

Getting the Benefits You Deserve in New York State



**NEIGHBORHOOD
LEGAL SERVICES INC.**
EQUAL JUSTICE FOR ALL

PUBLIC BENEFITS UNIT

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Restaurant Allowance

If I am applying for or receiving public assistance, can I qualify for special benefits if I can't prepare meals at home?

Yes. You may qualify for a Restaurant Allowance if you cannot prepare meals at home.

What do I have to show in order to qualify for a Restaurant Allowance?

You must show that you do not have access to adequate cooking facilities where you live. This includes a stove and refrigerator. It may be that you do not have any cooking facilities or that they do not work.

If your cooking facilities do not work, the Erie County Department of Social Services may choose to repair or replace them. The Erie County Department of Social Services must give you a Restaurant Allowance while this is being done.

What are "adequate" cooking facilities?

The definition of "adequate" depends on the facts of each case. *Cooking facilities located outside of your home are never considered adequate.*

How much will I receive as a Restaurant Allowance?

The amount you receive will depend on the number (and age) of the people in your household and whether you can prepare any of your meals in your home. The monthly allowance for each person in the household is as follows:

Must eat dinners in restaurants:	\$29
Must eat lunch and dinners in restaurant:	\$47
Must eat all meals in restaurant:	\$64

Is this the most that will be paid?

No. An additional \$36 per month will be given to the following:

1. Any pregnant woman
2. Any person under 18 years of age
3. Full-time students under the age of 19 who are in a high school or vocational program and will complete the program before turning age 19.

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How do I apply for a Restaurant Allowance?

Fill out the attached form, "Request for an Additional Allowance by a Public Assistance Recipient." Fill it out and mail or take it to your Erie County Department of Social Services worker. **Be sure to keep a copy.**

You may also call your worker on the telephone and ask for a Restaurant Allowance. Be sure to keep notes of when you spoke to your worker about this. You should follow up your call with a written request. **Be sure to keep a copy.**

When you make your request, ask for a Restaurant Allowance dating back to the time when, as a person applying for or receiving public assistance, you were first unable to prepare meals at home. You can also ask for a voucher for a stove and/or refrigerator.

How long does the Erie County Department of Social Services have to decide if I am eligible for a Restaurant Allowance?

The Erie County Department of Social Services must let you know within 30 days of your request.

What can I do if the Erie County Department of Social Services denies my request, takes longer than 30 days to decide, or I think they've made a mistake in the amount of the allowance?

Call us at 847-0650 immediately. We will review your case and tell you how to challenge the Erie County Department of Social Services' decision, or we may agree to take your case. You must ask for a Fair Hearing within 60 days of the date of Erie County Department of Social Services notice to you. To request a Fair Hearing, notify New York State Office of Temporary and Disability Assistance (NYSOTDA) by telephone, fax, or mail that you want a Fair Hearing. You can write on the back of your notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The correct address is:

New York State Office of Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P.O. Box 1930
Albany, New York 12201-1930
Telephone No.: 1-800-342-3334
Fax No. (518) 473-6735 *(you must use the form from Albany)*

Household Establishment Grant

What is a Household Establishment Grant?

A Household Establishment Grant is money paid by the Erie County Department of Social Services to help a person buy furniture needed to set up a home. It can be used to buy such things as beds, dressers, tables, a stove or a refrigerator. It cannot be used to replace furniture worn out by normal use.

What makes a person eligible for a Household Establishment Grant?

To be eligible for a Household Establishment Grant, you must show that you need furniture to set up a household. This includes moving out of a shelter. It is hard to get a furniture grant if you ever had your own furniture before.

How do I show that?

This is not easy to do, and the grants are difficult to get. You must be very persistent. You should have written documentation of your problems before you make your request. Some suggestions:

1. If you moved from an apartment because of unsafe conditions, doing the following things will help you obtain a Household Establishment Grant:
 - a. Keep a record of your complaints to your landlord, with dates and results of your complaints, if any.
 - b. Keep a record of your complaints to the Health Department, with dates and results of the complaints, if any.
 - c. Take photographs of the apartment and date them on the back.
 - d. Keep a record of what people who have seen your apartment have said about its condition.
2. If you had to move into an unfurnished apartment because of domestic violence, the following records will help you get a Household Establishment Grant:
 - a. Police complaints - Keep track of the reason for your complaints, the dates, the complaint number given by the police, and any results.
 - b. Attempts to make a police complaint - Even if the police refused to take your complaint, keep a record of the date you tried to make it and the fact that the police would not respond.
 - c. Medical records

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- d. Counseling records
 - e. Court records
3. If you moved into an unfurnished apartment because your old home was overcrowded, keep a record of the following:
- a. The number of people living in the apartment
 - b. The number of bedrooms
 - c. The sleeping arrangements
 - d. The reason you had to move

Should I do anything else before trying to get a Household Establishment Grant?

Yes. You should try the suggestions listed below, if possible. Remember to write down names, addresses, dates, etc.

1. Try to find a furnished apartment. Be ready to explain why you could not rent one. Keep the classified ads for the time you tried. Keep a list of the apartments you looked at, the dates, addresses, rent, landlords' names, and why you couldn't rent them. Remember, if the rent is higher than what the Erie County Department of Social Services will pay, you do not have to rent the apartment.
2. If you are on public assistance, ask your worker for help in finding an apartment. Keep track of when you spoke to your worker and the results.
3. Ask family and friends for donations. Keep track of who you asked, when, and the results.
4. Ask charitable organizations for help. Keep track of the organization you asked, the name of the person you spoke to, and the results. Organizations you might ask include:

*	Catholic Charities	(856-4494)
*	St. Vincent DePaul	(882-3360)
*	Goodwill	(854-3494)
*	Salvation Army	(883-9800)
*	211	211

Can I apply for a Household Establishment Grant even if I don't have any of the information?

Yes, but your chances of getting one will be much better if you have this information.

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How do I apply for a Household Establishment Grant?

You can apply for a Household Establishment Grant in person at the Erie County Department of Social Services or by filling out the form we have attached and mailing it to your worker. Check the box next to the words "Furniture and Other Household Items." Date and sign the form and send it in. Be sure to keep a copy of it and any other documents you send in.

What happens after I submit the form?

Your worker should contact you to find out why you are asking for a Household Establishment Grant. Be ready to tell your worker why you had to move into an unfurnished apartment and what effort you made to find an affordable furnished apartment. Have as much of the above information as possible. Remember, just telling your worker that you need a Household Establishment Grant is not enough. You must show why you need it.

If your worker does not contact you within 10 days, call him or her and ask what is happening with your request for a Household Establishment Grant.

If the Erie County Department of Social Services approves your application, they will send someone from their "homemaking" office to look at your apartment to find out what furnishings you need.

If the Erie County Department of Social Services denies a Household Establishment Grant for you, call us at 847-0650 immediately. We will tell you how to challenge the denial, or we may agree to take your case.

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Summer Camp Fees

I want to send my child to camp. Are there any programs to help pay for this?

Yes. If your child is receiving public assistance, then he or she may be eligible for camp fees from the Department of Social Services.

How much will DSS pay?

DSS will pay camp fees of up to \$400.00 for the year and no more than \$200.00 per week per child.

How do I apply for these camp fees?

You need to speak with the camp directly. They will help you with the application process and are familiar with getting fees from DSS.

What if the camp fees are more than what DSS will pay?

Here are a few camps and their phone numbers that offer scholarships/financial assistance to cover what DSS does not pay.

Cradle Beach summer	549-6307	application due by March for the following
Pioneer Camp summer	549-1420	application due by March for the following
JCC of Greater Buffalo summer	886-3145	application due by May 1 st for the following
St. Vincent De Paul	882-3360 ext. 7	call directly for application deadlines

Will these camp fees count as income?

These camp fees will not count as income and will not affect your Food Stamps.

What if I get denied?

Call Neighborhood Legal Services, Inc. at 847-0650.

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Pregnancy Allowance

I just learned that I am pregnant. I am receiving public assistance. Can I get any additional money now?

It depends. It is possible that you may be eligible for a pregnancy allowance from DSS if:

- you have medical documentation from your doctor that states your due date and
- you are beginning your fourth month of pregnancy

What do I need to do to get this additional money?

You need to give this documentation to your caseworker at DSS. You will become eligible for a pregnancy allowance beginning the fourth month of your pregnancy (as long as you have not reached the State 60 month time limit for public assistance).

How much is the pregnancy allowance?

The pregnancy allowance is \$50.00 per month.

What if I get denied?

Call Neighborhood Legal Services, Inc. at 847-0650.

Visitor's Allowance

What is a Visitor's Allowance?

A Visitor's Allowance is given to you when you do not have custody of your child(ren) but you have visitation rights and the child(ren) visit in your home.

Examples:

1. Your child (or children) is in foster care and returns home on visits approved by DSS.
2. Your child (or children) visits your home as part of a divorce decree or other court order.

How do I qualify for the Visitor's Allowance?

You must meet the following conditions:

1. You cannot have legal custody of the child (or children).
2. You must present the divorce papers or other legal document to prove that you have visitation rights.
3. If your child is in foster care, your public assistance caseworker should contact the foster care caseworker to confirm that the child visits you.
4. You must provide a statement, usually from the custodial parent, indicating when your child visits. If DSS has reason to believe that your statement is false, it may ask for additional proof.

How do I apply for a Visitor's Allowance?

Write a letter to your caseworker requesting the allowance. State in the letter the days you have your child (or children). If you have not been receiving the Visitor's Allowance, but have told the Department of Social Services (DSS) about the visits, ask for back benefits.

How much is a Visitor's Allowance?

Four dollars (\$4) per day, per child.

Can I receive a Visitor's Allowance if the parent who has custody of the child (or children) also receives public assistance?

Yes.

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Can I get the Visitor's Allowance before the child (or children) actually visits?

Yes. If your child (or children) routinely visits you, DSS can authorize a regular on-going allowance based on the average number of days visited each month.

Example: For one child who visits each week-end (two days per week),
DSS may figure the monthly Visitor's Allowance as follows:

$$2 \text{ (days per week)} \times \$4 \text{ (per day)} = \$8 \text{ (per week)}$$

$$\$8 \times 4.33 \text{ (weeks in a month)} = \$34.64 \text{ (per month)}$$

What can I do if I have asked for the allowance and not received it?

If you have not heard from your worker within 30 days of your request or if your request has been denied verbally or written, contact our office immediately.

Enhanced Shelter Allowance

Are there any special housing programs for individuals with AIDS or HIV-Related illnesses (AIDS Individuals)?

Yes. The Department of Social Services (DSS) has a special program which pays cash benefits to AIDS individuals who are homeless or threatened with homelessness. **The allowance can be much higher than the shelter allowance paid to public assistance recipients.**

How can I get an enhanced shelter allowance?

You must meet the following criteria:

- 1) Have an open Public Assistance case.
- 2) You are homeless or threatened with homelessness. Bring your Court eviction papers or a statement from your landlord that you are behind in your rent and
 - a. will be evicted or a statement from your case manager that it is not safe for you.
 - b. to live where you currently are residing.
- 3) You either have AIDS, or have tested positive for HIV **and** have an HIV-related illness. Bring your medical proof from a doctor (not a lab report).
- 4) You cannot find cheaper housing available. DSS must consider whether cheaper housing would keep you close to your family, friends, formal and informal care givers, and medical providers. They must also consider whether cheaper housing would be appropriate for the provision of home care, and whether it suitable given your medical condition and/or need for supervision and other support.

How do I apply for an enhanced shelter allowance?

Go to the first floor of the Rath Building (95 Franklin Street) and tell them you want to apply for the enhanced shelter allowance. The Rath Building is open from 8-5. Ask for Ms. Hill at Windows 5 & 6 to make your request.

How much of an enhanced shelter allowance will I get?

The amount you will receive depends on your individual circumstances, including the number of people in your household, income and rent paid. DSS will pay for the actual rent. You should call our office if you have questions about the amount you should get.

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If I get Food Stamps, will an enhanced shelter allowance result in a reduction of my Food Stamps?

No.

What about confidentiality?

According to New York State DSS regulations, DSS employees are not supposed to reveal information except for purposes of administering public assistance. Erie County DSS has been reminded of this obligation, especially as it relates to individuals with AIDS.

What if I have a problem in getting an enhanced shelter allowance?

Call our office as early as you can after 9:00 a.m., Monday through Friday at 847-0650.

What should I bring with me?

In order to get an enhanced shelter allowance, you must bring:

1. A note from your doctor stating your diagnosis.
2. A copy of your landlord form.
3. Proof that you are facing homelessness or have unmet shelter needs. (This could be an eviction notice, or a letter from your landlord that you are behind in rent and cannot afford to pay the rent. This could also be a statement that your apartment has housing violations or is located in an area where you cannot take care of your medical needs.

Replacement of Furniture or Clothing

I recently suffered a catastrophe and lost all of my furniture and clothing. Am I eligible to have my furniture and clothing replaced?

Maybe. You are eligible for allowances for the partial or complete replacement of your furniture and clothing through DSS if your furniture and clothing was:

- lost in a fire, flood or other like catastrophe, and
- as long as no other resources and agencies including friends and family are available to replace these lost items, and
- all items are verified by DSS as lost in the catastrophe and no longer usable

How much will I be given by DSS to replace my clothing and my family's clothing?

The amount that can be paid by DSS for replacement cost of clothing depends on the age of the household member:

- Birth through 5 years old \$48/each child
- 6 through 11 years old \$73/each child
- 12 years old through adult \$89/each child or person

How much will I be given by DSS for replacement of my lost furniture?

The amount that can be paid by DSS for replacement costs of household furnishings:

Living Room	\$182
Bedroom – with single bed	\$145
Bedroom – with two single beds	\$205
Bedroom – with double bed	\$184
Kitchen (excluding appliances)	\$142 (plus \$12 for each person)
Range (Stove)	\$182
Refrigerator	\$182 (or \$258 for four or more persons)
Bathroom	\$ 6 (plus \$4 for each additional person)
Other Equipment:	
Cabinet for linens	\$ 22
Stove for heating	\$ 72 (or \$82 for five or more persons)

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What can I do while I am waiting for a stove or refrigerator?

Ask DSS for a restaurant allowance of up to \$64/mo.

Where can I apply to have my furniture and clothing replaced?

You can apply for these services at the Department of Social Services, first floor of the Rath Building, Windows 5 & 6.

What if I get denied?

Call Neighborhood Legal Services, Inc. at 847-0650.

Recipient-Owned Property & Home Repairs

I own my own home and have electrical repairs that must be made. I have no money for repairs. What can I do?

If the repairs are essential to the health and safety of the property owner living in the home, then DSS should meet the necessary cost of repairs. DSS may contract with an electrician on your behalf.

How do I apply for these services?

If you are a public assistance recipient then contact your case worker at DSS.

If you are not receiving public assistance then go to the Department of Social Services, first floor of the Rath Building, Windows 5 & 6.

I own a home that I collect rent on. What if I am not living in the home and need a plumber?

You may also be eligible to apply for the cost of repairs if the property is income producing, and the repairs are essential to maintain (retain) that status. DSS may contract with a plumber on your behalf.

My house is infested with bed bugs! I cannot afford an exterminator. What can I do?

You can apply at DSS, first floor of the Rath Building, Windows 5 & 6. DSS will assist with the extermination of insects. They will not assist with infestation of rodents.

DSS previously paid for extermination but I am still having a problem. May I apply again?

Yes. You may apply as many times as needed. DSS will give a 90 day guarantee as long as they can exterminate the entire house if there is more than one apartment. Other tenants will be contacted and DSS will try to help all occupants.

What about my water bill?

DSS pays a water allowance to recipients who have to pay their water bills. This is a separate allowance, besides the maximum allowance described above. If you pay for your water, make sure you are getting a water allowance.

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What if I get denied?

Call Neighborhood Legal Services at 847-0650.

Burial Costs for Deceased Persons

A relative recently passed away leaving no funds for burial. Are there any resources to pay for burial costs?

Yes. As long as you are not legally responsible for the relative, the Department of Social Services provides for burial when a public assistance recipient or other person without resources dies leaving no funds or insurance sufficient to pay the cost and there are no relatives, friends or other persons willing to take responsibility for the burial costs.

How much will DSS pay for burial costs?

DSS will pay up to \$900.00. The Department of Social Services contracts directly with the burial agency. The burial costs include all reasonable expenses.

How do I apply for burial costs on behalf of the deceased person?

You can go to 43 Court Street in Buffalo or call 858-1843.

If I am a legally responsible relative then am I legally and financially responsible for the burial costs?

Yes. Legally responsible relatives include a spouse or a parent of a child who is under 21 years of age. Legally responsible relatives who are able to pay are responsible for burial costs. If legally responsible relatives are unknown or cannot be reached at the time of burial and DSS pays the burial costs, then DSS is required to recover any funds that the legally responsible relatives are able to pay.

If I am not a legally responsible relative or if I am a friend but pay for burial costs may I be reimbursed for these burial costs?

Maybe. You may be reimbursed if the deceased was a public assistance recipient or without resources and as long as burial costs do not exceed the DSS set limits of \$900.00 then reimbursement may be considered if payment was required to arrange the burial.

What if I am denied reimbursement?

Call us at 847-0650 as early as 9 a.m. Monday – Friday.

DSS and Utilities – Emergency Assistance

I am behind on my utility bills. Is there anything I can do?

Yes. You can apply for “emergency assistance.” Emergency assistance is not the same thing as HEAP. If you have gotten HEAP, the HEAP office is closed, or have been denied HEAP, you should then apply for emergency assistance. You must apply for HEAP first before you apply for emergency assistance, if HEAP is open.

Where do I apply for emergency assistance?

1. If you are on public assistance you have to see your caseworker.
2. If not, you must apply at 478 Main Street, 6th Floor, Buffalo, New York. Complete the application and submit it when you get to DSS.

What do I need to bring with me when I apply for emergency assistance?

You must bring the following papers:

1. A shut-off notice
2. A Financial Statement from the utility company
3. Photo ID for everyone in who is 18 and over your household (must also be present at DSS)
4. Proof of income
5. Proof of resources
6. Verify HEAP has been exhausted (if HEAP is open)
7. Proof of expenses:
 - (a) proof of housing costs: rent receipts/lease /landlord statement, mortgage statements
 - (b) other utility bills
 - (c) if you own a car, proof of your car payments and insurance costs
 - (d) out-of-pocket medical expenses, such as prescription co-pays
 - (e) childcare expenses

What if I cannot get all the documents that DSS is asking for?

If you cannot get the documents, but have tried your best to get them, tell your worker. DSS has a duty to assist you in getting all the required documentation.

How do I get the financial statement from the utility company?

If your emergency is a gas emergency, you must go to the National Fuel office at 409 Main Street, Buffalo, and bring the following items:

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- * Proof of Income (for at least the past 8 weeks of either wages, SSI, or UIB)
- * Identification

National Fuel will decide whether they will offer you a “deferred payment arrangement (DPA).” If they offer you a DPA, you won’t need emergency assistance. If they deny your request for a DPA, they will state this on your financial statement. Bring the financial statement to Windows 5 and 6 at Erie County Department of Social Services at 478 Main Street, 6th Floor.

If your emergency is an electric emergency, you can ask for the Financial Statement with National Grid over the telephone. You should also request a DPA from National Grid. If they deny your request, they will state this on your financial statement. Their phone number is 1-800-642-4272. NYSEG will fax this information to DSS. National Grid will send it electronically to DSS.

How much emergency assistance can I get?

Generally, you will receive assistance for the four months just before your application. However, if you are receiving SSI or public assistance, you will receive assistance for the most recent four months in which you received service from the 10 months prior to your application.

Do I have to repay this assistance?

If you are not receiving public assistance or SSI (and you are not income eligible for public assistance or SSI) then you will have to sign a repayment agreement. You must repay the assistance within two years. If you default on this repayment agreement, you will not be able to obtain more emergency assistance for utilities in the future until it is repaid (**unless you are receiving SSI, public assistance or you are income eligible for public assistance at the time you make your second request for emergency assistance for utilities**). DSS can at their discretion give you another emergency assistance payment even if you have an outstanding loan. Ask them for their current policy because it changes annually.

If you are on public assistance, the Erie County Department of Social Services can recoup the assistance it paid you from your grant.

Is there an income limit on emergency assistance for utilities?

No. Anyone can be eligible for emergency assistance if they do not have enough income or resources to meet the emergency.

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Does the Erie County Department of Social Services have to interview me the same day I apply?

Yes, at a minimum, you must be screened on the day you apply. This means that the Erie County Department of Social Services has to talk to you and decide whether you have an immediate need. An immediate need is when you have a shut-off notice or are already shut off and you are applying for assistance. If you have an immediate need, the Erie County Department of Social Services must either grant you the assistance the same day you apply, get a hold on your utility account until they are able to give you an appointment, or give you a denial in writing.

Do I have to be on Public Assistance to get this assistance?

No, there are no income limits to get emergency assistance for utilities.

What if I am sanctioned?

You can still get help. Sanctions do not apply for emergency assistance for utilities.

What if I am on SSI and my utilities are shut off?

The Erie County Department of Social Services should turn you back on and guarantee your payment to the utility company for the next six (6) months in addition to paying the last four (4) months of arrears

What if I don't get the help I need?

You should insist upon a written denial and contact our office. We can be reached at 847-0650.

If you are having problems getting moving expenses, and you have given Erie County Department of Social Services all the documents you can provide, you should ask for a decision in writing and request a fair hearing. Notify OTDA by telephone, fax, or mail that you want a fair hearing. You can write on the back of your notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The correct address is:

New York State Office of
Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P.O. Box 1930
Albany, New York 12201-1930
Telephone No.: 1-800-342-3334
Fax No. (518) 473-6735 (you must have the form from Albany)

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If you have an emergency, you should ask for an "expedited" hearing. OTDA will determine if you have an emergency and may schedule the hearing more quickly.

Call us at 847-0650 for help if you have been denied. We can tell you what to do for a Fair Hearing, or we may agree to take your case.

DSS and Rental Arrears – Emergency Assistance

Can the Department of Social Services pay my rent arrears if I am being evicted?

Yes. If you are receiving or applying for public assistance, the Erie County Department of Social Services can pay your back rent, mortgage or taxes. Even if you do not want public assistance, you can get rent arrears if you are income eligible and have the future ability to pay rent. The best way to be sure is to apply.

How do I apply for assistance with rental arrears?

Go to 478 Main Street, 6th Floor, Buffalo, New York. Complete an application and submit it.

What do I have to show to have my back rent paid?

You must show that you are being evicted because you owe rental arrears. The Erie County Department of Social Services requires court papers or a letter from your landlord stating that she/he will evict you if you do not pay the rent along with a month-by-month breakdown of the arrears. This does not need to be a formal eviction notice.

How much money should I get?

If the Erie County Department of Social Services finds that you are eligible for assistance, they can give you up to six months of back rent one time in a 5-year period. If you are getting SSI, the Erie County Department of Social Services can help with 4 months of back rent once a year. You must show that you can afford to pay the rent and that you have the future ability to pay the rent.

Can the Erie County Department of Social Services make me pay them back?

If you are on public assistance, the Erie County Department of Social Services may recoup the amount it paid to stop your eviction.

If you are not eligible for public assistance because your income is too high, the Erie County Department of Social Services may ask you to sign a repayment agreement. The agreement says that you will repay the money within 12 months. You will also be asked to sign a Confession of Judgment. Be sure to ask whether you are eligible for public assistance, even if you are not applying for a cash grant. If you are eligible for public assistance, you do not have to sign a repayment agreement. The amount you have to pay back can vary depending on your household type.

If you own your home, you may be asked to sign a lien to DSS for the cost of the rental assistance you receive.

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How often can I receive assistance with my back rent?

You can only receive an emergency payment for your back rent once in five years, unless you are getting SSI in which case you can get help once a year. In addition, you cannot have any unpaid loan amounts.

What happens if the Erie County Department of Social Services will not pay my back rent?

If the Erie County Department of Social Services refuses to pay your back rent, and your landlord is threatening to evict you, call us at 847-0650 immediately. We will review the Erie County Department of Social Services' decision with you. We will tell you how to challenge the decision.

If you have to be in Court before you talk to us, be sure to go to Court on your scheduled date. If you are scheduled to appear in Buffalo City Court, get there by 9:00 a.m. Listen for an announcement about the Attorney of the Morning Program. Talk to a representative from the Attorney in the Morning Program before you tell the Court Clerk you are there. The services provided from the Attorney of the Morning Program are free and may be of help to you.

Notify OTDA by telephone, fax, or mail that you want a fair hearing. You can write on the back of your notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The correct address is:

New York State Office of
Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P.O. Box 1930
Albany, New York 12201-1930
Telephone No.: 1-800-342-3334
Fax No. (518) 473-6735 (you must have the form from Albany)

If you have an emergency, you should ask for an "expedited" hearing. OTDA will determine if you have an emergency and may schedule the hearing more quickly.

Call us at 847-0650 for help if you have been denied. We can tell you what to do for a Fair Hearing, or we may agree to take your case.

Getting The Benefits You Deserve in NYS

Emergency Shelters

What are the laws governing Emergency Shelters in Erie County?

New York State law requires that the Erie County Department of Social Services (ECDSS) provide temporary shelter for persons who are homeless in Erie County (18 NYCRR 352.35; 94 ADM 20).

Placement in a shelter (or hotel) must continue as long as the homeless person remains homeless, is following the emergency shelter rules and regulations (see below), and is searching for permanent housing (18 NYCRR 352.35).

Homeless persons and persons in an emergency situation may be eligible for assistance from ECDSS with security agreements (18 NYCRR 352.6), moving expenses (18 NYCRR 352.6), storage fees, and furniture grants (18 NYCRR 352.7).

What are the emergency shelter rules?

DSS requires that you:

1. Cooperate in the completion of an assessment of your housing and housing-related public assistance needs.
2. Cooperate in the development, carrying out, and completion of an Independent Living Plan.
3. Actively look for housing other than temporary housing. You must complete and document a minimum of five (5) apartment searches per week. Apartments should fall within the Housing and Emergency Services Rental Guidelines below. (These amounts can be higher if you receive income other than public assistance.)

Household	1	2	3	4	5	6	7	8
With Children		\$400	\$475	\$525	\$575	\$600	\$650	\$700
Without Children	\$300-325							

4. Comply with all other Public Assistance requirements applicable to you. These requirements include complying with work requirements. Work requirement includes looking for work, engaging in training, accepting jobs and work assignments, and participating in rehabilitative services. You may also have to comply with Child Support Enforcement, and you may have to apply for and follow through on applications for any income or resources that may reduce or eliminate the need for Temporary Housing Assistance. If you do not comply with these requirements or you commit acts that endanger the health and safety of yourself or others, your Temporary Housing Assistance could be discontinued, sanctioned or denied.

Getting The Benefits You Deserve in NYS

What if I am denied or discontinued Temporary Housing Assistance?

If you feel you were wrongly denied, sanctioned or discontinued, you can request a fair hearing. You have 60 days from the notice date to ask for a fair hearing. If you request a hearing within 10 days of your discontinuance, you are entitled to "aid continuing." This means DSS must keep you in the shelter until you get a hearing decision or you default your hearing. Call us at 847-0650 immediately. We will review your case and tell you how to challenge Erie County Department of Social Services' decision, or we may agree to take your case.

What if I need help?

If you or someone you know need help or have been denied these services call our office at 847-0650 to speak to a representative from the Homeless Task Force at Neighborhood Legal Services.

Getting The Benefits You Deserve in NYS

Moving Expenses

Will the Erie County Department of Social Services help me with moving expenses?

Maybe. To get your moving expenses paid, you must meet one of the following conditions:

1. The move must be to a less expensive apartment, or
2. You have to move because of a disaster, like a fire or flood, or the Health Department or code enforcement has said you have to move, or
3. The move is necessary because of a serious medical or physically handicapping condition (for example, your apartment has stairs and your doctor says you cannot climb stairs), or
4. Someone you and your family lived with has put you out, and you and your family are homeless, or
5. The move is from temporary to permanent housing, including moving from a shelter to your own apartment, or
6. Your living situation is dangerous (for example, family violence).

What if I have to move because I did not pay my rent?

You can still receive help from the Erie County Department of Social Services, but DSS can "recoup" the amount they give you (that is, the Erie County Department of Social Services can take the amount out of your public assistance grant in monthly installments).

Moving expenses are recovered/recouped only if you are evicted due to non-payment of rent. Otherwise you do not have to pay DSS back for help with moving expenses.

What do I have to do to get help with moving expenses?

Fill out the attached form by checking the box next to Moving Expense. Go to 478 Main Street, 6th Floor.

What will I have to show to get the Erie County Department of Social Services to pay for my moving expenses?

The Erie County Department of Social Services will want the following items:

1. Identification
2. A Completed Landlord Form
3. Written verification of the reason for moving.

4. Proof of income
5. Verification of the amount of Belmont or Section 8 received.
6. Pre-tenancy inspection of the property.
 - This is a **joint inspection** conducted by the landlord and the tenant.
 - DO NOT sign a pre-tenancy inspection form until you have seen the apartment's condition.
 - YOU must make the arrangements with the landlord for a mutually agreed upon time to conduct the inspection and YOU must be present for the inspection to attest to the condition.
 - The original copy of the Pre-Tenancy Inspection Form must be submitted at the time of your eligibility interview. You and your landlord should retain copies for your records.
 - Prior to issuing a Security Agreement, the Erie County Department of Social Services may go to the house/apartment.
7. Anyone in the household 18 years or older must go in to be finger-imaged (unless you are getting SSI).

What moving companies must I use?

You can only use the following movers and you will need two written sealed estimates from the following list of movers. You must bring the two sealed estimates to ECDSS:

You can contact:

A1 Moving & Storage	326-4274		
ABC Moving	362-0810	Diamond Moving & Storage	885-8600
All Star Movers	881-1125	J&J Moving	837-6161
Connie's Moving	896-3332	M&J Moving	684-6329

What if I have problem getting the Erie County Department of Social Services to pay for my moving expenses?

If you are having problems getting moving expenses, and you have given Erie County Department of Social Services all the documents you can provide, you should ask for a decision in writing and request a fair hearing. Notify OTDA by telephone, fax, or mail that you want a fair hearing. You can write on the back of your notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The correct address is:

New York State Office of

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P.O. Box 1930
Albany, New York 12201-1930
Telephone No.: 1-800-342-3334
Fax No. (518) 473-6735 (you must have the form from Albany)

If you have an emergency, you should ask for an "expedited" hearing. OTDA will determine if you have an emergency and may schedule the hearing more quickly.

Call us at 847-0650 for help if you have been denied. We can tell you what to do for a Fair Hearing, or we may agree to take your case.

Request for Emergency Assistance and/or Special Grant

Name: _____
Address: _____ Telephone Number: _____

I am requesting the following allowance(s) for special need(s):

- | | |
|--|---|
| <input type="checkbox"/> Back Rent
(18 NYCRR 370.3, 372.1-372.6, 397.1-397.5) | <input type="checkbox"/> Pregnancy Allowance**
(18 NYCRR 352.7) |
| <input type="checkbox"/> Back Mortgage and/or Taxes
(18 NYCRR 352.7) | <input type="checkbox"/> Property Repairs
(18 NYCRR 387.8) |
| <input type="checkbox"/> Brokers' or Finders' Fee
(18 NYCRR 352.6) | <input type="checkbox"/> Rent Security Agreement
(18 NYCRR 352.6) |
| <input type="checkbox"/> Enhanced Shelter Allowance for
Persons Living with HIV/AIDS (18 NYCRR
352.3k) | <input type="checkbox"/> Restaurant Allowance**
(18 NYCRR 352.7) |
| <input type="checkbox"/> Expedited Food Stamps
(18 NYCRR 387.8) | <input type="checkbox"/> Storage Fee
(18 NYCRR 352.6) |
| <input type="checkbox"/> Household Establishment Grant
(18 NYCRR 352.7) | <input type="checkbox"/> Transportation fees
(Only for families with children)
(18 NYCRR 352.7) |
| <input type="checkbox"/> Moving Expenses
(18 NYCRR 352.6) | <input type="checkbox"/> Utility Arrears
(SSL 131-S) |

** Must have an active Public Assistance Case in order to receive, for all other benefits, persons do not need to be on Public Assistance but are subject to certain income guidelines.

APPLICANT'S SIGNATURE _____ DATE _____

Getting The Benefits You Deserve in NYS

DSS and Security Agreements

Does the Department of Social Services help with security agreements?

The Erie County Department of Social Services may provide a "security agreement" to your landlord. A security agreement is a form the Erie County Department of Social Services gives the landlord promising to pay damages you may owe when you move out. In return, the landlord will let you move in without paying a cash security deposit. If you get a security agreement and the Erie County Department of Social Services ends up having to pay your landlord, it will be taken out of your grant. ECDSS will not pay a cash deposit to the landlord.

Under what circumstances will the Erie County Department of Social Services issue a security agreement for my new apartment?

The Erie County Department of Social Services should take care of your security agreement if you meet one of the following requirements:

1. You are moving to a cheaper apartment/house; or
2. Your previous home was condemned or destroyed; or
3. You had to move because of a medical problem or physical handicap; or
4. The person you had been staying or living with made you leave; or
5. You are moving **out of** temporary housing; or
6. You have to move **into** temporary housing because you do not have permanent housing; or
7. You have to move because of dangerous conditions in your previous home.

How do I get a security agreement?

You have to ask. You can ask verbally, but it is best to use the attached form. Just check the box for "security agreement," sign and date the form, and bring it to the first floor of the Rath Building. Remember the name of the worker you give it to. Keep a copy.

If you do not hear anything within a few days, you should call us at the Public Benefits Unit at 847-0650.

What do I have to have to get DSS to help me with a Security Agreement?

You must bring the following papers:

1. Pre-tenancy inspection form
2. Photo ID for everyone in your household (18 and over)
3. Completed application form
4. Proof of four (4) weeks income
5. Proof of resources

Getting The Benefits You Deserve in NYS

What if the Erie County Department of Social Services refuses to help me?

If you think you should have been given a security agreement, but the Erie County Department of Social Services refuses, you should ask for a decision in writing and request a fair hearing. Notify OTDA by telephone, fax, or mail that you want a fair hearing. You can write on the back of your notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The correct address is:

New York State Office of
Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P.O. Box 1930
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Telephone No.: 1-800-342-3334
Fax No. (518) 473-6735 (you must have the form from Albany)

If you have an emergency, you should ask for an "expedited" hearing. OTDA will determine if you have an emergency and may schedule the hearing more quickly.

Call us at 847-0650 for help if you have been denied. We can tell you what to do for a Fair Hearing, or we may agree to take your case.

Getting The Benefits You Deserve in NYS

Request for Additional Allowance by a Public Assistance Recipient

Case Name: _____ Case Number: _____
Address: _____ Telephone Number: _____

I am requesting the following allowance(s) for special need(s):

- | | |
|--|---|
| <input type="checkbox"/> Back Rent
(18 NYCRR 370.3, 372.1-372.6, 397.1-397.5) | <input type="checkbox"/> Pregnancy Allowance**
(18 NYCRR 352.7) |
| <input type="checkbox"/> Back Mortgage and/or Taxes
(18 NYCRR 352.7) | <input type="checkbox"/> Property Repairs
(18 NYCRR 387.8) |
| <input type="checkbox"/> Brokers' or Finders' Fee
(18 NYCRR 352.6) | <input type="checkbox"/> Rent Security Deposit or Agreement
(18 NYCRR 352.6) |
| <input type="checkbox"/> Enhanced Shelter Allowance for
Persons Living with HIV/AIDS (18 NYCRR
352.3k) | <input type="checkbox"/> Restaurant Allowance**
(18 NYCRR 352.7) |
| <input type="checkbox"/> Expedited Food Stamps
(18 NYCRR 387.8) | <input type="checkbox"/> Storage Fee
(18 NYCRR 352.6) |
| <input type="checkbox"/> Household Establishment Grant
(18 NYCRR 352.7) | <input type="checkbox"/> Transportation fees
(Only for families with children)
(18 NYCRR 352.7) |
| <input type="checkbox"/> Moving Expenses
(18 NYCRR 352.6) | <input type="checkbox"/> Utility Arrears
(SSL 131-S) |

** Must have an active Public Assistance Case in order to receive, for all other benefits, persons do not need to be on Public Assistance but are subject to certain income guidelines.

CLIENT'S SIGNATURE _____

DATE _____

WORKER'S SIGNATURE _____

DATE _____

Storage of Furniture and Personal Belongings

I have to move and have to put my belongings in storage but have no money.

What can I do?

You can go to DSS on the first floor of the Rath Building Windows 5 &6, to apply for help with the storage of your furniture and personal belongings. You may be eligible, if you are:

- being evicted, or
- if you are forced to relocate, or
- if you are moving into temporary shelter

What if I do not receive public assistance?

You must arrange for storage on your own and bring a bill from the storage company with you when you apply. You may still be eligible for help with storage if you meet income requirements. For Families your income should be below 200% of the Federal Poverty Level. If you are single or a childless couple, your income should be below 125% of the Federal Poverty Level.

How long can I get help with storage?

As long as the circumstances that required you to move continue to exist. In other words, you must still be in a temporary living situation and have no place for your furniture where you are living.

Is there a limit to the amount that can be paid for storage?

No. There is no limit to the amount that can be paid for storage.

Is there a limit to the amount of furniture and belongings I can put in storage?

No. There are no restrictions on the amount or type of furniture and personal belongings that can be put in storage.

What if I put my possessions in storage, but did not notify DSS, will DSS pay?

Sometimes. DSS does not have to pay for storage for months prior to application for help. Sometimes they will though, so make sure to ask.

Getting The Benefits You Deserve in NYS

What if I get denied?

Call Neighborhood Legal Services at 847-0650 immediately!

Temporary Assistance Application Process

What is Temporary Assistance?

Temporary Assistance is financial help for people who need help paying their daily expenses. There are two major Temporary Assistance programs.

What are the two major Temporary Assistance Program?

Family Assistance (FA) and Safety-Net Assistance (SNA).

Who can get Family Assistance (FA)?

Family Assistance (FA) is a program that provides cash assistance to families that include a minor child under the age of 18. Most people can get FA for 60-months. After that you can get non-cash Safety-Net Assistance (SNA) at the same amount (if you are otherwise eligible). When your Family Assistance benefits end and your non-cash Safety Net Assistance starts, your grant will be put on voucher and anything left over after your rent and utilities are paid to your landlord or utility company will be given to you in cash. This means that a portion of your rent and utilities will be directly paid to your landlord or utility company. There is no time limit for non-cash Safety-Net Assistance.

Who can get Safety Net Assistance (SNA)?

SNA provides cash assistance to singles, childless couples, children living apart from any adult relative, families of persons using drugs or alcohol, families of persons refusing drug/alcohol screening, assessment or treatment and persons who have exceeded the 60-month limit on assistance. Generally, you can receive cash SNA for a maximum of two years in a lifetime. After two years of Safety-Net Assistance or 60 months of Family Assistance, you can get non-cash Safety-Net Assistance. Non-cash means that that your benefits will be put on voucher first (rent and utilities) and anything left over will be given to you in cash assistance.

Are there any income or resource guidelines?

Yes. To be eligible for Temporary Assistance, there are income and resource guidelines. These guidelines depend on your household size and if your utilities are included in rent or paid separately. In most instances, as an applicant, if you have more income than what the chart states below, you are not eligible for Temporary Assistance. See the chart on the next page for the maximum Temporary Assistance grant amounts.

[see chart on the next page]

Getting The Benefits You Deserve in NYS

Household Size	Maximum Grant With heat included	Maximum Grant Without heat included
1	\$ 352	\$406
2	505	559
3	690	744
4	840	896
5	995	1053
6	1109	1172
7	1222	1289
8	1320	1391

** If you have earned income, add \$90 to the numbers in the chart.*

You can have up to \$2,000 in resources or up to \$3,000 if you are age 60 years or older to be eligible for Temporary Assistance. You can also own a car worth up to \$4,650. If you use the car to seek or retain employment the car can be worth up to \$9,300. Other resources like the home you live in, are exempt. You can call Neighborhood Legal Services with any resource or income questions.

How do I apply for Temporary Assistance?

You can call 858-8000 and ask that an application be mailed to you. Also, you can get an application from the Erie County Department of Social Services (ECDSS) on the 1st floor of the Rath Building, 95 Franklin Street, Buffalo. When you apply for Temporary Assistance, you can also apply for SNAP Benefits (formerly Food Stamps), Medicaid or emergency assistance.

Try to complete the entire application. Give honest and complete answers. You must fill out the “employment history.” Take your completed application to windows 1 - 4 on the 1st floor of the Rath Building.

You should identify any emergency needs you may have at this time. If you have an emergency, you will be interviewed and told in writing about the decision on your emergency the same day you apply. You **DO NOT** have to be eligible for ongoing Temporary Assistance to receive emergency assistance. You only have to fill out one application, even if you are applying for both on-going cash assistance and emergency assistance.

What proof will I need to provide to my worker?

When you are applying for benefits you will be asked to provide proof of certain things (see the chart below). Your worker will tell you which of these things you **must** provide. If you bring proof with you when you first go to apply for assistance, you may be able to get help sooner. If you drop documentation off at ECDSS, you should ask for a receipt to prove what documentation you left. The receipt should have your name, the specific documentation that you dropped off, the time, date, county name and the name of the social services worker who provided the receipt. **Never leave an original document. If you cannot get the proof you need, ask your worker to help you. They have to help you get the proof you need. If you cannot get the proof, make sure to tell them so.** If ECDSS already has proof of the things that do not change, such as your social security number, you do not need to provide them again.

Getting The Benefits You Deserve in NYS

What You May Be Asked To Prove	Examples of How to Prove It
Who You Are	Photo ID, driver's license, U.S. passport
Age of Each Applying Household Member	Birth or baptismal certificate, hospital records, driver's license
Where You Live	Current rent receipt, mortgage records, statement from non- relative landlord
Shelter Expenses	Current rent receipt, current lease, mortgage records, property and school bills, telephone bills, tax records, sewer and water bills, fuel bills, utility bills
Social Security Numbers	Social Security Card or proof that you have applied for Social Security numbers for everyone in your household who is applying for help
Citizen or Immigrant Status	Birth certificate, U. S. passport, military service records, naturalization certificate, and U.S. Citizenship and Immigration Services documentation
Whether you are Drug/Alcohol Dependent	Alcohol/drug screening and assessment which may include a drug test
Earned Income	Current pay stubs, statement from employer, tax records, business records, statement from roomer or boarder of amount paid for lodging
Child Support or Alimony	Statement from person paying support
Social Security Benefits	Current benefit check or current award letter
Veteran's Benefits	Current benefit check, current award letter, official correspondence from U.S. Department of Veterans Affairs
Unemployment Insurance Benefits	Official correspondence from New York State Department of Labor
Interest and Dividends	Statement from bank, credit union or broker
Educational Grants and Loans	Statement from school or bank, award letter letter
Worker's Compensation	Current award letter or check stubs
Bank Accounts	Bank statements or credit union records
Checking Accounts	Bank statements
Burial Trust or Fund	Bank statement or copy of funeral agreement
Burial Plot or Agreement	Statement from cemetery, funeral director or church, copy of funeral agreement
Life Insurance	Insurance policy
Real Estate Other Than Where You Live	Deed, appraisal/estimate of current value by real estate broker
Motor Vehicle	Registration, title, financing information
Stocks and Bonds	Stock certificates, bonds
School Attendance of Those Attending School	School records, statement from school
Health Insurance	Insurance policy, insurance card, statement from provider of coverage, Medicare card
Unpaid Rent or Utilities	Copy of each bill, statement from landlord or utility company
Paid or Unpaid Medical Bills	Copy of each bill and proof of payment if a paid bill
Noncustodial Parent	Death certificate, survivor's benefits, divorce papers, veteran's assistance or military records
Disabled/Incapacitated/Pregnant	Statement from medical professional, proof of Social Security Disability or Supplemental Security Income (SSI) benefits
Other Expenses/Dependent Care Expenses	Cancelled checks or receipts, statement from child care provider, court order, statement from aide or attendant

What if I need help with my application?

Ask the county worker for assistance. Ask for help at windows 1- 4.

Getting The Benefits You Deserve in NYS

What happens next?

Hand in your application and have a seat. You will be called by name to Windows 8-15. A screener will review your application for Temporary Assistance, immediate needs, expedited SNAP Benefits (formerly Food Stamps) and then they will set up an orientation appointment for the next day.

A screener will then call you to do an alcohol screening, domestic violence screening, or an employment assessment to see if you have an employment history, need an alcohol referral or to see if you have a medical problem. You will be handed an appointment letter telling you when your orientation and employment appointment is scheduled for. Orientation is usually scheduled on the following day. No orientation is scheduled for refugees, individuals over 60 years of age, women who are 9 months pregnant or payees.

Immediately following orientation you will see an employment counselor. An appointment for your certification appointment is given to you by your employment worker.

What happens at my certification appointment?

At this interview, which should be within a week of your application date, you should give ECDSS the documents asked for on the certification appointment sheet or acceptable substitutes. (See pages 2- 3) If you are missing any documents, you will be given a Call Back sheet.

What should I know about the Call Back Sheet?

The Call Back sheet shows what papers you will need to get benefits. Try to get as many as possible.

What if I am unable to keep an appointment made for me while applying for Temporary Assistance?

Call to reschedule it. If you do not show up for an appointment, your application could be denied. If you contact the certification worker the day of or the day before your appointment, you will be rescheduled.

Do I have to work to receive Temporary Assistance?

Recipients of Temporary Assistance who are determined to be able to work must comply with work requirements to receive Temporary Assistance benefits.

What if the worker and I disagree about whether I am able to work?

If you believe you cannot work, you should explain why to the interviewer. The interviewer will probably send you to your own doctor or ECDSS will send you to ECMC if you do not have a doctor.

What if I am disabled?

If you are disabled and believe you cannot work, **make sure to let your worker know.** You can be

Getting The Benefits You Deserve in NYS

exempt from work if your doctor says you cannot work or may be determined work limited if your doctor says you can only do certain types of work. Individuals who are 60 years or older, are needed in the home to care for another household member with a verified mental/physical impairment, under 19 and attending secondary/vocational/technical school, disabled or pregnant and due to give birth in 30 days are exempt from work requirements.

How long do I have to wait for my case to open?

For Family Assistance, the Erie County Department of Social Services (ECDSS) has up to 30 days to open your case. For Safety Net Assistance, ECDSS will open your case within 45 days of your application.

What if the interviewer believes I will not qualify for assistance?

He or she may request that you sign a withdrawal of your application. If you refuse, he or she must accept your application anyway. **You cannot be forced to withdraw your application.** You can request that the application process continue.

What happens if I am approved?

Carefully read the written notice telling you that you have been approved. In the same notice, you could be accepted for Temporary Assistance and Medicaid, while being denied SNAP Benefits (formerly Food Stamps). This could happen because one of the people living with you may not be eligible for one of the programs. The notice must tell you how much cash and SNAP Benefits (formerly Food Stamps) you will get every month and list the names of the people in your household covered by Medicaid.

What happens if I am denied?

You should receive a written notice of denial. If you have any questions about why you were denied, contact your caseworker, whose name and telephone number are written at the top of the notice. If you still believe the denial was wrong after talking to your caseworker, you can ask for a Fair Hearing. **You only have 60 days from the date of the notice to request a fair hearing for Temporary Assistance, 60 days from the date of the notice to request a fair hearing for Medicaid and 90 days from the date of the notice to request a fair hearing for SNAP Benefits (formerly Food Stamps).** Notify NYSOTDA that you want a Fair Hearing by telephone, fax, online or mail. You can write on the back of your denial notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The address is:

New York State Office of Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P.O. Box 1930
Albany, NY 12201-1930
Telephone Number: 1-800-342-3334 or (716) 852-4868
Fax Number: (518) 473-6735 *(must have the form from Albany)*

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You can also go to OTDA's website to request a fair hearing or request an adjournment at <http://otda.ny.gov/oah/FHReq.asp>

What happens if I have any questions?

If you have any questions about Fair Hearings or your Temporary Assistance case, please call our office at (716) 847-0650. We will either send you information, or upon reviewing the facts you give us, we may decide to take your case.

SNAP Benefits (formerly Food Stamps)

What are SNAP Benefits (formerly Food Stamps)?

SNAP Benefits (formerly Food Stamps) are benefits that can help you buy food. Benefits are provided on an electronic benefit card, similar to a debit or credit card. Eligibility and benefit levels are based on household size, income, expenses and other factors. **Anyone can apply for SNAP Benefits (formerly Food Stamps).**

How do I know if I qualify for SNAP Benefits (formerly Food Stamps)?

If your income (based on your family size) is less than or equal to the amounts in the charts below, you *may* be eligible for Food Stamp benefits. **The only way to know for sure if your household is eligible for SNAP Benefits (formerly Food Stamps) is to apply.**

What counts as income?

"Income" means your household's total gross monthly income before taxes and withholdings are subtracted. Certain household expenses, such as monthly Child Support payments, also can be deducted from gross income when calculating your household's income. Benefits from other assistance programs such as Unemployment Insurance Benefits, public assistance payments, Social Security or SSI benefits count as income.

What are the income guidelines?

2013 Income Guidelines (no elderly or disabled member)		
Family Size	Monthly Gross Income	Annual Gross Income
1	\$1,211	\$ 14,532
2	\$ 1,640	\$ 19,680
3	\$ 2,069	\$ 24,828
4	\$ 2,498	\$ 29,976
5	\$ 2,927	\$ 35,124
6	\$ 3,356	\$ 40,272
7	\$ 3,785	\$ 45,420
8	\$ 4,214	\$ 50,568
Ea. Add. Person	+ \$429	+ \$5,148

Is there a resource limit for SNAP Benefits (formerly Food Stamps)?

Sometimes. The only time resources count is if you are on public assistance and a member of your household has been sanctioned or disqualified from getting SNAP Benefits (formerly Food Stamps).

Getting The Benefits You Deserve in NYS

Are there special guidelines for elderly or disabled people?

Yes. The income guidelines for elderly and disabled people are higher for SNAP Benefits (formerly Food Stamps). You are considered disabled if the Social Security Administration says you are disabled. You are considered elderly if you are 60 years old or older. See the chart below.

2013 Income Guidelines for Households with An Elderly or Disabled Member		
Family Size	Monthly Gross Income	Annual Gross Income
1	\$ 1,862	\$ 22,344
2	\$ 2,522	\$ 30,264
3	\$ 3,182	\$ 38,184
4	\$ 3,842	\$ 46,104
5	\$ 4,502	\$ 61,944
6	\$ 5,162	\$ 69,864
7	\$ 5,822	\$ 77,784
8	\$ 6,482	\$ 85,704
Ea. Add. Person	+ \$ 660	+ \$ 7,920

Are there resource limits for elderly or disabled people?

There is no resource test for households with elderly/disabled members whose income falls at or below the amount listed above, unless a member of the household has been sanctioned or disqualified from SNAP Benefits (formerly Food Stamps). Households with elderly/disabled members who are sanctioned or disqualified and whose gross income exceeds these amounts, may still be eligible for SNAP Benefits (formerly Food Stamps), if their countable resources do not exceed \$3250. Certain resources, like the home you live in, are excluded. If you have questions about resource exemptions, call our office at (716) 847-0650.

Are there special rules if you have child care expenses?

Yes. The guidelines are higher for SNAP Benefits (formerly Food Stamps). See the chart below.

Income Guidelines for Households with An Elderly or Disabled Member and Households with Dependent Care Expenses		
Family Size	Family Size	Family Size
1	\$ 1,862	\$ 22,344
2	\$ 2,522	\$ 30,264
3	\$ 3,182	\$ 38,184
4	\$ 3,842	\$ 46,104
5	\$ 4,502	\$ 61,944
6	\$ 5,162	\$ 69,864
7	\$ 5,822	\$ 77,784
8	\$ 6,482	\$ 85,704
Ea. Add. Person	+ \$ 660	+ \$ 7,920

Note: "Dependent Care Expenses" are out-of-pocket costs paid by the household to a caregiver for the care of a child or other dependents (including an incapacitated adult) when the care is necessary for a household member to accept or continue employment or training for employment. Please note that only "out-of-pocket" expenses count. This means that you must pay at least a portion of the expense out of your household income.

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What is the maximum amount of SNAP Benefits (formerly Food Stamps) I can get?

The maximum amount depends on the household size, income and expenses. See chart below for maximum allowances:

2013 Maximum SNAP Benefit Allowances	
Household Size	Maximum Allotment
1	\$ 200
2	\$ 367
3	\$ 526
4	\$ 668
5	\$ 793
6	\$ 952
7	\$ 1,052
8	\$ 1,202
Ea. Add. Member	+ \$150

How do I apply for SNAP Benefits (formerly Food Stamps)?

You can apply for SNAP Benefits (formerly Food Stamps) in several ways. You may either:

- Pick up an application at the Erie County Department of Social Services, on the first floor of the Rath Building at 95 Franklin Street, Buffalo, New York.
- Request that an application be mailed to you by calling (716) 858-8000 or writing to the Erie County Department of Social Services, Rath County Office Building, 95 Franklin Street, 8th Floor, Buffalo, NY 14202-3959.
- Apply online at <https://www.mybenefits.ny.gov/>
- Download the application at <http://otda.ny.gov/main/programs/applications/>
- Fax the application to 858-6834
- Apply at the kiosk on the third floor of the Rath Building, where you can file the application online. There are two workers available to help you.

What if I need help applying for SNAP Benefits (formerly Food Stamps)?

For help applying for SNAP Benefits (formerly Food Stamps) in Erie County, please contact:

Food For All, Network of Religious Communities
1272 Delaware Ave., Buffalo, NY 14209
NOEP Coordinator: Kelly Ann Kowalski
Phone: 716-882-7705 ext. 220
kellyannkk@aol.com

Can someone apply for me?

If you have a physical or mental hardship, and are disabled, New York allows you to have someone you designate apply for you. You may also authorize someone who knows your household circumstances to apply for Food Stamp Benefits for you. If you would like to authorize someone, print the person's name, address and phone number on the signature page (page 5) of your Food Stamp application.

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Can I apply by phone?

Anyone can be interviewed over the phone. If you apply in person, you will be scheduled for a phone interview (unless you qualify for expedited SNAP Benefits (formerly Food Stamps)). After you mail, fax, or submit your application online to DSS, a worker from the Food Stamp office will call you for an interview. If you are available, they will conduct the interview immediately over the phone. If you cannot be reached immediately, a letter will be sent to you scheduling you for a phone interview with a date and time. If you cannot be reached by phone at all, you will be scheduled for a face-to-face interview. During your interview, the worker will tell you what documents you need to provide, and they will send you a form with an envelope to return the required documents.

What are the required documents that I must provide?

You will be required to show proof of residency and proof of income. If you are applying for other specific costs like medical expenses, child support and/or dependent care, you will be required to show proof of these expenses as well.

What if I do not provide the required documents?

If you do not provide proof of residency and income, DSS will send you a denial letter outlining why your application was denied. If you receive a denial letter due to missing documents, you can still submit the missing documents, but they must be submitted within 60 days from the date you submitted your application. If you fail to submit the missing documents within the 60 day period, your application will be denied and you must re-apply for SNAP Benefits (formerly Food Stamps).

How long before the Food Stamp Office make its decision?

The food stamp office must make a decision on your application within 30 days of the date you submit it. They will usually issue SNAP Benefits (formerly Food Stamps) going back to the date of your application.

However, if you or someone in your household causes a delay, your application can be held open another 30 days. In this case, you will not get back benefits. If you delay completing the application for more than 60 days, your application can be denied.

For more information about how and where to apply, call 1-800-342-3009 and press "1" for SNAP Benefits (formerly Food Stamps).

If I am a current Food Stamp recipient, can I recertify by phone?

Yes. If you already get Food Stamp benefits in Erie County, as long as you do not also get Temporary Assistance (cash) benefits, you can recertify (renew your benefits) without going to the Rath Building. You no longer have to go to the Food Stamp Office for recertification.

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Where can I call for more information?

For more information on any of these methods of application or recertification, contact the Erie County Department of Social Services at (716) 858-8000 or the toll-free at hotline: 1-800-342-3009.

What are Transitional Food Stamp Benefits?

If your temporary assistance cash case closes, in most cases, you can still receive SNAP Benefits (formerly Food Stamps), even if the reason that your case is closing is because you now have too much income to be eligible. For most families leaving cash assistance, SNAP Benefits (formerly Food Stamps) benefits can be continued – often at a higher amount than before – for five months.

What can I do if my application is denied?

Call our office immediately. We will review the decision with you. If it appears to be wrong, we will tell you how to challenge it, or we may agree to take your case. You must ask for a Fair Hearing to challenge the denial within 90 days from the date of the notice. To request a Fair Hearing, notify the New York State Office of Temporary and Disability Assistance (OTDA) by telephone, fax, or mail that you want a Fair Hearing. You can write on the back of your notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The correct address is:

New York State Office of
Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P.O. Box 1930
Albany, New York 12201-1930
Telephone No.: 1-800-342-3334
Fax No. (518) 473-6735

What if I have questions about SNAP Benefits (formerly Food Stamps)?

For further information about SNAP Benefits (formerly Food Stamps), you can call Neighborhood Legal Services at (716) 847-0650.

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Medicaid

Who is eligible for Medicaid?

Medicaid is not just for people on Temporary Assistance. You may be eligible for Medicaid even though you have too much money to qualify for Temporary Assistance.

Whether you are on Temporary Assistance or not, Medicaid can help you pay for hospital care and most other doctor, dentist, and prescription bills.

The chart below shows how much income you can receive in a month and the amount of resources (if applicable) you can retain and still qualify for Medicaid. The income and resource (if applicable) levels depend on the number of your family members who live with you.

2013 Income & Resource Levels*					
	Medicaid Standard for Single People, Couples without Children & Low Income Families		Net Income for Families; and Individuals who are Blind, Disabled or Age 65+		Resource Level (Individuals who are Blind, Disabled or Age 65+ ONLY)
	Annual	Monthly	Annual	Monthly	
1	\$9,000	\$750	\$9,600	\$800	\$14,400
2	\$11,232	\$936	\$14,100	\$1,175	\$21,150
3	\$13,368	\$1,114	\$16,224	\$1,352	\$24,323
4	\$15,516	\$1,293	\$18,336	\$1,528	\$27,495
5	\$17,748	\$1,479	\$20,448	\$1,704	\$30,668
6	\$19,368	\$1,614	\$22,560	\$1,880	\$33,840
7	\$21,084	\$1,757	\$24,684	\$2,057	\$37,013
8	\$23,280	\$1,940	\$26,796	\$2,233	\$40,185
9	\$24,552	\$2,046	\$28,920	\$2,410	\$43,358
10	\$25,824	\$2,152	\$31,044	\$2,587	\$46,531
<i>For each additional person, add:</i>		\$106		\$177	\$3,173

Can I be eligible for Medicaid even if I make more money than the chart shows?

Yes, some people can. Pregnant women, children, disabled persons, and others may be eligible for Medicaid if their income is above these levels and they have medical bills. Ask your Medicaid worker if you fit into one of these groups.

Individuals who are certified blind, certified disabled, or age 65 or older who have more resources may also be eligible. Ask your Medicaid worker if this applies to you.

If an adult has too much income and/or resources and is not eligible for Medicaid, that person may be eligible for:

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- Family Health Plus or
- Family Planning Benefit Program

Expanded Income levels for Children and Pregnant Women

- Infants to age one and pregnant women - 200% of the federal poverty level.
- Children age 1 through 5 years - 133% of the federal poverty level.
- Children age 6 through 18 years - 100% of the federal poverty level.

Monthly Income Effective January 1, 2013 Medicaid for Pregnant Women and Children under 19*			
Number in Family	100% FPL**	133% FPL**	200% FPL**
1		\$1,239	\$1,862
2	\$1,261	\$1,677	\$2,522
3	\$1,591	\$2,116	\$3,182
4	\$1,921	\$2,555	\$3,842
5	\$2,251	\$2,994	\$4,502
6	\$2,581	\$3,433	\$5,162
<i>For each additional person, add:</i>	<i>+\$330</i>	<i>+\$439</i>	<i>+\$660</i>

* Income Levels are subject to yearly adjustments.

** FPL = Federal Poverty Level

If a child has too much income and is not eligible for Medicaid, the child may be eligible for Child Health Plus.

How do I apply for Medicaid in Erie County?

You can apply in several ways.

You can pick up an application at the Rath Building located at 95 Franklin St. in Buffalo. You can call (716) 858-4919 and ask for an application to be sent to you. Once you have the application you can apply in any of the following ways:

1. You can fax your completed application to (716) 858-7224.
2. You can go to the Rath Building. The reception area is on the 4th floor.
3. You can apply for Medicaid through a "facilitated enroller" at area hospitals and health clinics.
4. You can download an application online at www.health.state.us/forms/doh-4220.pdf
5. You can mail an application to the Rath Building.
6. You can email to request an application at Medicaid@erie.gov.

What happens next?

If you apply at the Rath Building and submit an application you may be asked to meet with one of the workers (if the wait time is less than two hours). If the wait time is longer, the clerk will take your application and it will be given to a worker. The worker will review your application. You will then be

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sent either a “pending letter” or a decision in the mail. There is no face-to-face requirement anymore. You have the right to a face-to-face meeting if you would like one, but do not have to have a face-to-face meeting.

If you mail in your application a worker will send you a “pending letter” if they need more information or the worker will send you a decision on the case if they have all the documentation they need to make a decision. If you do not send the information back within 10 days, your application will be denied.

What documents do I have to provide?

Along with your application, bring in proof of residency (a bill or piece of mail addressed to you with your current address) and proof of income (e.g. 4 weeks of paystubs). If you are disabled or over 65, you also have to fill out the resource section.

What if I cannot get the documents?

If you cannot submit the documents on the list within 10 days, or cannot get one or more of them at all, the worker may give you more time or let you substitute other documents. Call your worker and explain. Your worker is required to help you get the documents you need. [Ask for help.](#)

How long must I wait?

The whole application process should take no more than 45 days for most applicants. If you are pregnant or applying on behalf of a child, you should get Medicaid within 30 days of your application. It can take up to 90 days if you think you have a disability. If your application is not decided within 30, 45 or 90 days of the date you submitted it, call our office.

If you are accepted, you should get a Medicaid card within 2 weeks, but often this takes longer. Also, Medicaid may pay your medical bills for 90 days before the date of your application. Ask your worker if you qualify.

Are there income limits for Medicaid?

Yes, the income guidelines vary depending on your household type and size. Call our office at 847-0605 for more information.

What if I am over the income level for Medicaid?

New York has insurance programs for adults who are over the income level for the Medicaid program such as Family Health Plus. If you apply for Medicaid and you appear eligible for this program, DSS will automatically evaluate your application for eligibility for this program. New York also has a health insurance plan for children called Child Health Plus. If you appear eligible for this program, your Child Health Plus application will be sent to the health plan that you choose on your application. DSS will send all the documents along with your application to a facilitated enroller at the health plan you chose. Make sure to follow up with the health plan provider.

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What are the resource limits for Medicaid?

It depends. There are only resource limits for disabled applicants and those who are over 65 years of age. Call our office at 847-0650 for more information on resource levels.

What if my application is denied?

If your application is denied you should receive a written notice in the mail. If you have questions, call your Medicaid caseworker. If you still believe the denial was wrong, call our office immediately at 847-0650. We will review the denial with you, and if it appears wrong, we will tell you how to challenge it, or we may agree to take your case. You only have 60 days from the date of the denial to request a fair hearing to challenge the denial. To request a Fair Hearing, notify the New York State Office of Temporary and Disability Assistance (OTDA) by telephone, fax, or mail that you want a Fair Hearing. You can write on the back of your notice the reason for requesting the hearing. If you phone, get the name of the person you speak to. If you write, send your letter by certified mail and keep a copy. The correct address is:

New York State Office of
Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P.O. Box 1930
Albany, New York 12201-1930
Telephone No.: 1-800-342-3334
Fax No. (518) 473-6735

Getting The Benefits You Deserve in NYS

Fair Hearings

What is a Fair Hearing?

A Fair Hearing is a chance for you to try to show that a decision made by the Erie County Department of Social Services is wrong.

What kinds of decisions can result in a Fair Hearing?

Every time the Erie County Department of Social Services decides to change, reduce or stop a grant or denies an application, your caseworker must send you a notice. The notice must explain the reason(s) for the decision and the date it will go into effect. It must also state your right to a conference or Fair Hearing if you think the decision is wrong. If you think the decision is wrong, ask for a Fair Hearing immediately.

How do I request a Fair Hearing?

You can request a Fair Hearing by telephone, fax (see attached form), or mail. If you have access to the internet, you can send a request on-line at www.otda.state.ny.us.

If you phone, get the name of the person you speak to. These lines are often quite busy and you may have to try 20 to 30 times to get through. You can call after business hours for a faster response.

If you write, you can put the reason for requesting the hearing on the back of your notice. Make sure and list every problem that you are having with the Erie County Department of Social Services. If you do not, the judge at the hearing will not be able to address the issue. Keep a copy of your letter and send it by certified mail. The correct address is:

New York State Office of
Temporary and Disability Assistance (OTDA)
Office of Administrative Hearings
P. O. Box 1930
Albany, New York 12201-1930
Telephone No. (716) 1-800-342-3334
Fax No. (518) 473-6735 (must use form from albany)
www.otda.state.ny.us/oah/

When do I request a Fair Hearing?

You must request a hearing about public assistance, HEAP, or Medicaid within 60 days of the date on the notice and within 90 days of the date of notice for Food Stamp decisions. You should request a hearing immediately to avoid problems. If you are sent a new notice after you requested a Fair Hearing, make sure to call for a Fair Hearing on that notice too.

Getting The Benefits You Deserve in NYS

What should I include in my request for a Fair Hearing?

You should make sure to list every action the Erie County Department of Social Services has taken that you disagree with. The judge will only listen to the issues you listed on the request.

Will I still get my benefits while I wait for the hearing?

If the Erie County Department of Social Services threatens to reduce your benefits or close your case, you can keep getting your full benefits while you wait for the hearing and decision. This is called "aid continuing." You must call for the hearing within 10 days of the date listed on the notice to get aid continuing. If you get aid continuing and lose the hearing, the benefits you received after the date of the notice will be an overpayment (except for employment sanctions). If you are calling a hearing on a **denial** of an application, you cannot get any benefits until after you win the hearing.

What should I do while I wait for my hearing to be scheduled?

You may want to reapply for benefits while you wait for the hearing. It is possible that your benefits will begin from the new application prior to your hearing date or decision on the initial application. If you have any questions, call us at 847-0650.

When will the hearing be scheduled?

You will get a notice in the mail telling you when the hearing is scheduled. Hearings are usually scheduled for a date about 3 to 4 weeks after they are requested.

How can I get a faster hearing if I have an emergency?

If you have an emergency, ask for an "expedited" hearing. An emergency means having no food, no heat in cold months, no electricity, or eviction or homelessness. You must explain your emergency. If your emergency is so serious that an expedited hearing is not fast enough, or if the Erie County Department of Social Services will not give you an expedited hearing, call our office at once.

What if I cannot attend the Fair Hearing?

If you cannot attend the Fair Hearing, you have several choices. 1) If transportation is a problem, you can ask for tokens at the Fair Hearing Office. (2) You may appoint someone who knows your situation to appear for you. This person must have written authorization from you and a letter from your doctor saying that you cannot travel. (3) You can ask for a home hearing if you are unable to leave your home due to medical reasons. If you ask for a home hearing, the agency can either decide in your favor or have a hearing with a speaker phone.

How do I get ready for the hearing?

You have the right to a "Fair Hearing Summary and Packet" from the Erie County Department of Social Services worker. This will include a paragraph about why the caseworker took the action s/he did, and copies of the documents s/he will bring to the hearing. You will have a chance to prove they are wrong.

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The agency should give you this in a reasonable time after you ask for it. You also have a right to see a copy of your file. It is best if you look at it before the hearing.

Your caseworker has to give you free copies of anything you need in the file. You should get any papers or evidence (such as medical reports, letters or sworn statements) that will help to prove you are right. You can also decide to bring along people who will be witnesses for you to help your case.

Where will I have to go for the hearing?

Hearings are held in an office on the 7th floor of the Rath Building, 95 Franklin Street, Buffalo, New York. Hearings are held on a first-come, first-served basis, beginning at 9:00 a.m. or 1:00 p.m. Get there one-half hour before the time on your notice. Be sure to go to the window in the back and sign in when you get there.

Who is at the hearing?

Hearings are held in a small room. You and your witnesses will be sitting at a table. Your caseworker will be on the other side of the table. The hearing officers at the head of the table will be in charge. Everything is recorded, so remember to speak clearly.

What happens at the hearing?

First, the hearing officer will explain how the hearing will be held and what the problem is. Be ready to explain in your own words why you called the hearing. The worker tells his (her) side of the story. After that, you or the hearing officer can ask him (her) questions. Next you tell your side, and the worker or judge can ask you questions. Your witness can also speak and may be asked questions. Remember, you have the right to be treated with dignity and respect and to have a chance to tell your story. Remember also to treat the judge and your worker with respect.

Can I get any help with expenses for going to the hearing?

Yes. Right after the hearing is over, tell the office people you need to be paid back for travel expenses and/or child care. They will tell you what to do to get your money.

What happens after the hearing?

After the hearing all the documents are sent to Albany. You will get a written decision in the mail. If you have not received it in about a month, you can call the Fair Hearing telephone number and ask them where your decision is. If you win, the Erie County Department of Social Services has to correct their mistake. If this does not happen in a reasonable time, call the worker and Albany (ask for the Compliance Unit). You can also call our office for assistance. If you do not win you can file an Article 78 Request for Reconsideration.

Getting Benefits After You Win A Fair Hearing

How will I know if I have won my Fair Hearing?

You will receive a decision in the mail about 6-8 weeks after your hearing. At the end of the decision, there will be a section called "Order." This section will tell you what the decision is. If you have won, it will say: "The Agency's decision was incorrect and is reversed." After this section it will say what the Agency has to do. You should read this section very carefully because there could be more than one issue discussed. The section could tell you, for example, that you may have won part of your hearing, and lost the other parts.

How long will I have to wait to get my benefits?

The Department of Social Services (DSS) has 10 days after they get the decision to give you benefits. After that time you should call your caseworker to find out why you have not received your benefits. In some cases, the decision may get lost and your caseworker may never receive his/her copy. If that happens, you can give them a copy of yours.

After you call your caseworker, you should then call the Fair Hearings Compliance Office in Albany. Their telephone number is 1-800-342-3334. When you call and get the switchboard operator, ask for the Compliance Unit. They will put you on hold for a long time. If you prefer, you can send a copy of the cover page of the hearing decision to:

New York State Office of
Temporary and Disability Assistance
Office of Administrative Hearings
Compliance Unit
P.O. Box 1930
Albany, New York 12201-1930

What will happen when I call Albany?

You should have your decision with you when you call Albany. They will want to know the numbers on the first page of the decision, and what county you are in. They will then contact the local Department of Social Services to find out what the problem is. You should wait about a week to see if you get your benefits. If you still do not get your benefits, you should call our office for assistance.