GENERAL INFORMATION SYSTEM
Center for Employment & Economic Supports

March 10, 2009

TO: Commissioners; TA Directors; HEAP Directors

FROM: Russell Sykes, Deputy Commissioner, Center for Employment and Economic Supports

SUBJECT: Use of "Financial Statement" (LDSS-3596) for Utility Arrearage Assistance and the Updated Food/Non-Food Expense Guidelines

EFFECTIVE DATE: April 1, 2009

CONTACT PERSON: Temporary Assistance Bureau at 1-800-343-8859; extension 4-9344

The purpose of this GIS message is to reiterate a Temporary Assistance policy regarding the use of the "Financial Statement" (LDSS-3596) and to provide updated information on the Food/Non-Food Expenses used on the LDSS-3596. This Office calculates the Food/Non-Food Expenses using the annual release of the Food Stamps Program's Thrifty Food Plan. This year, a second release is required to meet the changes to the Thrifty Food Plan (effective April 1, 2009) included in the American Recovery and Reinvestment Act of 2009.

The LDSS-3596 assesses the applicant/recipient financial situation to determine if he/she can be required to attempt to negotiate a Deferred Payment Agreement (DPA) with his/her utility company as an alternative payment arrangement, in lieu of a district issuing a payment to prevent shut-off or to restore utility service under SSL § 131-s. A positive cash flow on a LDSS-3596 is **<u>not</u>** a basis for denial of assistance with a payment to prevent shut-off or restore utility service under SSL § 131-s, but is an indication that an applicant/recipient <u>may</u> be eligible to negotiate and enter into alternative payment arrangements, i.e. DPA, with his/her utility company. The district should refer the applicant/recipient to his/her utility company, with a copy of the LDSS-3596, to attempt a negotiation of a DPA if there is an indication of a positive cash flow on the LDSS-3596.

Affordability is <u>not</u> a factor districts can consider when determining eligibility for a payment to prevent a shut-off, restore service, or provide a minimum delivery to meet energy related emergencies. However, affordability is a consideration in determining eligibility for emergency assistance with shelter arrears, in accordance with NYCRR § 352.7(g)(3). Energy related emergencies include both utility (natural gas and electricity) heat, heat related, or domestic energy and/or non-utility (other than natural gas or electricity) <u>heat only</u> emergencies. Non-utility (other than natural gas or electricity) energy used exclusively for domestic energy is not an energy emergency.

Although an applicant/recipient may have a positive cash flow, a utility company may refuse to enter into a DPA with the customer. A refusal by a utility company to enter into a DPA with a customer is not a basis for district denial of assistance with the payment to prevent shut-off or restore utility service under SSL § 131-s. However, a refusal on the part of any applicant/recipient with a positive cash flow to attempt negotiation of a DPA is a basis for denial of emergency assistance under SSL § 131-s.

The LDSS-3596 allows for entry of a deduction from gross income for Food/Non-Food monthly expenses. These annual guidelines established by the Office of Temporary and Disability Assistance are developed using the Food Stamp Program's Thrifty Food Plan as a base. Districts must begin using the updated Food/Non-Food guidelines beginning April 1, 2009. Policy regarding the use of the LDSS-3596 is currently in effect.

The amount of the Food/Non-Food deduction allowed on the LDSS-3596 for this expense is the actual monthly expenses of the household up to the maximum amounts listed below. These are only guidelines. Households may exceed these maximum amounts only under special circumstances such as special dietary needs or medical conditions. The district must determine the merit of each such request on a case-by-case basis to determine if the higher deduction is appropriate.

Household Size	Food/Non-Food Expense
1	$300
2	$551
3	$789
4	$1002
5	$1190
6	$1428
7	$1578
8	$1803
Each Additional Person	+$225

The LDSS-3596 also allows for entry of a deduction from gross income for essential Car/Transportation monthly expenses. The guideline for this deduction is up to 20% of the household's gross income; however, the deduction can exceed this guideline on a case-by-case basis. Districts must consider that in light of the higher costs of transportation (gasoline, insurance, vehicle payments/maintenance/repairs, public transportation, etc.) this deduction may indeed exceed the 20% limit.

Please refer to the Energy Manual Section X, "Deferred Payment Agreements" for assistance in completing the LDSS-3596.