

New York Code of Rules and Regulations
Title 18. Department of Social Services
Chapter II. Regulations of the Department of
Social Services
Subchapter B. Public Assistance
Article 5. Miscellaneous
Part 397. Emergency Assistance for Adults

TITLE 18. DEPARTMENT OF SOCIAL SERVICES
CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES
SUBCHAPTER B. PUBLIC ASSISTANCE
ARTICLE 5. MISCELLANEOUS
PART 397. EMERGENCY ASSISTANCE FOR ADULTS

Part 397 Notes

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added Part 397 on 1/07/76; added 397.11 on 2/21/90; repealed 397.11 on 9/27/00.

§ 397.1 Definitions

(a) Emergency assistance for adults (EAA) means grants of assistance to aged, blind or disabled individuals and couples who have been determined eligible for or are receiving Federal supplemental security income benefits or additional State payments and applied for such assistance to meet emergency needs, in the circumstances specified in this Part, that cannot be met by the regular monthly benefits of SSI and additional State payments.

(b) Emergency needs means those needs which, if not met, would endanger the health, safety or welfare of such persons, and are limited for the purposes of this Part, and to the extent permitted by section 397.5 of this Part, to the following:

- (1) replacement or repair of clothing, furniture, food, fuel and shelter;
- (2) replacement of stolen cash;
- (3) replacement of lost or mismanaged cash;
- (4) chattel mortgages and conditional sales contracts;
- (5) household moving expenses;
- (6) establishment of a home;
- (7) maintenance of a home;
- (8) repair or replacement of essential household heating, cooking, refrigeration, water supply, safety, plumbing and sanitary equipment;
- (9) rent security deposits;
- (10) brokers' fees;
- (11) storage of furniture and personal belongings;
- (12) payments for goods and services already received;
- (13) replacement of lost, stolen, or unreceived SSI checks; and
- (14) nutritional requirements.

(c) Applicant for EAA means an individual or couple who has directly or by a representative, expressed in writing on the State-prescribed form to the social services official in the county in which the

applicant resides, a desire to receive EAA and to have his eligibility considered.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.1 on 1/07/76; amended 397.1(c) on 9/18/79.

§ 397.2 Application

Each time an applicant applies for EAA, a separate copy of the State-prescribed form shall be completed, except that if he last applied for such assistance within 12 months prior thereto and lives at the same address, his last previous application shall be reviewed and updated and shall be signed by the applicant.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.2 on 1/07/76; amended 397.2 on 9/18/79.

§ 397.3 Determination of eligibility

The social services official shall determine each applicant's eligibility on the basis of a completed application, a face-to-face interview with the applicant or his duly designated representative, and prompt verification of the circumstances of the applicant. That verification shall include an investigation, properly documented, of the facts alleged in the application, including:

- (a) the identity of the applicant;
- (b) the domicile of the applicant;
- (c) family composition;
- (d) the amount necessary to meet emergency needs;
- (e) income from any source;
- (f) savings and other resources;
- (g) the type of emergency needs; and
- (h) the applicant's eligibility for SSI or additional State payments.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.3 on 1/07/76.

§ 397.4 Factors of eligibility

In order to be eligible for EAA an applicant (if a couple, the eligible spouse) shall:

- (a) reside in New York State;
- (b) be eligible for SSI benefits or additional State payments; and
- (c) have emergency needs that cannot be met by the regular monthly SSI benefit and additional State payments, by emergency assistance for families under Part 372 of this Title, or by income or resources not excluded by the Federal Social Security Act, and which if not met would endanger the health,

welfare or safety of the applicant.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.4 on 1/07/76.

§ 397.5 Granting of EAA

Each social services district shall, when provision cannot otherwise be made, grant EAA to meet emergency needs of eligible persons residing in the district under the following circumstances and conditions:

(a) Provision for clothing, furniture, food, fuel and shelter. Replacement or repair, as the case may be, of clothing, furniture, food, fuel and shelter (including repairs to homes owned by aged, blind and disabled persons and temporary shelter until necessary repairs are completed or replacement shelter is secured), shall be provided if such clothing, furniture, food, fuel or shelter was lost or rendered useless as a result of burglary, theft or vandalism, or as a result of fire, flood or other similar catastrophe which could not have been foreseen by the recipient, and was not under his control. All such losses due to burglary, theft or vandalism shall have been reported to local law enforcement officials and appropriately verified by local officials before the replacement or repair thereof. Documentation in the case record shall include verification of the blotter entry number, classification number, file number, or other available evidence of reporting furnished to the social services official. Replacements and repairs shall be made as follows:

(1) clothing and furniture in accordance with Schedules SA-4a and SA-4b of Part 352 of this Title;

(2) food based on a pro rata share of Schedule SA-1 of Part 352 of this Title;

(3) fuel in accordance with Schedule SA-6 of Part 352 of this Title; and

(4) shelter in an amount not to exceed the maximum of the monthly shelter allowance schedule for rent.

(b) Replacement of stolen cash. Stolen cash shall be replaced if the theft was reported to local law enforcement officials. Documentation in the case record shall include verification of the blotter entry number, classification number, file number or other available evidence of reporting furnished to the social services official.

(c) Replacement of lost or mismanaged cash. Cash which has been lost or mismanaged by a person who by reason of advanced age, illness, infirmity, mental weakness, physical handicap, intemperance, addiction to drugs, or other cause has suffered substantial impairment of his ability to care for his property shall be replaced. When such assistance is granted, a referral shall be made for adult protective services for an evaluation and determination of the need for protective services and a representative payee.

(d) Chattel mortgages or conditional sales contracts. Payments to a secured party in whose favor there is a security interest on furniture or household equipment essential to making living accommodations habitable, shall be made in an amount not to exceed cost of replacement as stated in Schedule SA-4a of Part 352 of this Title. Such payments shall be authorized only after every effort has been made by the social services official to defer, cancel, reduce or compromise payments on the security interest. Such assistance shall be authorized only once during the lifetime of an aged, blind or disabled person.

(e) Moving expenses. Household moving expenses shall be paid when a change of residence is necessary because the health, welfare or safety of the eligible person or persons is endangered and the move is not caused by eviction for nonpayment of rent, or when the move will substantially reduce rental costs.

(f) Establishment of a home. A grant shall be made for furniture or clothing which may be necessary to enable a person to move to a private residence from a nursing home, hospital or other institution. Such assistance shall be authorized only once during the lifetime of an aged, blind or disabled person and costs of necessary furniture and clothing shall not exceed amounts stated in Schedules SA-4a and SA-4b of Part 352 of this Title.

(g) Maintenance of a home. Household expenses shall be met when essential to the maintenance of a home for a person whose SSI benefits have been reduced because of placement in a medical facility. Within 45 days following placement in such a facility, the social services official shall determine and document in the case record whether, and payments under this subdivision shall not continue unless, the recipient is expected to remain in the facility for less than 180 days following the reduction in his SSI benefits and return home following discharge.

(h) Essential repair or replacement of equipment. The cost of repair or replacement of essential household heating, cooking, refrigeration, water supply, personal safety, plumbing, and sanitary equipment shall be met, provided that the cost of household heating, cooking and refrigeration equipment, where applicable, shall not exceed the amounts stated in Schedule SA-4a of Part 352 of this Title. Cost of other equipment shall be determined by the social services official in accordance with prevailing prices in the community.

(i) Rent security deposits. Security against nonpayment of rent or for damages, as a condition to renting a housing accommodation, shall be provided under the conditions set forth in Part 352 of this Title.

(j) Brokers' fees. Brokers' fees necessary to securing shelter shall be provided under the conditions set forth in Part 352 of this Title.

(k) Storage of furniture and personal belongings. The cost of essential storage of furniture and personal belongings during relocation, eviction or residence in temporary shelter must be met for as long as the circumstances necessitating the storage and eligibility for emergency assistance for adults continue to exist.

(l) Payments for services and supplies already received. (1) Nonutility (other than natural gas or electricity) heating fuel. A payment will be made for nonutility heating fuel for recipients of SSI or additional State payments, provided such payment is necessary to obtain nonutility heating fuel essential for the recipient's residential heating purposes. Such payment may not exceed the cost of nonutility heating fuel required to meet the recipient's immediate need and may only be made when the applicant documents that he/she is the tenant of record and the customer of record, as defined in section 352.5 (a) of this Title, and alternative payment or housing accommodations cannot be made and the recipient is without resources, in excess of those allowed under the SSI Program, to pay for such nonutility heating fuel. When a recipient of SSI or additional State payments is the customer of record for a nonutility energy bill that applies to more than their own residential unit, a social services district may not authorize payment necessary to obtain nonutility heating fuel.

(2) Utility (natural gas or electricity) services. A payment must be made for utilities previously provided to a recipient of Supplemental Security Income (SSI) or additional State payments, if such payment is essential to continue or restore utility service. Payments must not exceed the cost of utilities provided to the recipient during the four most recent monthly billing periods or two most recent bimonthly billing periods immediately preceding the date of request for such assistance and may only be granted when the applicant documents that he/she is the tenant of record and the customer of record, as defined in section 352.5 (a) of this Title, and alternative payment or housing accommodations cannot be made and the recipient is without resources, in excess of those allowed under the Supplemental Security Income Program, to continue or restore utility service. When a recipient of SSI or additional State payments is the customer of record for a utility bill which applies to more than their own residential unit, a social services district may not authorize payment necessary to continue or restore utility service. In no event must payment be made for service rendered to the recipient more than 10 monthly billing periods or 5 bimonthly billing periods prior to the date of application for such assistance. The social services official must also act as a guarantor of the

recipient's future utility bills for the following six months or until the social services official has notified the utility company that the recipient's SSI benefits have been terminated, whichever occurs first.

(3) Other household expenses. Payment shall be made for items including, but not limited to, rent incurred during the four-month period prior to the month in which such person applies for emergency assistance for adults when payment of such expenses is necessary to prevent eviction and in the judgment of the social services official, other housing accommodations appropriate for the person's best interest are not available in the area. A social services official shall not grant emergency assistance under this paragraph to a person who has received a grant under this paragraph within the preceding 12 months, unless the granting of such assistance is recommended by the social services official and has been approved by a duly designated official of the department. For the purposes of this paragraph, a person shall be deemed to have received a grant under this paragraph within the preceding 12 months if he/she is residing in a household with another person who has received a grant under this paragraph within the preceding 12 months.

(m) Replacement of a lost, stolen or unreceived SSI check. A lost, stolen or unreceived Federal SSI and/or additional State payments check or checks shall be replaced up to a maximum of one half the amount of each such check, predicated upon the estimated period of time required for the receipt of the original check or replacement check by the Social Security Administration. As a condition of eligibility for such assistance, the applicant shall be required to agree in writing, on a form prescribed by the department to repay any amount granted as emergency assistance pursuant to this subdivision or subdivision (n) of this section when the original check or replacement check is received. All such incidences of loss, theft or nonreceipt shall have been reported to the appropriate district office of the Social Security Administration and appropriately verified by the local social services official before the replacement check is issued. Documentation in the case record shall include verification of the report to the Social Security Administration.

(n) Nutritional requirements. A money payment or food voucher shall be issued in the amount of \$ 21.70 for a single individual and \$ 34.60 for a couple to meet a person's nutritional requirements for one week, within 24 hours of application. The applicant shall demonstrate that he requires such assistance to avoid hunger and has no cash or personal assets readily reducible to cash with which to purchase food. Such assistance shall be granted to applicants for SSI or to recipients of SSI whose SSI or additional State payment check has been lost, stolen or unreceived.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.5 on 1/07/76; amended 397.5 on 6/08/82; amended 397.5 on 3/27/86; amended 397.5 on 12/09/87; amended 397.5 on 7/14/88; amended 397.5 (l) on 4/08/92.

§ 397.6 Reimbursement

Expenditures properly made by social services districts under this Part, including costs of administration, shall be reimbursed by the State in an amount equal to one half of such expenditures after first deducting any Federal funds properly received or to be received on account thereof.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.6 on 1/07/76; amended 397.6 on 3/16/84.

§ 397.7 Records and reports

Each social services official shall record and report such information as is requested by the department to insure compliance with this Part.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.7 on 1/07/76.

§ 397.8 Appeal and fair hearing

An applicant or recipient for EAA shall be informed of his right to appeal to the department and request a fair hearing when his application has not been acted on promptly or the application is denied or the grant is deemed inadequate. In scheduling hearings and investigations, priority shall be given to applications for assistance and appeals under this Part.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.8 on 1/07/76.

§ 397.9 Authorization

A State-prescribed form shall be marked "EAA" to identify it as emergency assistance to adults. Such authorization shall not exceed the amount permitted by this Part and shall only be for and in the amount necessary to meet the specific emergency for which the application was made.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Repealed and added 397.9 on 1/07/76; amended 397.9 on 4/17/81.

§ 397.10 Grants of assistance for guide dogs

(a) Definitions.

(1) Grants of assistance for guide dogs (GAGD) means grants of assistance to blind, deaf or disabled individuals who maintain guide, hearing or service dogs and who have been determined to be eligible for or are receiving Federal supplemental security income benefits and/or additional State payments. The grants are for the purchase of food for such guide, hearing or service dogs.

(2) Application means an action by which a person indicates, in writing on a form prescribed by the department, his desire to receive GAGD.

(b) Factors of eligibility. In order to be eligible for GAGD, an applicant shall:

(1) reside in New York State;

(2) be eligible for or in receipt of SSI benefits or additional State payments;

(3) be blind, deaf or disabled;

(4) maintain a guide, hearing or service dog; and

(5) not have earned income exempted for maintenance of a guide, hearing or service dog pursuant to Federal law or regulation.

(c) Determination of eligibility. (1) The social services official shall determine each applicant's eligibility for GAGD on the basis of a completed application and verification of the circumstances of the applicant.

(2) The verification shall include documentation of the facts alleged in the application, including:

- (i) the applicant's eligibility for SSI or additional State payments;
 - (ii) blindness, deafness or disabling condition;
 - (iii) maintenance of a guide, hearing or service dog; and
 - (iv) lack of earned income exempted for maintenance of a guide, hearing or service dog pursuant to Federal law or regulation.
- (3) Eligibility shall be determined on the basis of a completed application; a face-to-face interview shall not be required of applicants for GAGD.
- (d) Granting of GAGD. A grant must be issued in the amount of a \$ 35 monthly cash payment to eligible individuals.
- (e) Records and reports. Each social services official shall maintain case records and report claiming and caseload information as requested by the department to insure compliance with this Part.
- (f) Authorization. A State-prescribed authorization form must be marked GAGD to identify it as grants of assistance for guide, hearing and service dogs. Such authorization must not exceed the amount permitted by this Part.
- (g) Recertification. (1) All factors of eligibility under subdivision (b) of this section shall be reevaluated and verified not less frequently than every six months.
- (2) The GAGD application and recertification form shall be used for recertification.
- (3) Recertification shall be done by mail. A face-to-face recertification shall not be required.
- (4) Recipients shall be required to report changes of circumstances between recertifications.
- (h) Reimbursement. Expenditures properly made by social services districts under this section, including costs of administration, shall be reimbursed by the State in an amount equal to 100 percent of such expenditures.
- (i) Notification and fair hearing. The social services official shall inform each applicant for GAGD of the determination made by the social services district. An applicant for GAGD shall be informed of his right to appeal to the department and request a fair hearing when his application is denied.

Statutory authority: Social Services Law, §§ 20, 34, 300-309; L. 1988, ch. 53

Added 397.10 on 1/29/79; amended 397.10 on 3/30/79; amended 397.10 on 4/17/81; amended 397.10 on 3/16/84; amended 397.10(a) on 7/09/87; amended 397.10(d) on 7/09/87; amended 397.10(f) on 7/09/87.