



**FAMILY INDEPENDENCE ADMINISTRATION**  
 Seth W. Diamond, Executive Deputy Commissioner



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**POLICY DIRECTIVE #05-21-ELI**

**FAMILY EVICTION PREVENTION SUPPLEMENT (FEPS)**

<p><b>Date:</b> May 27, 2005</p>	<p><b>Subtopic(s):</b> Shelter Supplement</p>
<p><b>AUDIENCE</b></p>	<p>The instructions in this policy directive are for staff in Job Centers and are informational for all other staff.</p>
<p><b>POLICY</b></p>	<p>The Family Eviction Prevention Supplement (FEPS) program is a new shelter supplement designed to assist families with children in maintaining permanent housing by issuing them a shelter supplement in addition to the Public Assistance (PA) shelter amount. FEPS will last up to five years and, unlike the Housing Stability Plus (HSP) program supplement, will not be reduced annually.</p>
<p><b>BACKGROUND</b></p> <p>The \$7,000 arrears maximum is per FEPS application.</p>	<p>Applicants/participants with a court proceeding concerning the nonpayment of rent can apply for FEPS through a New York State Office of Temporary and Disability Assistance (OTDA)–authorized community-based organization (CBO), the Legal Aid Society or a Legal Services preparer. All applicants/participants submitting applications for Jiggetts will be considered by OTDA for FEPS eligibility first.</p> <p>If approved for FEPS, the household can receive arrears payments for up to \$7,000. The household will then receive, on a recurring basis, a shelter supplement in addition to the PA shelter amount for the family size (a shelter amount above the maximum is allowed in certain situations). FEPS will last for up to five years, as long as the household maintains FEPS eligibility.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
 Call 718-557-1313 then press 2 at the prompt followed by 765 or  
 send an e-mail to *FIA Call Center*

**Note:** The \$7,000 limit for rent arrears can be increased for documented extenuating circumstances. Extenuating circumstances may include the presence of specific at-risk factors, such as the need to retain current housing for medical reasons or because of ties to the neighborhood (e.g., child enrolled in special educational program) that would make relocation a hardship, the desirability of retaining affordable housing, and the length of stay in current housing. This determination will be done on a case-by-case basis.

Eligibility Criteria

Eligibility criteria	<p>To be eligible for FEPS, the applicant/participant must:</p> <ul style="list-style-type: none"> <li>• Have a child age 18 or under in the household (or 18 and a full-time student);</li> <li>• Have a court proceeding concerning the nonpayment of rent;</li> <li>• Be the tenant of record and have a lease for the housing or obtain a written agreement to stay for at least one year if the tenancy is not covered by rent regulation (i.e., nonregulated private housing);</li> <li>• Have no one in the PA household who is in sanction (<b>SN</b>) status;</li> <li>• Agree to have his/her entire rent paid directly to the landlord;</li> <li>• Apply for Section 8 assistance, if available, and take the benefit, if offered;</li> <li>• Provide appropriate documentation to indicate his/her eligibility for the supplement.</li> </ul>
Holdover proceeding	<p>FEPS may be available for a move in a “holdover case,” where the court proceeding is not specifically an action for eviction for nonpayment of rent but the landlord is demanding possession of the apartment for other reasons. If the applicant/participant’s request for FEPS involves excess rent (i.e., rent above the shelter allowance), a FEPS application can be approved on a case-by-case basis, provided all other eligibility criteria are met.</p>
Grant Diversion and Parks project participants not eligible for FEPS	<p>Due to budgeting restrictions, a Parks or Grant Diversion participant cannot participate in Parks/Grant Diversion and FEPS at the same time. Therefore, these participants will have the option of opting out their assignment in order to receive FEPS. A FEPS approval must be received prior to taking the participant out of the Parks/Grant Diversion assignment.</p>

Maximum Shelter Amount (Shelter Allowance + Supplement)

Maximum FEPS shelter expenses based on household size	Household Size	Shelter Allowance*	FEPS Supplement	Maximum Amount
	1	\$277	\$373	\$650
	2	\$283	\$467	\$750
	3	\$400	\$450	\$850
	4	\$450	\$450	\$900
	5	\$501	\$499	\$1,000
	6	\$524	\$526	\$1,050
	7	\$546	\$554	\$1,100
	8 **	\$546	\$654	\$1,200

\* Shelter with Children Rate

\*\* Add \$50 for each additional household member

The maximum FEPS shelter allowance is based on the PA household size. The household’s shelter expense can exceed the FEPS maximum for the family size by up to \$100, which will be taken from the Food and Other portion of the grant. If the actual rent exceeds the FEPS maximum amount by over \$100, the FEPS supplement will not be approved. Additionally, if the household has a Non-Public Assistance (NPA) member, the shelter amount can exceed the FEPS maximum by up to \$100 above the maximum for the total number of people in the household. For example, if the household consists of two PA members and one NPA member with income, the household could have a shelter expense of \$950, which is the maximum FEPS for a household of three plus \$100. In calculating the PA contribution the NPA member’s contribution would be deducted from the actual rent and the balance would be paid through the PA grant (PA shelter plus FEPS).

NPA Members of Household

Family contributions

If there is an NPA individual residing in the household, the individual will be responsible for contributing a pro rata share of the actual rent or 30 percent of his/her income, whichever is less. This also applies to individuals who are receiving Supplemental Security Income (SSI).

**Note:** The requirements for NPA members of the household do not apply to ineligible noncitizens.

If the NPA individual claims to have no income, s/he must first apply for PA before FEPS can be authorized.

Sanctions

Households in sanction status

The household will lose FEPS when someone is in sanction status or income source code **44** (PA/Budget Reduction – PA Budget Deficit is Reduced due to Non-Compliance with IV-D Requirements for Recipient or Re-Applying Households) or **45** (PA Budget Reduction – PA Budget Deficit is Reduced due to Non-Compliance with IV-D Requirements for Applicant Households) is present on the budget. Arrears incurred for any period during which the household lost the supplement due to a sanction will not be paid. The supplement will resume after the sanction is lifted, as long as eligibility is regained within six months of losing FEPS.

Jiggetts/Temporary Shelter Supplement (TSS) Cases

Households that are currently in the Jiggetts/TSS program will be allowed to continue in Jiggetts/TSS for up to two years. Upon completion of the two years, if the case is still in Jiggetts/TSS, OTDA will transfer the case to FEPS if the household meets the FEPS eligibility criteria (with the exception of a court proceeding). A Jiggetts/TSS case can be moved into FEPS before the two years are completed if there is a good cause reason for the transfer. This will be determined on a case-by-case basis.

Modifications

Increases in FEPS

After FEPS has been authorized for the household, the FEPS amount may increase for that household, up to \$100 above the maximum for that family size, provided that the increase is allowable and documented in the applicant/participant's lease or rental agreement. Modifications in rent must be sent to OTDA by the FEPS preparer for approval and approved by OTDA through the FEPS modification process. All rent increases and changes in household income and composition must be reported to OTDA in a timely manner (10 business days).

Change of Residence

A family that is receiving FEPS can move to a new apartment and continue in FEPS if the move is due to:

- The family being unable to pay the non-PA portion of the rent due to changes in family composition, family income, third party contributions or rent increases;
- A court-ordered vacate notice; or
- Documented health and safety or other compelling reasons, as determined by the administering agency (i.e., OTDA).

In order for FEPS to continue, OTDA must approve the move in advance.

FEPS Application Process

To apply for FEPS, an applicant/participant must have a FEPS application completed by an OTDA-authorized CBO, Legal Aid or Legal Services preparer who will send the application and all supporting documentation to OTDA for review. An applicant/participant can contact the CBO in person or get a referral from a Job Center or the Housing Court Liaison.

OTDA will make a decision on the FEPS application and notify the authorized FEPS preparer and the applicant/participant of the decision.


In instances where OTDA approves the FEPS application, the authorized FEPS preparer will contact the local Job Center and send them the FEPS approval letter. Upon receipt of the FEPS approval letter from the authorized preparer, the Job Center will process the FEPS approval.

**REQUIRED ACTION**

Applicant/participant comes to Job Center to apply for FEPS

FEPS Referrals

If an applicant/participant comes to the Job Center to report rent arrears and/or apply for aid relating to rent arrears, the JOS/Worker must do an In-Center Referral on the **Action** tab of the **Activities Management** screen in POS to send the applicant/participant to the Homelessness Diversion Unit (HDU).

- Select **In-Center Referral** on the **Action** Queue and click **Start**.
- Select **Change Case Data** on the **Select Activity** window.
- Enter a case comment for all actions performed on a case by clicking on the case comments icon  or type <ALT>M on the keyboard.

New action code

After meeting with the applicant/participant, the HDU Worker will enter code **164A** (Refer to CBO for FEPS) in NYCWAY and refer him/her to an authorized FEPS preparer.

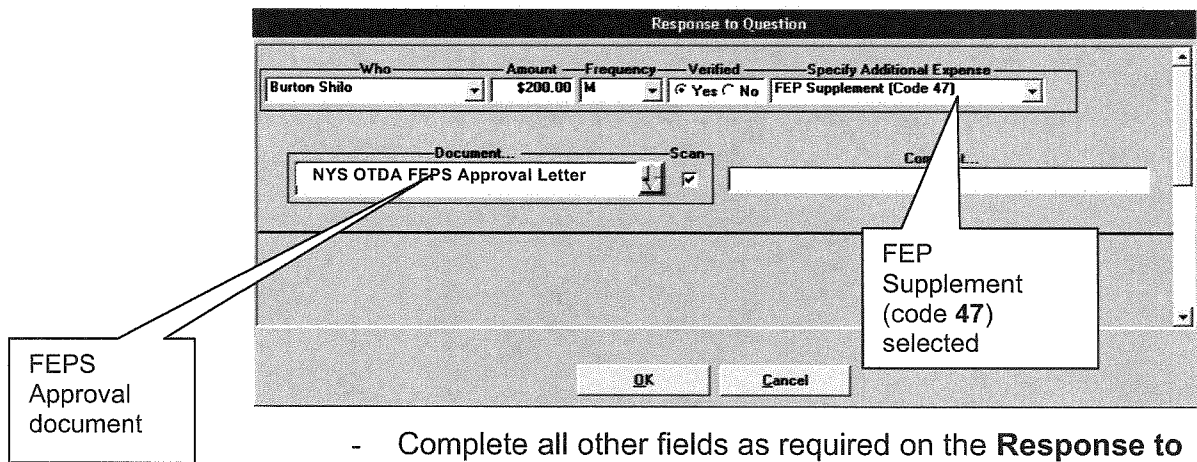
FEPS Approval

The Jiggetts Liaison at the Job Center will also function as a FEPS Liaison. Upon receipt of the FEPS approval letter, the Liaison must:

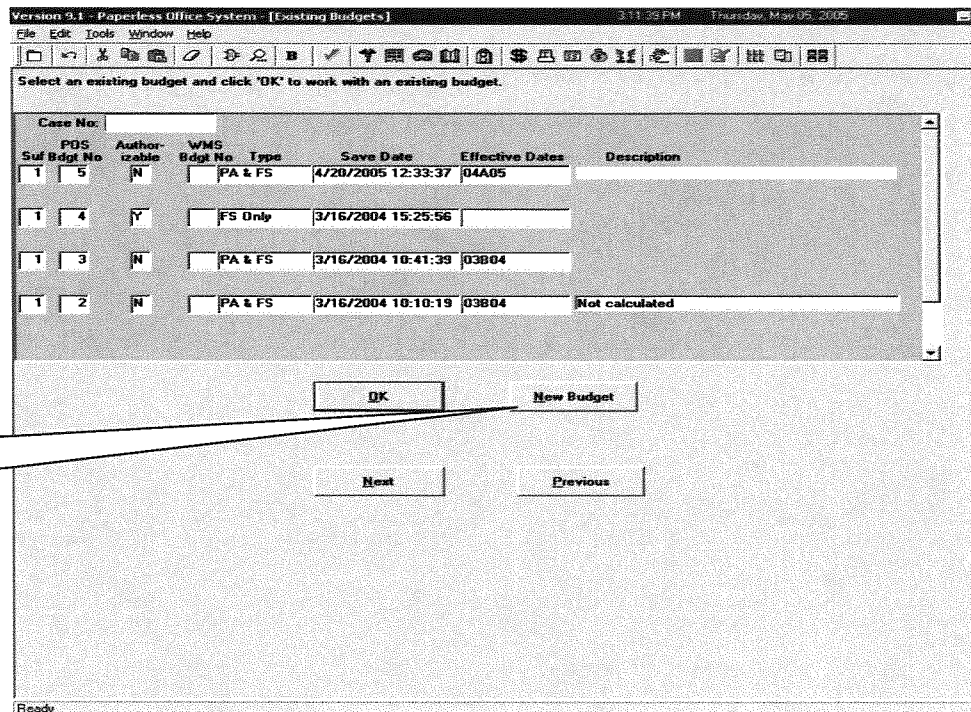
Refer to the Worker's Guide to Codes manual

For FEPS cases do not use code **31** (Pre PA Rent Arrears) to issue rent arrears for applicants.

- Issue a Direct Vendor E-check for the approved amount and period as indicated on Item 4 of the FEPS approval letter (see Attachment A). Use special grant codes **09** (Rent Only) and **40** (Rent in Advance to Avoid Eviction);
- Arrange for the Direct Vendor rent checks to be delivered to the authorized FEPS preparer, Housing Court or be picked up by the landlord;
  - **Note:** PARKS participants approved for FEPS must be taken out of PARKS (immediately) and given a new assignment.
- Complete the questions in the **Shelter** window with the current shelter information, including shelter type and the actual shelter amount;
  - Answer “Yes” to the **Has Additional Expenses? Specify** question in the other **Other Expenses** window;
    - In the **Specify Additional Expense** drop-down in the **Response to Question** window, select FEP Supplement (Code **47**) and complete the fields in the **Response to Question** window;
    - Select **FEP Approval** from the **Document** drop-down box;



- Complete all other fields as required on the **Response to Question** window; and
- Click **OK** to save the responses.
- After closing the **Response to Question** window, the **Has Additional Expense? Specify** window will reappear.
- Access the **Screen Picklist** to go to the **Budget** window by:
  - Clicking **Window** then **Screens** or
  - Pressing <F12> on keyboard;
- Select **Budgets** to go to the **Existing Budget** window;

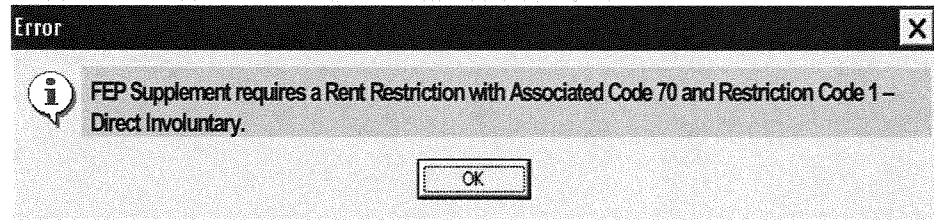


Click on New Budget to go to the Budget window.

- On the **Existing Budget** window, click **New Budget** to go to the **Budget** window;

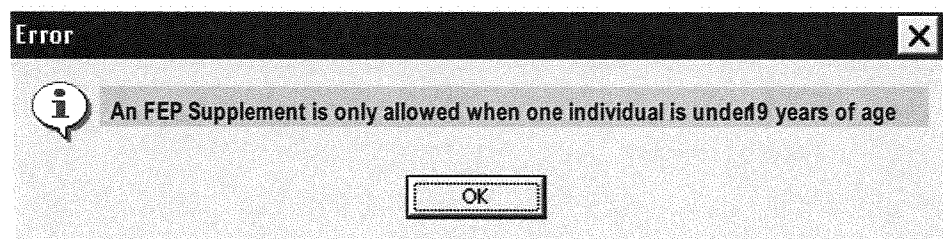
Edits on budget window

If the case is eligible for the additional needs type code **47** (FEP Supplement), but a restriction type of **1 – Direct Voluntary** is not selected, the following error message appears:



If additional needs type code **47** (FEP Supplement) is selected, but there is no individual under 19 in the household, the following error message appears:

The household composition will have to be corrected to prevent this error from reappearing.





- Restrict the rent by:
  - Entering the suffix number;
  - Selecting **Direct Voluntary** from the **Type** drop-down menu;
  - Selecting **Shelter** from the **What** drop-down menu;
  - Entering the landlord information in the **Sent to** fields;

Multisuffix cases will have to be budgeted directly in WMS, as POS does not support multisuffix case actions

- If the case is a multisuffix case, select a proration indicator of **N** (All PA Suffixes Receive an Unprorated PA Shelter Allowance – Emergency Housing Situation – Each Suffix Receives Prorated Basic and Home Energy Allowances) or **S** (All PA Suffixes Receive a Prorated Shelter Allowance and Full Basic and Home Energy Allowance) from the **Proration** drop-down menu;

**Note:** If FEPS is being entered on a multisuffix case, only one suffix can receive the supplement and a proration indicator of **N** or **S** will be required.

- Click the **Income or Results** button to continue with the other budgeting screens; and
- Authorize the budget on the POS TAD.

After the case has been budgeted, a Client Notice System (CNS) notice will be generated and sent to the participant informing him/her of the change in his/her grant. For applicants, the Action Taken On Your Application (**LDSS-4013A NYC/LDSS-4013B NYC**) must be prepared and sent to the applicant advising him/her of the action taken on his/her case.

New action code

- Enter Action Code **164B** (FEPS Approved) in NYCWAY to indicate the FEPS approval has been processed.

### Sanctions

In instances where a member of a FEPS household is being sanctioned due to noncompliance with employment, substance abuse or child support, FEPS must be removed manually. As a result, these sanctions must also be processed manually. To do so, the JOS/Worker must:

- Answer “Yes” to the **Has Additional Expenses? Specify** question in the **Other Expenses** window;
  - In the **Specify Additional Expense** drop-down menu in the **Response to Question** window, remove FEP Supplement (Code **47**);
  - Select **Delete Row?** In the **Who** field and click **OK** to save the Changes;

- Create a new budget in the **Budget** window per current procedure;
- Sanction the individual on the POS TAD per current procedure; and
- Authorize the budget on the POS TAD.

This will generate a CNS notice that will be sent to the participant advising him/her of the change in his/her grant as well as the loss of FEPS.

**Note:** The participant has six months to return to active (**AC**) status or have the child support reduction removed in order for the household to regain its FEPS eligibility without meeting the initial criteria, but a FEPS application must be submitted to OTDA to restore the supplement.

Restoration of FEPS

A participant who has:

- Left PA due to excess income;
- Had his/her case closed for other reasons; or
- Lost his/her FEPS eligibility due to noncompliance with work, substance abuse or child support requirements

Can have his/her FEPS restored without needing to have a court proceeding if s/he resides at the same address as at the time of the case closing/sanction and if:

- His/her PA case is reopened within 12 months after it was closed due to excess earnings; or
- The noncompliant individual on the PA case regains eligibility within six months; or
- A closed PA case (closed for reasons other than excess income) is reopened within six months.

In each of these instances a FEPS application must be submitted by an authorized FEPS preparer to OTDA.

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**PROGRAM  
IMPLICATIONS**

Paperless Office  
System (POS)  
Implications

Additional needs type code **47** (FEP Supplement) has been added to the **Has Additional Expenses? Specify** window to accommodate this supplement.

The New York State OTDA FEPS Approval Letter has been added to the **Document** drop-down menu.

Food Stamp  
Implications

FEPS will not be counted as income for Food Stamp purposes, therefore the actual shelter amount entered on the budget must not include the FEP supplement amount. See page 8 for FS budgeting instructions.

Medicaid  
Implications

The receipt of FEPS does not affect Medicaid eligibility.

**FAIR HEARING  
IMPLICATIONS**

Avoidance/  
Resolution

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date. Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

Conferences

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. However, Fair Hearing requests based on the denial of a FEPS application or the approved amount of the FEPS and arrears to be paid will be conducted via telephone by OTDA. In these instances, advise the applicant/participant to contact OTDA at the telephone number provided on the denial notice.

If an applicant/participant comes to the Job Center requesting a conference due to a reduction or termination of FEPS, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen.

The FH&C AJOS/Supervisor I will listen to and evaluate the applicant/participant's complaint. After reviewing the case file and discussing the issue(s) with the JOS/Worker and Supervisor responsible for the case, s/he will determine if the action taken was correct. If the determination is that the action taken was correct, the FH&C AJOS/Supervisor I will explain the reason for the determination to the applicant/participant. If the explanation is accepted, no further action is necessary. The AJOS/Supervisor I must complete a Conference Report (**M-186a**).

If the determination is that the action taken was incorrect or correct but lacking the supporting documentation, the FH&C AJOS/Supervisor I will settle in conference (SIC), enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken. In addition, if the adverse case action still shows on the **Pending (08)** screen in WMS, the AJOS/Supervisor I must prepare and submit a Fair Hearing/Case Update Data Entry Form (**LDSS-3722**), if the case has been granted aid continuing (ATC), to change the **02** (Aid-to-Continue) to an **01** (Transaction Cancelled) or a PA Recoupment Data Entry Form (**LDSS-3573**) to delete a recoupment. The **M-186a** must also be prepared.

**Evidence Packets**

Should the applicant/participant elect to continue his/her appeal by requesting or proceeding to a Fair Hearing already requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

All Evidence Packets must contain a detailed history, copies of relevant WMS screen printouts and other documentation relevant to the action taken.

**LIMITED ENGLISH SPEAKING ABILITY (LESA) IMPLICATIONS**

For Limited English Speaking Ability (LESA) applicants/participants, make sure to obtain appropriate interpreter services in accordance with Policy Directive #02-43-OPE.

**REFERENCES**

03 ADM 7

**RELATED ITEMS**

PD #04-31-ELI Shelter Allowances and Related Changes  
 PD #04-37-ELI Budgeting Rules for PA Mixed Households When the Family Includes an SSI Member

**ATTACHMENTS**

Please use Print on Demand to obtain copies of forms.

**Attachment A** Notification of Acceptance for a Family Eviction Prevention Supplement (SAMPLE)

ATTACHMENT A



George E. Pataki  
Governor

NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY NEW YORK 12243-0001

Robert Doar  
Commissioner

**SAMPLE**

**NOTIFICATION OF ACCEPTANCE FOR A FAMILY EVICTION PREVENTION SUPPLEMENT**

Client:	Case No:	Job Center:
Address:	Adults:	Children:

**RENT SUMMARY**

1. PA Shelter Amount (Shelter Schedule)	
2. Excess Rent from F&O (if applicable)*	
3. Total of (1) + (2)* (PA Shelter)	
4. FEPS Supplement Amount (Code 47)	
5. Total Rent Payable by HRA = (3)+ (4)*	
6. NPA Rent Contribution to Landlord:	
7. Total Stated Rent = (5) + (6)	
8. Actual Rent (FS Shelter) (7 - 4)	

**ARREARS SUMMARY**

Arrears Requested:	
Recoupable:	
Stale Dated Checks:	
Non - Recoupable:	
In excess of shelter Amt:	
Prior to Application:	
Period Covered:	

\*Excess rent amount in (2) to be paid directly to the Landlord by the FEPS recipient out of the F&O grant until restriction is implemented.

If the regular PA grant and/or F&O grant is not sufficient to allow for HRA payment of the total in (3) on account of other income of the FEPS recipient PA household, the FEPS recipient must make up the shortfall by direct payment to the landlord.

Dear :

*This agency has reviewed your letter and agrees to provide the requested supplement (exclusive of any requested legal costs), summarized above, on condition that your client agrees to vendor or other restricted payment. The additional sums above the shelter allowances provided as "excess" are not subject to any current recoupments and may not be the subject of recoupment.*

*Please note that this approval is limited to the summarized facts and circumstances. Any change concerning the client's household composition, the rental unit's location, or the amount of the prospective rent or the requested arrears (except for an amount corresponding to rent accruing while the present request was pending) that increases the amount of rent supplement requested must be specifically approved. A copy of the Application must be submitted along with this letter to HRA for payment to be made.*

Sincerely,

Russell Sykes  
Deputy Commissioner  
Division of Employment and Transitional Supports