

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 83 ADM-47  
[Income Maintenance]

TO: Commissioners of Social Services

SUBJECT: Emergency Housing for Homeless Persons

DATE: September 29, 1983

SUGGESTED DISTRIBUTION: All Income Maintenance Staff

CONTACT PERSON: Any questions regarding Public Assistance should be directed to Maureen Standish, at 1-800-342-3715, extension 4-9350.

I. PURPOSE

The purpose of this administrative directive is to clarify certain responsibilities of local districts to obtain emergency housing for homeless persons.

II. BACKGROUND

The number of homeless persons in New York has increased dramatically in recent years. As a result, the Department is developing a comprehensive policy on the prevention of homelessness and the provision of temporary housing. This policy is designed to ensure that emergency housing placements are as brief as possible and minimize both the dislocation from the homeless person's community and any disruption to the client's life caused by such dislocation.

The Department is issuing this ADM as part of this policy.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs. Parts 310 350.351	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
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### III. PROGRAM IMPLICATIONS

This administrative directive will provide guidance to local districts regarding their responsibilities for emergency housing for homeless persons. Local districts as well as State entities have constitutional and statutory responsibilities to assist homeless persons in obtaining housing.

For purposes of this administrative directive, a "homeless person(s)" is defined as a person or family who is undomiciled or living in a temporary shelter.

### IV. REQUIRED ACTION

#### A. Public Assistance

##### 1. Providing Access to Emergency Housing for Homeless Persons

- a. Local districts must have procedures in place to ensure that homeless persons or persons in imminent danger of becoming homeless can apply for emergency housing whenever such emergency housing is needed. The date and time of the initial contact by the homeless person, his authorized representative, a community agency or other interested person acting on behalf of the homeless person, in addition to all information or advice provided by the local district, shall be recorded in the case record.
- b. Emergency housing must either be provided immediately if a homeless person is determined eligible or written notice must be given that no assistance will be provided where a homeless person is determined ineligible. A person who is determined ineligible shall be advised of the right to an expedited State Fair Hearing.
- c. Local districts must have procedures in place to allow persons who are in danger of becoming homeless to notify the district of such danger and to seek the assistance of the district in avoiding homelessness. Such procedures must provide for prompt preventive efforts by the local district. Local districts are encouraged to intercede at the earliest possible indication of potential homelessness.

##### 2. Eligibility Determinations for Homeless Persons

- a. Homeless persons present particular problems for the district in making eligibility determinations. In many cases, a homeless person will not be able to present verification of a past or present address. Faced with this problem, the district should make every effort to verify where the person has been living, but in cases where verification does not exist, a judgment must be made. In no case, however, shall the district deny public assistance solely on the basis that a homeless person has no permanent address.
- b. When a homeless person requests assistance from a local district outside of normal business hours (evenings and weekends) districts are encouraged to make eligibility determinations based upon available information. This information should include the following:

1. applicant's identity (and in the case of a family, family composition);
2. applicant's income, if any;
3. applicant's resources (including the ability to be housed by relatives or friends); and
4. representation that the applicant is a lawful resident of the United States.

The Department recognizes that in many instances it will be difficult, if not impossible, to obtain verification under the above circumstances. Nevertheless, when the need for emergency housing is urgent, local districts must attempt to make as complete an eligibility determination as possible. When the individual is determined to be in immediate need and is not determined to be ineligible, an emergency placement shall be made and other needs met.

**3. Funding of Assistance for Homeless Persons**

- a. In providing assistance to homeless persons, local districts are required to make maximum use of federal categories of assistance.
- b. When eligibility for a federal category of assistance does not exist, local districts are directed to authorize emergency and short-term assistance under the EAA program, where applicable, or under the Home Relief Program.
- c. For persons not having acquired State residence in accordance with Part 310 of Department Regulations, the Department will reimburse social services districts 100 percent of the non-federal share of assistance provided.

**4. Types of Assistance to Homeless Persons**

- a. Whenever possible, districts are encouraged to place homeless persons in the temporary housing which is least likely to cause disruption in the life of the client, with particular attention to educational and community ties.
- b. When indicated, local districts should explore the possibility of housing with friends and non-legally responsible relatives. When such housing is not available without cost, local districts may provide housing to homeless persons by paying room and board or on a shared living arrangement basis. The amount to be paid shall be determined by the local district in accordance with Department regulations.
- c. Department regulations 352.3(e) and (f) authorize local district payment of allowances for homeless persons temporarily housed in hotel or motel facilities when no other suitable housing, either public or private, is available. Regulations further authorize restaurant allowances for persons temporarily housed in hotel/motel accommodations without cooking facilities, when accommodations with such facilities are

ATTACHMENT II

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unavailable. Reimbursement of the State share for the hotel/motel shelter costs and restaurant allowances is available for a period of six months so long as the recipients are actively seeking permanent housing. The continued need for hotel/motel accommodations shall be reviewed and evaluated monthly by the local social services district. A detailed report of that review shall be submitted to the Division of Income Maintenance in accordance with Section 352.3(e)(3) and (4) of the Department's regulations. If the local district determines that permanent housing will not be available for a client at the end of the six month period, it may request an extension of State reimbursement beyond the six month period in accordance with Department regulations. Extension requests must be in writing and must set forth the circumstances of the family for which the waiver is requested, including a statement detailing efforts undertaken to relocate that family within the prior six months. Where waiver requests have been granted, a written follow-up report must be sent to this Department indicating the disposition of that case. All requests and reports should be directed to Maureen Standish, Division of Income Maintenance, New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243. No extension requests will be granted if the average length of hotel/motel placements of the entire caseload in the applying district exceeds six months. Average length of stay shall be calculated based on an averaging of the total lengths of stay of all families discharged from hotel/motel placements in the preceding quarter.

The Department will vigorously monitor those cases who are in hotels/motels to insure that local districts have made diligent efforts to prevent the loss of permanent housing and to insure that all efforts are being made to locate permanent housing.

V. ADDITIONAL INFORMATION

This ADM will be supplemented with instructions relating to Medical Assistance, Food Stamps and Claiming.

VI. EFFECTIVE DATE

This directive is effective October 1, 1983.



Michael J. Dowling  
Deputy Commissioner  
Division of Income Maintenance