt of Home Relief benefits as required by Chapter 81 of the Laws of 1995.

II. BACKGROUND

Chapter 81 of the Laws of 1995 amended section 131-a(3) of the Social Services Law to limit Home Relief benefits to new residents.

III. PROGRAM IMPLICATIONS

As a result of this change, persons entering New York State from another state, country or territory will either be ineligible for recurring Home Relief benefits, or eligible for lower benefits, for the first six months after establishing residency in New York State.

IV. REQUIRED ACTION

A. Public Assistance

Persons entering New York State and seeking Home Relief will now receive limited Home Relief benefits as follows:

For the first six months after establishing residency in New York State, Home Relief benefits are limited to the standard of payment in the state, territory or possession in which the person or family resided immediately prior to establishing residency in New York State. However, in no event can the grant be greater than the grant for which the person would otherwise be eligible for if he or she did not come from outside of New York State.

State residency is gained by an individual by moving into New York State voluntarily with the intention of making his/her home in the State and not for a temporary purpose.

State residency is lost by an individual by moving outside of New York State voluntarily with the intention of making his/her home outside this State. Temporary absence from New York State with subsequent returns to New York State, or intent to return when the purposes of the absence have been accomplished, does not interrupt continuity of residency.

Once New York State residency is lost by an individual, any subsequent return to New York State will subject that individual to the six month limitation on Home Relief benefits.

The six month period starts on the first day of the month the person establishes residency in New York State. For example, if the person establishes residency in New York State on January 28, the six month period starts on January 1 and would end on June 30. The person receiving a reduced benefit would be eligible for a normal benefit amount beginning July 1.

If there is no general assistance program in the previous state, territory or possession, Home Relief cannot be paid for the first six months after establishing residency in New York State. (The attached chart represents all of the U.S. states and territories with a general assistance program).

Home Relief benefits cannot be paid for persons entering New York State from outside the United States, its territories or possessions for the first six months after their establishing residency in New York State.

It should be noted that refugees can continue to receive 100% federally funded benefits under the Refugee Cash Assistance/Refugee Medical Assistance Program. They are entitled to 100% federally funded benefits for the first eight months from entry into the United States.

"The standard of payment which would be available under the laws of another state" refers to the attached schedule of comparative grants (Attachment) which will be in WMS. This schedule lists maximum standards of payment for those states which financially participate in or mandate a general assistance program. This schedule will be updated biennially and will be effective on July 1 of each odd numbered year, beginning in 1995.

Persons who come from a state without a general assistance program and who are thus ineligible for Home Relief for six months from establishing residency are not eligible for assistance to meet emergency needs under the Home Relief program during this six month period. Persons who come from a state with a lower standard than New York State may be eligible for assistance to meet emergency needs under the Home Relief program during this six month period with the following limitations: they can receive assistance to meet emergency needs during the 45 day waiting period up to the payment standard of the other state for any given month; they can receive "one shot" emergency assistance during the six month period, but it is limited to the other state's payment standard for any given month. Referrals to non-profit or charitable organizations should be made in cases where emergency needs cannot be met or fully met by public assistance. Referrals to Adult Protective Services may be warranted in some situations.

The 45 day waiting period for a person who applies for benefits during this six month period and is ineligible for any benefits during this period, begins with the first application date after the end of the six month period. For example, if January is the first month of establishing New York State residence, any application date after July 1 would be the first day of the 45 day waiting period.

B. Food Stamps

Eligibility requirements for food stamps are unchanged. If a Home Relief/food stamp applicant is denied Home Relief because of this requirement, a determination on food stamp eligibility, under existing rules, must be made within 30 days of the application filing date. The food stamp 30 day processing requirement applies even though Home Relief payments will not be made until day 45. All applicants must be screened for expedited food stamp processing.

C. Medical Assistance

There are no durational residency requirements for MA. Any individual who has been denied PA based on the standard of payment used in another state must have a separate MA determination made using the PA Standard of Need in the New York State county where the applicant is currently residing.

V. NOTICE REQUIREMENTS

The reason language paragraphs below are for use when an applicant is affected by the new limitations on Home Relief. Districts that produce public assistance closing and denial notices through the CNS will, by using the appropriate reason code, produce the required reason language.

Districts that use manual notices for denials must use the appropriate State mandated (or approved local equivalent) notice:

DSS-4013: "Action Taken on Your Application: Public Assistance, Food Stamps, Medical Assistance and Services" (Timely and Adequate).

When a full explanation of the action will not fit on the notice, an attachment will be needed. Include enough information on the notice to identify the reason for the action and refer the applicant to the attachment for a full explanation. When an attachment is needed, the Regulatory citation must appear on the notice.

Ineligible - (from state with no General Assistance program or from foreign country) Reason Code P91.

This is because a person whose category of assistance is Home Relief cannot receive public assistance for the first six months after establishing residency in New York State if:

The person has moved to New York State from a foreign country, or the person has moved to New York State from a state, territory or possession that has no General Assistance program. General Assistance is a category that some states have to assist individuals who are not eligible for the federal assistance program, Aid to Families with Dependent Children (AFDC). In New York State, the General Assistance program is called Home Relief.

Generally, adults without children are in the Home Relief category of assistance unless there is an individual in the case who is:

| under age 19, or

| a pregnant woman, or

| a man living with an applying pregnant woman, if the man is the spouse of the woman or the acknowledged father of her child, or

| the caretaker relative of a child who is receiving SSI, or of a non-applying child whose parent is absent, or incapacitated or unemployed.

We have determined that your category of assistance is Home Relief and that you came from a foreign country or from a state, territory or possession that has no general assistance program. Our information is that you came to New York State from (worker enter state or country) on (worker enter date).

This decision is based on Department regulations 311.1 (a) and 352.29(i).

Eligible-lower payment standard (No reason code-this will print in the budget section of a CNS produced notice.)

Your grant is limited to the payment standard in your former state of residence. This is because a person who has established residency in New York State within the last six months cannot receive public assistance in the Home Relief category according to New York standards when:

The former state of residence has a General Assistance program with a payment standard that is less than New York's. General Assistance is a category that some states have to assist individuals who are not eligible for the federal assistance program, Aid to Families with Dependent Children (AFDC).

Generally, adults without children are in the Home Relief category of assistance.

We have determined that your category of assistance is Home Relief and that you came from (worker enter state) on (worker enter date). You cannot receive public assistance at New York State levels until you have been a resident of New York State for six months.

This decision is based on Department regulations 311.1 (a) and 352.29(i).

VI. SYSTEMS IMPLICATIONS

ABEL will calculate eligibility and the appropriate benefit amount when the appropriate state code is entered. The upstate codes were attached to the ABEL transmittal 95-02.

VII. EFFECTIVE DATE

The effective date of this Administrative Directive is July 17, 1996.

Patricia A. Stevens
Deputy Commissioner
Division of Temporary Assistance

General Assistance
State Maximum Standards of Need

May 1, 1995

<u>State</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>*</u>
Alaska	120	240	360	480	600	720	840	960	120
Arizona	173	233	233	233	233	233	233	233	0
California	299	490	607	723	824	926	1,017	1,108	91
Connecticut	552	704	872	1,016	1,145	1,281	1,425	1,566	144
Delaware	123	166	224	263	324	371	416	461	45
D.C.	265	330	420	513	591	695	797	881	140
Hawaii	418	565	712	859	1,006	1,153	1,300	1,446	147
Illinois	165	278	377	414	485	545	574	604	51
Kansas	267	352	429	497	558	619	680	741	61
Maine	499	548	715	932	1,056	1,131	1,206	1,281	75
Massachusetts	392	486	579	668	760	854	946	1,037	95
Minnesota	203	437	532	621	697	773	850	916	53
Missouri	80	160	240	320	400	480	560	640	80
New Jersey	210	289	366	420	480	540	597	655	50
New Mexico	227	304	381	458	534	611	688	764	77
Ohio	100	138	168	196	218	244	271	314	35
Oregon	286	379	379	379	379	379	379	379	0
Pennsylvania	215	330	421	514	607	687	770	853	83
Utah	246	342	426	498	567	625	654	685	31
Vermont	277	308	338	353	384	399	429	459	30
Virginia	243	327	393	457	542	593	655	721	61
Virgin Islands	120	180	240	300	360	420	480	540	60
Washington	349	440	546	642	740	841	941	1,075	0
Wisconsin	249	440	518	618	709	766	830	879	42

* Represents payment equivalent to each additional person.