

CHAPTER 4

EMERGENCY HOUSING ASSISTANCE

SECTION I – Emergency Shelter Allowance

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**EMERGENCY SHELTER
ALLOWANCE**

EMERGENCY SHELTER ALLOWANCE

Emergency Shelter Allowance (ESA) is assistance offered by the County Assistance Office (CAO) to persons who are homeless or near homeless and who need assistance in order to:

- ▶ prevent eviction or foreclosure
- ▶ obtain permanent housing
- ▶ obtain temporary shelter

Q *What are the eligibility requirements for the Emergency Shelter Allowance (ESA)?*

A To qualify for ESA, individuals or families must meet the following requirements:

- ▶ total income must be within the applicable income limit (see, “What are the income limits?,” below)
- ▶ the need for shelter must be the result of an emergency
- ▶ the amount of the emergency shelter allowance alone or when added to other sources of housing assistance or resources available to the applicant must be sufficient to prevent eviction/foreclosure or to provide temporary shelter

NOTE: The rules governing ESA are found in CAH § 138.9.

Q *What is an “emergency” for purposes of ESA?*

A An “emergency” is defined as circumstances creating a breakdown of individual or family functioning in meeting basic needs and resulting in a need for immediate action to avoid destitution of or harm to the individual or minor children residing in the family unit.

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An emergency exists when the family or individual is homeless and in need of permanent housing. Homelessness includes, but is not limited to:

- ▶ temporarily staying with friends or relatives after losing a home
- ▶ staying in temporary quarters such as a shelter, including a domestic violence shelter or safe home
- ▶ living in a home, but due to domestic violence, needing a safe place to reside. (CAH § 138.921)

NOTE: In cases of domestic violence, the client's statement is acceptable evidence of the need to secure other housing. CAH § 138.943.

What are the income limits for ESA


 The income limit for ESA depends upon family composition:

- ▶ For individuals under 21 or families with a child under age 21 the income limit is 80% of the Federal Poverty Income Guidelines (FPIG).

See **Appendix D, Section II** for Federal Poverty Income Guidelines


- ▶ Individuals 21 or older, or families with all individuals age 21 or older must be financially eligible for or be receiving General Assistance (GA) benefits.

Is there a resource limit for ESA?

 ▶ There is NO resource limit for individuals under age 21 or families with children under age 21.

- ▶ Individuals age 21 or older or families with all individuals age 21 or older must meet the resource limit for GA.

Is there a work requirement for ESA?

 The ESA program has no work requirements per se. However, an emergency shelter allowance will not be authorized if the emergency is the result of a refusal to accept employment or training without good cause by either a child or an adult household member who is not exempt from employment and training requirements.

DPW caseworkers seem to be paying more attention to this eligibility factor with the Department's increased emphasis on meeting TANF work requirements. Here are a couple of points to keep in mind:

- ▶ Persons applying for ESA who are not on TANF are not subject to TANF work requirements. Be on the look-out for workers telling non-TANF ESA applicants that they must, for example, go to the job search contractor in order to get ESA. There is no such requirement for ESA.
- ▶ Watch out also for cases where persons applying for ESA are on TANF, but are under sanction for not meeting TANF work requirements. The TANF work requirements are distinct from the ESA's narrower eligibility bar for refusal to attend employment or training. Arguably, a person could be out of compliance with TANF work requirements, but still be eligible for ESA. To be ineligible for ESA: (i) the person must have refused to accept a job or training; and (ii) this refusal must have been the cause of the emergency need for housing assistance. An act of non-compliance, like failure to report to a job search contractor, while it might lead to a TANF sanction, would not necessarily be grounds for denying ESA.

Q ▶ *Is there a support cooperation requirement for ESA?*

A ▶ Cooperation with support requirements is not an eligibility requirement for ESA.

A person applying for ESA who is not on TANF need not pursue support. Also, a person who is on TANF and is being sanctioned for failure to cooperate with support might nevertheless be eligible for ESA.

Q ▶ *How much is the ESA grant?*

A ▶ The amount of the ESA grant depends on the need and family composition.

- ▶ To provide permanent living quarters:
 - individual under age 21 or family with a child under age 21 – maximum \$300
 - individual age 21 or over or family with all individuals age 21 or over – maximum \$100

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- ▶ To prevent eviction or foreclosure:
 - individual under age 21 or family with a child under age 21 – maximum \$400
 - individual age 21 or over or family with all individuals age 21 or over – maximum \$300
- ▶ To provide temporary shelter, including when the family had to leave due to domestic violence – maximum \$100

Q ▶ *Within what time-frame must the CAO process and pay my client's request for ESA?*

A ▶ A written decision approving or denying the client's ESA must be issued by the CAO no later than seven calendar days from the date of the client's request for ESA. When the last day for an eligibility decision falls on a holiday, the written notice must be issued on or before the working day immediately **preceding** the holiday.

Q ▶ *Does the CAO provide assistance in finding temporary shelter?*

A ▶ Yes, if the client is determined eligible for ESA at the CAO and needs temporary shelter, the CAO may make a referral to temporary shelter.

Q ▶ *How frequently can a client be granted ESA?*

A ▶ ESA may be granted only during one consecutive 30-calendar day period every 12 consecutive months. The 30-day period begins with the date of initial authorization of emergency assistance. However, the family may receive more than one grant during the 30-day period for different types of emergencies. For example, a family may receive ESA to prevent eviction and then receive ESA again if the home is destroyed by a natural disaster, if both occur during the same 30-day period.

Q *Can my client appeal from a denial of ESA*

A Yes, a client can appeal from the CAO's denial of ESA; she can also appeal based upon a CAO's failure to issue a timely eligibility decision.

In addition, applicants who are denied ESA by the CAO must be informed orally and in a written notice of ineligibility that they have the right to an agency conference with a CAO supervisor within two workdays. The purpose of the agency conference is to attempt to resolve quickly, with the assistance of the supervisor, any error that may have been made by the CAO in determining the applicant's eligibility for ESA.

See **Chapter 9** for instructions on filing appeals.

Q *What if the ESA grant is not enough?*

A In some cases, the maximum ESA payment will not be enough to resolve the client's housing emergency. In such cases, the CAO is required to contact the county Homeless Assistance Program (HAP) agency and arrange, if possible, for the ESA payment to be combined with available Rental Assistance funds in order to provide the individual or family with the amount of funds needed.

See **Chapter 4, Section II**, for information on HAP agencies and Rental Assistance.

Each CAO must have a designated ESA coordinator. The ESA coordinator will contact the HAP agency by telephone (or by FAX) and advise the agency that the applicant individual or family is eligible for ESA, but requires more than the maximum ESA payment to resolve the emergency. The HAP agency will first check its records to see whether the ESA applicant has received a Rental Assistance payment within the preceding 24 months. If not, the HAP agency will consider the ESA eligible individual or family to be automatically eligible for a Rental Assistance voucher, subject to the availability of funds, up to the difference between the maximum ESA payment and the maximum Rental Assistance grant (\$1000 for adult only families and \$1500 for families with children).

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EXAMPLE: A homeless family meets the eligibility conditions for an ESA payment to provide permanent housing. However, the amount needed for the first month's rent and security deposit is \$600, which exceeds the maximum ESA payment of \$300.

The ESA coordinator contacts the Rental Assistance agency by telephone and requests the HAP agency to issue a Rental Assistance voucher to the family for the additional \$300 required to resolve the applicant's emergency housing need.

The HAP agency will check its records to see whether the family has received a Rental Assistance payment within the preceding 24 months. If not, the family is automatically eligible for the Rental Assistance program. If funds are available, the HAP agency will immediately issue a voucher for \$300. See CAH § 138.961.

See **Appendix D, Section I** for Federal Poverty Income Guidelines

CHAPTER 4 – SECTION II

**RENTAL ASSISTANCE
PROGRAM**

RENTAL ASSISTANCE PROGRAM

The Rental Assistance program is operated through County “Homeless Assistance Program” (HAP) agencies under contract with DPW’s Office of Income of Maintenance . Its purpose is to prevent and/or end homelessness or near homelessness.

NOTE: The rules governing Rental Assistance are found in DPW’s “Instructions and Requirements for Homeless Assistance Programs.” An excerpts from this document pertaining to Rental Assistance is included in Appendix D. Or go to:
<http://www.dpw.state.pa.us/LowInc/ProgHomeless/HomeLessAsstProg/>

Q *What benefits does the Rental Assistance Program provide?*

A The Rental Assistance Program provides assistance in two ways:

- ▶ It provides payments for rent, security deposits, mortgage arrearage for home and trailer owners, rental costs for trailers and trailer lots, and utilities.
- ▶ If the client does not have permanent housing arrangements, she may be eligible for Bridge Housing from the HAP agency. Bridge Housing is a transitional living arrangement bridging the gap between homelessness and permanent housing. Assistance is provided for up to 18 months and clients must pay at least part of their Bridge Housing expenses. A sliding scale is used to determine how much the client must pay.

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Notes**Q** *How much does the Rental Assistance program pay?*

Over a consecutive 24-month period, clients may receive up to a maximum of:

- ▶ \$1,000 for adult-only families; or
- ▶ \$1,500 for families with children.

Other forms of government assistance with rent, mortgage, or utility costs, such as FEMA assistance, are included by the HAP agency in the calculation of the maximum \$1000 or \$1500 amount. Note, however, any assistance a client may have received in LIHEAP grants are not considered in determining the maximum amount of Rental Assistance available to the client.

Assistance may be provided in a lump sum or in incremental payments.

NOTE: A county may, but is not required to check whether a client has already received assistance from a Housing Assistance Program agency in another county within the 24 month period.

Q *What are the eligibility requirements for the Rental Assistance Program?*

To obtain Rental Assistance, your client must:

- ▶ be homeless or near homeless;
- ▶ have an agreement with a landlord to rent to her;
- ▶ have sustainable income sufficient to pay rent in the future or, if the client has no income, have a reasonable expectation of sufficient income within the next 90 days to maintain a rental agreement; and
- ▶ have an income at or below 200% of the Federal Poverty Income Guidelines (FPIG).

NOTE: HAP agencies may set their income eligibility limits anywhere between 100 and 200% of the poverty level. Thus, income limits for Rental Assistance may vary from one county to another.

See **Appendix D, Section I** for the Federal Poverty Income Guidelines.

The total income and available resources of each adult (18 years of age or older) member of the household is considered in determining eligibility for Rental Assistance. A household is defined as "one or more persons, related or unrelated, who reside or intend to reside in a common residence." Resources are considered to the extent they are available to the household to meet its housing expenses.

Persons who are living in Section 8 or public housing are eligible to request rental assistance with their security deposit or rental arrears.

HAP agencies are instructed to encourage clients, where appropriate, to participate in budgeting and money management training so as to avoid future rental crises. Be aware that some HAP agencies have been known to require such training of clients as though it was a condition of eligibility for rental assistance. It is not.

Q *When is a client considered to be homeless or near homeless?*

- A** Individuals or families are homeless if they are:
- ▶ residing in a group shelter; domestic violence shelter; hotel or motel; a mental health, drug or alcohol facility; jail; hospital; or living in a home, but due to domestic violence, need a safe place to reside,
 - ▶ facing foster care placement of their children solely because of lack of adequate housing, or need housing to allow reunification with children who are in foster care placement;
 - ▶ living in a "doubled-up" arrangement for six months or less on a temporary basis;
 - ▶ living in a condemned building;
 - ▶ living in housing in which the physical plant presents life and/or health threatening conditions; e.g., having dangerous structural defects or lacking plumbing, heat, or utilities; or
 - ▶ are living on the streets, in cars, doorways; etc.

Individuals and families are near homeless if they are facing eviction (having received either written or verbal notification from the landlord that they will lose their housing unless payment is received).

Notes**Q** *Are there any special eligibility provisions for victims of domestic violence?***A** Yes. Two important program requirements can be waived for persons who need to escape domestic violence:

- ▶ These persons do not need to meet the income guidelines; and
- ▶ If the person received Rental Assistance in the past, the maximum amount allowed may be disregarded.

Q *Where does my client apply for Rental Assistance?***A** Where your client applies for Rental Assistance depends upon family composition.

- ▶ Individuals under 21 and families with at least one child under 21 who receive any amount of TANF or GA cash assistance benefits will be advised to apply for ESA (Emergency Shelter Allowance) at the local CAO before applying for Rental Assistance.
- ▶ Any other individual or family may apply either for Rental Assistance at the HAP or for ESA at the CAO, whichever they choose.

Persons under 21 or families with a child under 21 who do not receive TANF or GA are likely to be asked by the HAP to apply for ESA at the CAO, first, before applying for Rental Assistance. This helps the HAP agency conserve its limited Rental Assistance funds.

If your client is given a determination of ineligibility for ESA, the CAO should refer her to the HAP agency for Rental Assistance.

Q *What information is needed to establish eligibility for Rental Assistance?*

A The Rental Assistance Instructions do not provide guidance on how HAP agencies are to verify income. Some form of documentation from the client, such as a pay stub or employer statement ought to suffice.

As to the other eligibility requirements, however, HAP agencies are expected to make every effort to use “collateral contacts,” i.e., phone calls to third parties, to verify homelessness or near homelessness; the amount needed to resolve the crisis; and the landlord’s agreement to rent to the client or to stop the eviction.

Q *Within what time-frame must the HAP agency decide my client’s eligibility for Rental Assistance?*

A Unfortunately, the rules governing the Rental Assistance program do not specify a time limit for eligibility decisions. However, the HAP Instructions and Requirements say that “applications for assistance must be processed so that the client is served in time to resolve the crisis and prevent eviction.” Here are some other provisions from the Instructions and Requirements that may be useful in assuring timely action on a client’s application for Rental Assistance. The HAP agency must make every effort to:

- ▶ Permit the client to apply for Rental Assistance on the same day she visits the office;
- ▶ Interview the client on the same day she applies for Rental Assistance;
- ▶ Determine the client’s eligibility for assistance at the intake interview.

The HAP agency must provide the client with a written decision approving or denying the request for assistance.

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Q *Can my client appeal from a HAP agency denial of Rental Assistance*



Yes. The HAP agency's written notices approving or denying the client's application for Rental Assistance must inform the client of her right to appeal and explain the available review procedures. A client may appeal to the County in which the HAP agency is located. She also has the right to appeal to the Department of Public Welfare's Office of Hearings and Appeals.

TIP: *In most cases, it will probably be to the client's advantage to use DPW's hearings and appeals procedure.*

See **Chapter 9** for information about how to appeal to the Office of Hearings and Appeals.

Q *Can my client get both ESA and Rental Assistance?*



Yes. In some cases, the maximum ESA payment will not be enough to resolve the client's housing emergency. In such cases, the CAO is required to contact the HAP agency and arrange, if possible, for the ESA payment to be combined with available Rental Assistance funds in order to provide the individual or family with the amount of funds needed.

Each CAO must have a designated ESA coordinator. The ESA coordinator will contact the HAP agency by telephone (or by FAX) and advise the agency that the applicant individual or family is eligible for ESA, but requires more than the maximum ESA payment to resolve the emergency. The HAP agency will first check its records to see whether the ESA applicant has received a Rental Assistance payment within the preceding 24 months. If not, the Rental Assistance agency will consider the ESA eligible individual or family to be automatically eligible for a Rental Assistance voucher, subject to the availability of funds, up to the difference between the maximum ESA payment and the maximum Rental Assistance grant.

EXAMPLE: A homeless family meets the eligibility conditions for an ESA payment to provide permanent housing. However, the amount needed for the first month's rent and security deposit is \$600, which exceeds the maximum ESA payment of \$300.

The ESA coordinator contacts the HAP agency by telephone and requests the agency to issue a Rental Assistance voucher to the family for the additional \$300 required to resolve the applicant's emergency housing need.

The HAP agency will check its records to see whether the family has received a Rental Assistance payment within the preceding 24 months. If not, the family is automatically eligible for the Rental Assistance program. If funds are available, the HAP agency will immediately issue a voucher for \$300. See CAH § 138.961

See HAP Instructions and Requirements for Rental Assistance at <http://www.dpw.state.pa.us/LowInc/ProgHomeless/HomeLessAsstProg/>

Appendix D:

- ▶ 2008 Federal Poverty Guidelines
- ▶ HAP Instructions and Requirements for Rental Assistance

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