

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

JESSE A. PERALES  
Commissioner

RECEIVED MAR 6 1986



[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

**ADMINISTRATIVE DIRECTIVE**

TRANSMITTAL NO.: 86 ADM-7  
[Income Maintenance]

TO: Commissioners of Social Services

SUBJECT: Meeting Immediate Needs of Applicants  
for Public Assistance

DATE: March 3, 1986

SUGGESTED  
DISTRIBUTION:

All Public Assistance Staff  
All Medical Assistance Staff

CONTACT PERSON: Any questions concerning this release should be directed to Maureen Standish, Bureau of Income Support Programs at (800) 342-3715, extension 4-9365. Any questions regarding medical assistance should be referred to your MA County Representative at extension 3-7581 or in New York City at (212) 587-4853. Any questions regarding Food Stamps should be referred to the Food Stamp Bureau at extension 4-9225. Any questions regarding energy assistance should be referred to the Bureau of Energy Programs at extension 4-9321.

**I. PURPOSE**

The purpose of this administrative directive is to clarify the responsibilities of local social services districts in meeting the immediate needs of applicants for public assistance.

**II. BACKGROUND**

Recent litigation (Gonzales v. Blum and Bates; Davis v. Perales and Gross) regarding PA applicants who have immediate needs at the time of application alleges that these needs are not always met in a timely manner. An order in the Supreme Court, Westchester County in the Gonzales case is under appeal. The Davis case is a class action pending in Supreme Court, County of Kings. These cases allege that the Department is not adequately implementing Section 133 of the Social Services Law, which provides for a temporary pre-investigation grant for a person in immediate need. This administrative directive addresses how and when to provide for the immediate needs of applicants prior to the determination of eligibility.

**FILING REFERENCES**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
83 ADM-47 83 ADM-53		Section 350.3(c) Part 352 Section 351.8 Part 370 Part 372 Part 382.5 Part 397 Section 360.28	Section 133		Source Book Section VIII MARG pages 370-373

### III. PROGRAM IMPLICATIONS

Local districts are required to respond to an applicant's declaration of an emergency situation at the time of application for public assistance and to provide notification of local agency determinations regarding the meeting of immediate needs. The handling of emergency situations requires the use of discretion and judgment on the part of local districts.

When an applicant has immediate needs the following programs are available to local districts to meet those needs:

- o The Emergency Assistance to Families with Children (EAF) Program
- o The Emergency Assistance to Adults (EAA) Program
- o The Emergency Home Relief (EHR) Program
- o The Home Energy Assistance Program (HEAP)
- o Expedited and Accelerated Food Stamps
- o Pre-investigation grants
- o Pre-determination grants

For purposes of this directive, an **emergency situation** is a set of circumstances that often will require some action before the determination of eligibility for ongoing public assistance is complete. **Immediate needs** are those needs resulting from an emergency situation that must be met that same day to ensure the health and safety of individuals.

This directive will detail what local districts are required to do when an applicant for public assistance declares that an emergency situation exists. It will explain how a local district determines the existence of an immediate need (Section IV.A.2), verifies eligibility for assistance in meeting the immediate need (Section IV.A.3) and meets the immediate need (Section IV.A.5). It will also explain the use of applicant and community resources, the provision of a same day interview, the provision of notices, the right to a Fair Hearing, and the use of food stamps and medical assistance in immediate need cases.

Informational material is presently in preparation which will assist local districts in discharging their responsibility to fully inform applicants of what assistance is available to meet their needs.

### IV. REQUIRED ACTION

#### A. Public Assistance

Local social services districts must take the following actions whenever an applicant for public assistance declares that an emergency situation exists. These requirements also apply to individuals who request only emergency assistance. They do not apply to the undercare caseload.

##### 1. Provision of Emergency Interview

When applicants for public assistance indicate either verbally during the application process or in writing on the application, that they have one or more emergency situations, they must be interviewed the same day.

Local social services districts are reminded that they have an affirmative responsibility to ascertain whether an emergency situation exists, even in situations where the client has difficulty articulating his/her problem.

For the purposes of this directive, an emergency situation is considered to exist when applicants state they are in one or more of the specific situations listed below:

- they have no food
- they have no shelter
- they have an eviction or a dispossession notice
- they have no fuel for heating during the cold weather period
- they have a utility disconnect notice and are scheduled for shut-off within 72 hours or their utilities have already been disconnected
- they are without items necessary for the health and safety of individuals (this would be determined on a case-by-case basis, for example, a necessary home repair, such as a broken water pipe).

If any of the above conditions are asserted, an immediate interview must be provided.

The applicant's first contact with the agency may be with a pre-screener. The applicant may indicate that he/she has an emergency situation and the pre-screener may determine, based upon the information provided by the applicant, that an emergency situation does not exist. This would indicate that the applicant does not require an interview the same day. However, even in such a situation, the pre-screener must provide the applicant with notification (attachment 1) of the determination that there is no emergency situation and the reasons for such determination.

## 2. Determination of Immediate Need

- a. At the time of the emergency interview, local districts must determine if the applicant has an immediate need.

An emergency situation is a set of circumstances that often will require some action before the determination of eligibility is complete. Whether the situation warrants immediate action must be determined on a case by case basis. For example, an eviction proceeding might be stalled for two weeks. In this type of situation, local districts must use the time from the declaration of the emergency situation, until the situation becomes an immediate need, to investigate the applicant's eligibility.

Immediate needs are those needs resulting from an emergency situation that must be met that same day to ensure the health and safety of individuals. For example, the applicant is facing an eviction that must be dealt with on the same day, or the applicant says he/she is without food or without fuel for heating during the cold weather period. An immediate need must be met unless the applicant is determined to be ineligible, regardless of the extent to which the investigation has been completed. Local districts are encouraged to meet an immediate need by indirect or in-kind assistance whenever possible.

### 3. Verification of Eligibility

Local districts must make every effort to verify an applicant's eligibility for assistance. Generally, it is reasonable to expect that the applicant will have minimal verification necessary to establish his/her identity, family composition and lawful residence in the U.S. Applicants who are unable to produce this minimal verification should be asked to explain the reasons for this inability. For example, an applicant may not have access to his/her documents because he/she has been illegally locked out of his/her apartment. Another example of why someone might not be able to produce verification of eligibility would be an applicant who has been abandoned by a spouse who has taken all documents. In such situations local districts should ask the applicant for collateral sources who can help to establish need and eligibility. The local district should make every reasonable effort to contact these collateral sources as soon as possible. Applicants who are unable to explain why they cannot produce documentation or who refuse to provide collateral contacts without good reason will be denied assistance for failure to cooperate.

When immediate need has been determined to exist, there are no resources available to meet the immediate need and verification of eligibility has not been completed despite the applicant's cooperation, the immediate need must be met. During the regular eligibility determination process, if eligibility has not been established at the point the emergency situation becomes an immediate need, local districts must not delay in meeting the immediate need.

Applicants who are obviously unable to care for themselves should be referred to appropriate services.

NOTE: PA clients under a sanction and illegal aliens cannot receive Public Assistance and care, including emergency HR.

### 4. Use of Resources

Local districts must determine to the best of their ability that the applicant has no available resources, credit cards or ability to obtain advances of wages from the current employer that could be used to alleviate the emergency. Public assistance applicants with available cash and/or bank accounts must utilize such resources.

Community resources, including friends and relatives, which are actually available to the client must be used before an immediate need can be met by the local district. Local districts must not provide assistance to applicants who refuse to utilize such resources.

However, the local district must be sure that the resource is actually available. Unless the client volunteers to use family and friends, the agency must check with such people to see if they are willing and able to help. If referral is made to a community resource such as a food pantry, the district must confirm that the pantry can supply the food needs of the family until an

ATP or a PA grant is available. The family must be able to get to the food pantry. If such a resource is not actually available, the district itself must then meet the food need by a means sufficient to supply the family until an ATP is available. It is possible that the initial ATP may not be adequate to meet the family's food needs until the PA grant or ongoing Food Stamps are issued (for example, the initial ATP may only cover the last five days of the month and additional Food Stamps cannot be issued until any pended verification is provided). In such situations, the local district must meet the family's food needs which are not covered by the initial ATP until the PA grant or ongoing Food Stamps are issued.

For applicants whose utilities have been disconnected or are scheduled to be disconnected within 72 hours, local districts should make every effort to expedite the negotiation of a deferred payment agreement between the applicant and the utility company. This negotiation can be done by telephone. (Local districts should develop a timely means of learning the results of such negotiations from the utility companies which service their district.)

It should be noted that the Public Service Commission has indicated that the temporary continuation of utility service to a household is appropriate when reasonable efforts are being made to establish an applicant's eligibility for emergency assistance. As such, the immediate need of an applicant threatened with an imminent utility service disconnect may be alleviated by obtaining a temporary extension of service during which time the repayment agreement may be negotiated.

For purposes of determining eligibility for ongoing public assistance, households are allowed to retain resources of up to \$1,000 equity value. However, individuals claiming immediate need cannot put aside up to \$1,000 in cash, checking or saving accounts. These resources must be utilized to meet the immediate need. The Department recognizes that in many instances it will be difficult to obtain verification of resources, but local districts must attempt to make as complete an eligibility determination as possible before meeting the specific immediate need. The immediate need must be met if the applicant cannot be determined ineligible and has cooperated in attempts to establish eligibility.

NOTE: 83 ADM-47 is still in effect in regard to providing services to homeless persons.

5. Meeting the Immediate Need When No Resources are Available

If eligibility has not been established at the time the immediate need must be met and there are no resources available to meet the immediate need, there are two basic ways local districts may meet the specific immediate need:

a. Pre-investigation Grant

A pre-investigation grant is a grant of assistance to meet an immediate need for a specific essential item when an immediate need is determined to exist, but financial eligibility has not been fully established by the completed verification and documentation process. This grant may be an advance voucher or advance payment of part of the regular recurring PA grant.

The pre-investigation grant would be considered an advance against the regularly recurring grant if it covers assistance which the regularly recurring grant is intended to cover after the date of eligibility has been established. For example, the individual applies for assistance on March 3. The date of establishment of eligibility is March 20 but the first assistance check will not be issued until March 29. On March 22, the individual comes in to state that he/she has no food. Food Stamps will not be available until March 25. The agency manually issues a check or voucher covering the period March 20-25. When the agency issues the first assistance check it will be reduced by the amount manually issued on March 22.

The pre-investigation grant may also be a voucher or payment to meet an essential item not covered in the regularly recurring grant (for example, a payment for necessary home repairs) or for a period prior to what will be the date of establishment of eligibility.

b. Pre-determination Grant

In cases where financial eligibility has been established and a presumption of categorical eligibility for ADC exists, a pre-determination grant may be used to meet the immediate need. The use of pre-determination grants is limited to a very few cases (see Part 382 of Department regulations).

6. Use of Correct Categories for Emergency Assistance Only Cases

If applicants who have received a pre-investigation grant are subsequently determined to be ineligible for ongoing assistance, local districts must determine whether these individuals were eligible for the pre-investigation grant at the time it was issued. Individuals may be eligible for emergency assistance without being eligible for recurring public assistance. For example, individuals with income or resources over the PA resource limit (such as a car with equity value greater than \$1,500) could be eligible for emergency assistance if there are no resources immediately accessible to meet the emergency.

If it is determined that the client was eligible for the emergency assistance only payment, local districts should ensure that it is claimed under the proper category of assistance. Emergency payments may be made under the EAF, EAA or the HR program. As stated previously, PA clients under a sanction and illegal aliens cannot receive any public assistance and care, including emergency HR. These programs are summarized as follows:

NOTE: Eligibility for HEAP benefits should be explored to meet emergency energy needs of applicants.

- a. Emergency Assistance to Needy Families with Children (EAF) - an emergency program designed to provide for the immediate needs of both public assistance and non-public assistance families with children. EAF may be authorized for services, medical care, or income maintenance items necessary to resolve the emergency situation. EAF authorizations for income maintenance needs are limited to the same items and amounts as described in Part 352 of Department regulations. However, financial eligibility for public assistance based upon the State standard of need in Part 352 is not a prerequisite for EAF eligibility. (See Department Regulation Part 372.)
- b. Emergency Assistance for Adults (EAA) - grants of assistance to aged, blind, or disabled individuals and couples who are receiving Federal supplemental security income benefits or additional State payments and applied for assistance to meet emergency needs as specified in Department Regulation Part 397, that cannot be met by the regular monthly benefits of SSI and additional State payments or by income and resources not excluded by the Federal Social Security Act.
- c. Emergency Home Relief (HR) - Department regulation 370.3 authorizes grants of assistance to provide for the effective and prompt relief of identified needs which cannot be provided for under Emergency Assistance to Needy Families with Children or Aid to Dependent Children, including presumptive eligibility for ADC. The only requirements for emergency HR are that the individual be in the state, meet citizenship or alien status requirements and have an immediate need but no immediately available resources. As explained previously in Section IV.A.4, all available resources must be explored and utilized.

A local district may determine that the client was ineligible (because no immediate need existed or resources were concealed) even for the emergency assistance only payment that was made as a pre-investigation grant. When this occurs, local districts must take appropriate steps to recover the incorrect payment.

NOTE: Until the final determination of ongoing eligibility is made and while the application for recurring assistance is still under investigation, individuals in receipt of a pre-investigation grant are to be considered PA applicants.

## 7. Notification Requirements

When applicants for public assistance assert that they are in an emergency situation, they must be provided with a written notice of the local agency decision regarding the request for immediate assistance. This notice must be provided to them at the time of any interview or pre-screening. The notice must state how the local district will meet the immediate need or the reason the district determines there is no immediate need to be met. The local

district may have met the immediate need through means other than a grant, e.g., by referral to a community resource, by contacting a landlord to forestall an eviction, or by assisting the applicant in negotiating a deferred payment agreement with a utility company. This must be stated on the notice in the space for "other action". The reason why assistance to meet the immediate need was denied must also be stated on the notice, e.g., an immediate need was determined not to exist because the applicant's eviction was not scheduled to occur for two weeks or the applicant has \$150 available in a savings account which can be used to meet his food needs until an ATP can be issued. This notice must inform the applicant of his/her right to a fair hearing if he/she disagrees with the local district decision and of his/her right to apply for expedited processing of that fair hearing. If the situation is serious, the State will attempt to process the fair hearing request as quickly as possible. A sample notice is provided as Attachment I. The language contained in this sample notice is mandated. If local districts wish to use language other than that contained in the attached sample notice, they must submit their request for change to the State for approval.

When the final determination of eligibility has been made, all applicants, whether applying for ongoing public assistance or emergency assistance only, must be provided with a notice stating the final local district decision on their application. For persons applying for emergency assistance only, references to ongoing public assistance can be deleted from the notice.

NOTE: If an applicant is accepted for HEAP benefits and no other emergency situations exist, the HEAP notice is the only notice that must be provided to the applicant. However, if the applicant files a HEAP application (and asserts the existence of an emergency situation) and is denied, both the HEAP notice and the attached notice must be provided to the applicant, e.g., HEAP may be denied but the immediate need may be met in another manner. A separate determination for public assistance must be completed.

## B. Food Stamps

### 1. Application Processing: Entitlement to Service

Under certain circumstances applicants for Food Stamps are entitled to expedited or accelerated processing of their applications. A declaration of emergency need (i.e., no food) by an applicant may be an indication of potential entitlement to such processing. However, such a declaration is not a necessary pre-condition of entitlement to such processing.

Each local district must ensure that all applicant households (PA or NPA) potentially entitled to expedited or accelerated service are identified and all such applications appropriately processed in a timely fashion. All applicants meeting the criteria cited below in No. 2 and 3 must receive expedited or accelerated service whether or not the applicant declares immediate or emergency needs.



2. Expedited Service

An applicant household is entitled to expedited service if its liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates and lump sum payments) do not exceed \$100 and the household has received or will receive a total of less than \$150 in monthly gross income for the month of application. Migrant farmworker households are an exception to the gross income limit. Such a household may have received more than \$150 gross income in the month of application, if the household is destitute at the time of application.

NOTE: A destitute household is one whose only income for the month of application was received prior to application and was from a source which has been terminated, and/or whose only income for the month of application is from a new source and no more than \$25 gross income from this source will be received by the household within 10 calendar days of the date of application.

Households entitled to expedited service which are subsequently found eligible for Food Stamps must have their ATP mailed to them or available for pick-up no later than the fifth calendar day following the day the application was filed. If the fifth calendar day falls on a weekend or holiday, the ATP or coupon must be mailed or made available for pick-up the day prior to the weekend or holiday.

There are special verification procedures which must be used in the expedited service process. The identity of the person making application must be verified through readily available documentary evidence, or by a collateral contact if necessary. All reasonable efforts must be made to obtain all other required verification within the five calendar days indicated. However, any verification other than identity must be postponed if necessary to meet the five calendar day limit for issuance of food stamp benefits.

In addition, if the individual applying is subject to work registration requirements he/she must comply by completing form DSS-1951 or form DSS-1653. Any other household members subject to work registration shall complete the required form as soon as possible. However, issuance of benefits must not be delayed beyond the five calendar days limit merely to enable completion of work registration by a household member other than the person making application. The need of verification of claimed exemption from work registration requirements by any household member also may not delay issuance of benefits beyond the five day limit.

Households entitled to expedited service must furnish a Social Security Number for each person or apply for one for each person before the first full month of participation in the Food Stamp Program.

3. Accelerated Service

An applicant household is entitled to accelerated service if the household had zero net food stamp income for the month of application or if the household is destitute as defined above.

Households entitled to accelerated service must have their ATP or coupons mailed or available for pick-up no later than the fifth calendar day following the day all mandatory verification and eligibility criteria of the Food Stamp Program have been completed but no later than 30 days from the date of application. Local districts must give households pending verification the opportunity to provide required verification as soon as possible.

4. Notice Requirements

There is no requirement for specific notification to applicants of denial of expedited or accelerated service. However, applicant households requesting but denied expedited service must be afforded an opportunity for a local district conference within two working days of such a denial and must be notified of the outcome if such a conference is requested and held. The worker who denied expedited service may be present at such a conference, but the Food Stamp Director or the eligibility supervisor responsible for action on the application must participate in the conference. The applicant may be represented at or may bring another party to the conference.

5. General Eligibility Requirements for Food Stamps

Households entitled to expedited or accelerated service must also meet all general Food Stamp eligibility criteria to be found eligible for participation in the Food Stamp Program. These include, but are not limited to, income and resource limits, residence requirements, work registration, alien/citizenship status, striker criteria and special college student criteria. In addition, persons or households who have been disqualified from program eligibility due to non-compliance with work registration or job search requirements, voluntary job quit, refusal to obtain a Social Security Number or commission of food stamp fraud or Intentional Program Violation may not have such disqualifications set aside simply by reason of subsequently meeting the criteria for expedited or accelerated services.

C. Medical Assistance (MA)

1. Public Assistance Cases

Individuals eligible for cash assistance (including vendor payments) under the Emergency Assistance for Adults (EAA) Program are automatically entitled to Medicaid by virtue of their eligibility for Supplemental Security Income (SSI) or additional State payments. These cases are currently on WMS as case type 22 (MA-SSI).

Individuals determined eligible for cash assistance under the Emergency Home Relief Program are not automatically entitled to Medicaid. The individual should be advised that he/she may choose to apply for MA to meet any personal or family medical needs.

Individuals in receipt of pre-investigation grants are not automatically entitled to Medicaid since such payment(s) are intended to meet a specific item of need. Persons authorized for pre-determination ADC grants do

qualify for automatic Medicaid coverage since financial eligibility has been established and they are presumed categorically eligible for ADC although full proof is lacking. Since pre-determination grant recipients ultimately may not be categorically eligible, district reimbursement claims for these grants should be postponed in accordance with 18 NYCRR 382.5.

Families determined eligible for Emergency Assistance to needy Families with Children (EAF) are not automatically entitled to Medicaid. However, if the EAF family is also entitled to recurring Home Relief cash assistance such family would be entitled to automatic Medical Assistance by virtue of their receipt of ongoing public assistance.

Any individual not automatically entitled to Medicaid should be advised that he/she may choose to apply for MA to meet any personal or family medical needs.

## 2. Medical Assistance-Only Cases

There are no formal provisions in the Medical Assistance Program which would permit "presumptive eligibility" or "emergency pre-investigation coverage", nor is there specific regulatory authority for local districts to pay for services for ineligible persons, even in emergency situations. There are, however, certain guidelines which should be followed when urgent medical care is deemed necessary.

- Department Regulation 350.3 provides that in cases of emergency need, the personal interview must be held immediately.
- When the applicant cannot be interviewed due to a physical or mental condition, the interview should be conducted with the applicant's relative or a designated representative.
- For situations in which the local social services district believes that the client requires immediate medical care, i.e., a life threatening situation, such individuals should be referred to a hospital. Under 10 NYCRR Part 405, hospitals are obligated to render care regardless of an individual's ability to pay.
- Applicants should be advised to seek medical care and advise the provider that if determined eligible during the period that medical services were rendered, Medicaid reimbursement may be available for up to three months prior to the month of application.
- In cases of emergent medical need or inordinate delays of eligibility decisions, local districts may use secondary sources of documentation similar to procedures provided for in Section IV.3 of this directive.
- Emergency Medical Assistance shall not be authorized for MA-only applicants who have an emergency medical need but who are determined to have available liquid resources (i.e., bank accounts, checking accounts) in amounts sufficient to pay for medical expenses. These resources must be used to meet the emergency medical need.

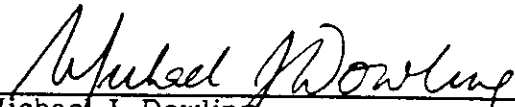
V. ADDITIONAL INFORMATION

Applicants with immediate public assistance needs may also require service provided under the Block Grant Program. The need for protective services for children or adults and services to victims of domestic violence should be given particular consideration. Foster care and day care services may also be pertinent. Applicants should be appraised of the availability of these services, and referrals should be made to the appropriate units via established routing mechanisms.

Case examples are included as Attachment II, in order to provide local districts with additional clarification on the handling of emergency situations based upon the requirements outlined in this administrative directive.

VI. EFFECTIVE DATE

This ADM shall be effective March 3, 1986.

  
\_\_\_\_\_  
Michael J. Dowling  
Deputy Commissioner  
Division of Income Maintenance

**NOTICE OF ACCEPTANCE/DENIAL OF REQUEST FOR ASSISTANCE  
TO MEET AN IMMEDIATE NEED**

Case Name \_\_\_\_\_

Name of Agency \_\_\_\_\_

Street \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

**THIS NOTICE APPLIES ONLY TO YOUR REQUEST FOR ASSISTANCE TO MEET AN IMMEDIATE NEED. IF YOU HAVE ALSO APPLIED FOR ONGOING PUBLIC ASSISTANCE, THIS NOTICE DOES NOT AFFECT YOUR APPLICATION FOR ON-GOING PUBLIC ASSISTANCE.** You will also receive a notice advising you of the local agency decision on your application for on-going public assistance when your eligibility has been determined.

On \_\_\_\_\_, you requested assistance to meet an immediate need of \_\_\_\_\_. We are giving you this notice to tell you that:

(     ) Assistance to meet your immediate need will be provided by:

(     ) an emergency pre-investigation grant.

(     ) other action \_\_\_\_\_.

(     ) Assistance to meet an immediate need has been denied because:

\_\_\_\_\_  
\_\_\_\_\_

The law or regulation which allows us to do this is: \_\_\_\_\_.

"Medical Assistance"

If you are in need of assistance to help you with medical bills you must apply separately for Medicaid. If you wish to receive further information about eligibility under the Medical Program please contact this agency at \_\_\_\_\_.

**BE SURE TO READ THE BACK OF THIS NOTICE**

## YOU HAVE THE RIGHT TO APPEAL THIS DECISION

Right To A Conference - You may have a conference to review these actions. If you want a conference, you should ask for one as soon as you can. A conference may clear up any questions you have about this action. You may ask for a conference by calling us at \_\_\_\_\_. This number is used only for asking for a conference. It is not the way you request a Fair Hearing, and if you ask for one it does not affect your right to a Fair Hearing. Read the information below for Fair Hearing information.

### Right To A Fair Hearing If You Don't Agree With These Actions

If you think the actions we have taken on your request for assistance to meet an immediate need are in error, you may request a State Fair Hearing in the following way:

- (1) Call for a hearing at \_\_\_\_\_
- (2) Write for a hearing to: Fair Hearings, P.O. Box 1930, Albany, New York 12201.  
If you write send one copy of this notice with the letter.

Your request for a Fair Hearing must be made within 60 days of the date of this notice.

If you request a Fair Hearing, a notice will be sent to you telling you where the hearing will be. You can have an attorney or other person come to represent you at the hearing or you may come by yourself. At the hearing, you or your representative may present written or oral evidence to show why the action taken is wrong. You or your representative may bring witnesses and you may question anyone who appears at the hearing to present evidence against you. You should bring to the hearing any papers, such as paystubs, rent receipts, medical bills, heating bills, child care expenses, etc. that may be helpful to your case.

IF YOUR SITUATION IS SERIOUS, THE STATE WILL ATTEMPT TO PROCESS YOUR REQUEST FOR A FAIR HEARING AS QUICKLY AS POSSIBLE. IF YOU CALL TO REQUEST A FAIR HEARING, PLEASE BE PREPARED TO EXPLAIN YOUR SITUATION TO THE PERSON WHO ANSWERS THE PHONE. PLEASE HAVE THIS NOTICE AVAILABLE WHEN YOU CALL. IF YOU WRITE TO THE ABOVE ADDRESS, PLEASE EXPLAIN YOUR SITUATION. ALSO, PLEASE INCLUDE THE PHRASE "DENIAL OF IMMEDIATE NEED" IN YOUR LETTER.

If you need legal assistance for your conference or fair hearing, you may be able to obtain it free if you cannot afford a lawyer by contacting:

\_\_\_\_\_  
\_\_\_\_\_

Signature of Worker: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Date: \_\_\_\_\_

CASE EXAMPLES

1. An applicant for public assistance has indicated in Section 2 of the DSS-2921, Application for Assistance, that they have an urgent personal or family problem and have recently lost all of their income. Through an emergency interview it is determined that the husband has just left the household and the wife is concerned about how she will make ends meet without his income. The rent and all the bills have been paid through the end of the month and there is a small amount of cash available. The family is determined not to be in immediate need and an interview is scheduled to determine the family's ongoing eligibility. They are provided a notice stating the local district determination concerning their request for immediate assistance at the conclusion of the emergency interview.
2. An applicant for public assistance has told the receptionist that he has an eviction that will be effective in three days because one month's rent of \$275 is overdue. He is given an emergency interview with an examiner that day. During the interview it is determined that there is \$300 available in a checking account and he will receive his U.I.B. check the next day. Since there are available resources that can be used to meet the emergency, an immediate need does not exist. He is given a notice stating the local district determination regarding his request for immediate assistance, and is given an appointment for an eligibility interview to determine ongoing eligibility.
3. On December 20th, a public assistance applicant indicates that her furnace is broken and she has no available resources to pay for the repairs. The applicant owns her own home. Since the applicant is in immediate need, the local district provides for the necessary repairs. Eligibility for HEAP benefits are explored. The applicant is given a notice stating the local district action and an appointment for an interview to determine her ongoing eligibility. At the eligibility interview, it is learned that the applicant owns two motor vehicles, with a total equity value of \$4,000. She is ineligible for ongoing public assistance, but is eligible for the emergency assistance payment. The family's eligibility for EAF or emergency home relief should be explored if they were found ineligible for HEAP benefits.
4. An applicant for public assistance indicates that he has an eviction that is effective the next day. He is given an emergency interview that day and indicates that there are no available resources to meet the emergency. The local district determines there is immediate need and provides the applicant with a notice stating how they will meet the immediate need (e.g., by reaching an agreement with the landlord, or arranging for other housing). He is given an appointment for an eligibility interview to determine ongoing eligibility.
5. An applicant for public assistance indicates that she has a utility shut-off scheduled for the next day. The applicant has a shut-off notice which verifies the shut-off date and states that she has no resources available to meet the need, including the ability to negotiate a deferred payment agreement with the utility company. The applicant is determined to be in immediate need. The local district examines the applicant's eligibility for HEAP and finds that the applicant has exhausted all available HEAP benefits. The applicant is provided with a notice stating how the local district will meet the immediate need and with an appointment for an interview to determine eligibility for ongoing assistance. In this case, the local district contacts the utility company to authorize payment to prevent the shut-off.