

# DEPARTMENT OF HEALTH AND SOCIAL SERVICES

## DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512th)  
16 **DE Admin. Code** 6001, 6002, 6003, 6004, 6005, 6006 & 6007

### PROPOSED

### PUBLIC NOTICE

#### DSSM: 6001 - 6007 Emergency Assistance Services

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of Title 31 of the **Delaware Code**, Chapter 5, Section 512, Delaware Health and Social Services (DHSS) / Division of Social Services is proposing to amend the Division of Social Services Manual (DSSM) regarding *Emergency Assistance Services*.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to Sharon L. Summers, Policy, Program & Development Unit, Division of Social Services, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906 or by fax to (302) 255-4425 by August 31, 2012.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

#### SUMMARY OF PROPOSAL

The proposal described below amends policies in the Division of Social Services Manual (DSSM) regarding *Emergency Assistance Services*.

#### Statutory Authority

- Social Security Act §404, *Use of Grants*
- 31 Delaware Code, Section 521, *Emergency and Disaster Assistance*

#### Background

The Division of Social Services (DSS) is the appointing authority for Emergency Assistance Services. Emergency Assistance funds for rent, utilities and emergency shelter are provided for eligible low-income persons in order to help to maintain self-sufficiency and prevent homelessness. The purpose of Emergency Assistance is to avoid, eliminate or alleviate an emergency condition caused by an unforeseen circumstance resulting in a situation that calls for immediate action. Services are provided through the Delaware Division of State Service Centers (DSSC).

#### Summary of Proposed Changes

**DSSM 6001 through DSSM 6007, *Emergency Assistance Services*:** The name of each affected section is being changed to more accurately indicate the content of the policy. All sections are reformatted and reworded for clarity. In addition:

- DSSM 6001, *Legal Base* is removed. It is no longer needed since legal authority is cited in the individual sections;
- DSSM 6004 is combined with 6003; and,
- DSSM 6007 is removed. It is procedure and not policy. Consequently, the policy manual is not the appropriate place for this information.

As noted above, applicable federal and state citations are also added to the policy section.

The proposed changes affect the following sections of the DSSM:

DSSM 6001, *Legal Base*

**DSSM 6002, *Eligibility***

DSSM 6003, ~~*Vendor Payments*~~ *Making Payments for Emergency Assistance Services*

DSSM 6004, ~~*Payment Limitation: Time Restriction*~~ ***RESERVED***

DSSM 6005, ~~*Scope of Service*~~ *Providing Assistance for Qualified Emergencies*

DSSM 6006, ~~*Classification of Emergency Assistance Services*~~ ~~*Content of Services*~~ *Offering Emergency Assistance Services*

DSSM 6007, ~~*Accountability Reports*~~ ***RESERVED***

## **DSS PROPOSED REGULATION #12-35 REVISION**

### **6001 Legal Base**

~~Provision is made by the Delaware General Assembly for payments for emergency needs. A limitation on payments of \$1,200 for emergency shelter certified by the Department of Health and Social Services (DHSS), \$450 for mortgage or rent assistance, and \$200 for other costs related to self-sufficiency of the household. The federal government provides funds under Title IV-A of the Social Security Act for emergency payments to families with children. Payments are allocated annually to simplify the program.~~

### **6002 Eligibility**

~~Delaware residents may participate in the Emergency Assistance Program if:~~

~~Individual/Family is in receipt of or eligible for the following:~~

~~Cash Assistance receiving households (TANF, GA, SSI):~~

~~1931: Transitional, and Prospective Medicaid; and~~

~~Poverty-related Pregnant Women, Infants and Children Medicaid;~~

~~OR~~

~~A) Family has children at risk of removal or removed from their home due to, or suspected at risk of, abuse or neglect; or~~

~~B) Family has children removed from, or at risk of removal from, the community.~~

~~In order to qualify for Emergency Assistance Services:~~

~~1) The Medicaid individual / family must be without resources immediately accessible to meet their needs;~~

~~2) The child is without resources immediately accessible for meeting his/her needs; or~~

~~3) The emergency assistance is necessary to avoid the destitution of a child or to provide living arrangements for him in a home; and~~

~~4) The emergency must have resulted from an unforeseen circumstance or combination of circumstances that are beyond the recipient's control. The cause of the emergency must be evaluated on a case by case basis. In making a decision, the limited resources of the recipient will be considered, except that no assistance will be authorized when the emergency was due to a recipient's failure to comply with a requirement of a Social Services program.~~

### **Sanctions/Disqualifications-**

~~For example, a recipient who is sanctioned or disqualified and whose cash grant is reduced is not eligible if the emergency is a direct result of the reduction of the grant amount. The inability to pay the rent or electric due to the reduction of the grant would make the recipient ineligible for EAS. If the emergency is a broken refrigerator or stove that needs replaced or repaired, this is not a direct result of the reduction of the grant, and the recipient would be eligible for EAS. Sometimes a sanction or disqualification may be permanent for an individual. A case-by-case determination must be made on whether or not the emergency was a direct result of the reduction in the grant amount.~~

~~An example of other circumstances not beyond the recipient's control is when the recipient carelessly spends his/her money on non-necessities, such as cable TV paid channels and telephone features like call waiting and caller ID.~~

~~A recipient whose money is stolen can receive assistance if otherwise eligible, provided the recipient furnishes a police report of the incident.~~

### **6003 Vendor Payments**

~~Payments under the Emergency Assistance Program are made by check payable to the vendor of the needed assistance with the exception of payments for food which may be made directly to the recipient.~~

### **6004 Payment Limitation: Time Restriction**

~~The maximum payment a household can receive is \$1,200 for emergency shelter certified by the Department of Health and Social Services (DHSS), \$450 for mortgage or rent assistance, and \$200 for other costs related to self-sufficiency of the household during one period of 30 consecutive days in any twelve consecutive months. The payment can be used to meet needs which arose before such 30-day period or for such needs as rent or emergency shelter which extend beyond the 30-day period. Payments authorized within the 30-day period may be made for needs which will arise during the 60 consecutive days beginning on the day after the end of the 30-day period. Payments authorized within the 30-day period may be made for debts which became due and payable within the 60 consecutive days immediately prior to the day the recipient applies for assistance.~~

The payment limitation and time restrictions apply only to the original household. Former members of a household that received assistance can themselves receive assistance if otherwise eligible provided they had not requested funds while part of the original household. For example, a household (F1) contains two TANF cases (A1) and (A2).

A1 receives emergency assistance to purchase a refrigerator in July. In September A2 moves to their own apartment. Several months later in December A2 needs money to pay the rent because her money was stolen. A2 can receive help because she is no longer part of the F1 household and while part of the F1 household had not requested assistance. If A1 asked for help, they would be denied because they received an emergency assistance payment less than twelve months ago.

### **6005 Scope of Coverage**

Recipients in emergent need as defined in DSSM 6000 and meeting the eligibility requirements in DSSM 6002 are eligible to receive assistance to alleviate the emergency. The covered items and the conditions that must be present before payments can be authorized are listed below:

1) Home repairs – The repair must be needed to assure adequate heating, refrigeration, cooking facilities, and water supplies.

2) Shelter expense – The recipient(s) must be homeless or in jeopardy of losing their home, such as being no more than 60 days behind in making payments on rent or mortgage or property taxes.

A maximum amount of \$1,200 for up to 90 consecutive days is allowed to provide a homeless recipient with temporary emergency shelter in a DHSS-certified shelter. A maximum of \$650 is allowed to help a recipient:

- a) Secure permanent shelter,
- b) Maintain existing shelter, and
- c) Transition from temporary emergency shelter to secure permanent shelter.

Before DHSS will authorize temporary emergency shelter, DHSS must establish that free or permanent shelter is not available or, if available, has not been refused without good cause. Good cause includes the need for a family member to remain in a school district or near an employer when public or private transportation is not reasonably available. Good cause does not include preference for a motel or hotel over free shelter due to greater privacy or for similar reasons.

The recipient has the primary responsibility for seeking and securing permanent shelter. DHSS will authorize temporary emergency shelter in a DHSS-certified shelter commensurate with the recipient's need for shelter up to the maximum time and amount allowed without regard to funds received from the regular cash assistance grant or funds considered in computing the amount of that grant unless the recipient refuses to:

- a) Relocate to subsequently arranged temporary emergency shelter in a free shelter, or
- b) Actively seek permanent housing and cooperate with DHSS in monitoring progress.

To monitor housing search progress, DHSS will require that the recipient contact DHSS at least weekly at mutually agreed upon times by telephone or arranged office appointment. The worker will discuss with the recipient the number of housing contacts, who was contacted, and where they were located. Recipients who refuse without good cause (e.g., illness of recipient or immediate family member, or no viable contacts remaining) to make housing contacts, keep appointments, or discuss progress with the worker will be considered to be non-cooperative. Failure to cooperate without good cause will result in termination of the recipient's authorization for temporary emergency shelter.

Before authorizing help toward permanent shelter, DHSS will ascertain that the recipient has the ability to maintain ongoing permanent shelter costs. Assistance can be used to pay up to two months' arrearage or the first month's rent and/or security deposit pursuant to Section 6004.

3) Moving expenses – The move must be necessitated by a crisis situation such as fire, eviction or condemnation of a house. Estimates must be provided before payments can be authorized.

4) Household appliances and home furnishings – The appliance or furnishing must be needed to assure adequate heating, refrigeration, and cooking facilities, and to provide appropriate sleeping arrangements. Funds may be used to purchase new items or replace existing items except that when an existing item is replaced, it must be worn out. Replacement of existing items is not permitted if the item is still serviceable.

5) Medical needs – A medical need is present that could result in serious impairment of health, prolonged hospitalization, or death.

6) Fuel and utility bills – The recipient must have an unpaid bill which became due and payable within 60 consecutive days immediately prior to the day the recipient applies for assistance and be in immediate jeopardy of having their service disconnected or be unable to purchase fuel to maintain adequate living conditions. Recipients who have applied for funds under the Energy Crisis Assistance Program (ECAP) are eligible for assistance only when a delay in receiving ECAP funds will cause a hardship.

For example, a recipient who needs fuel oil applies with ECAP and is given an appointment two weeks later. If the recipient applies with the Division and has an emergent need, emergency assistance would be authorized if otherwise eligible.

7) Food expenses — A food need is present that could result in hunger in spite of the expedited service requirements of the Food Stamp Program. Under these requirements, eligible households must receive their food stamp benefits within seven (7) calendar days following the date the application was filed.

Payments for food expense are limited as follows:

1 person	\$20.00
2-4 persons	\$27.00
5-7 persons	\$33.00
8-10 persons	\$40.00
11 or more persons	\$53.00

8) Clothing — Clothing is required for decency, but only if the need results from fire or theft and there is no other resource available.

9) Transportation — Costs are allowed only when the consequences arising out of the emergency demand that transportation be provided to the client in order to ameliorate the situation and when transportation without cost is not available, such as, transportation under Title XIX.

#### **6006 Classification of Emergency Assistance Services – Content of Services**

Service staff are assigned to provide emergency assistance services and offer at least the following services, as required:

1. Personal and Family Crisis Situations

- a) Providing casework or counseling service;
- b) Arranging for emergency monetary assistance, if necessary;
- c) Providing other services required because of the nature of the emergency situation.

2. Medical Crisis Situations

- a) Obtaining the services of a physician for a client;
- b) Arranging for the care of dependents;
- c) Assisting in obtaining other services and assistance, such as medical diagnosis treatment, care in appropriate settings.

3. Housing and Maintenance Crisis Situations

- a) Securing temporary shelter, utilities, food, clothing, and other maintenance items for the duration of the emergency;
- b) Referring applicants to appropriate agencies for assistance in procuring permanent living arrangements appropriate to the client and his/her dependents after they leave a temporary shelter;
- c) Providing necessary replacement of lost household furniture, equipment and supplies;
- d) Providing temporary financial assistance to relieve distress.

#### **6007 Accountability Reports**

Each Regional Office will maintain a checking account for deposit and withdrawal of allocated funds. Payments may not exceed the amount allocated to each region in each calendar quarter except that funds that are surplus in a quarter may be transferred to a regional office having a deficit at the request of the Operations Administrator with the approval of the Director.

The Operations Administrator in each region will designate an individual to prepare on a monthly basis a "Monthly Report Emergency Assistance" report. The report will be submitted to the State Office of the Division and to DMS not later than the fifth working day of the month following the month covered in the report.

All approvals for payment must be made on Form 113 and must be filed in the applicant's case record. A Supervisor's co-signature is required if the employee is in a probationary period.

#### **6001 RESERVED**

#### **6002 DETERMINING ELIGIBILITY FOR EMERGENCY ASSISTANCE**

Title IV §404(a)(2), 31 Del. Code §521

This policy applies to Delaware residents who are experiencing a crisis due to unforeseen circumstances. Services are provided through the Division of State Service Centers (DSSC).

**1. DHSS Staff Determine Eligibility**

Individuals or families must meet technical and financial eligibility criteria.

**Technical Eligibility**

Only the following Delaware residents may participate:

- A. Individual or family receiving the following types of cash assistance:

1. Temporary Assistance for Needy Families (TANF)
2. General Assistance (GA)
3. Supplemental Security Income (SSI)
- B. Individual or family receiving or eligible for the following types of Medicaid:
  1. 1931 Medicaid
  2. Transitional Medicaid
  3. Prospective Medicaid
  4. Poverty-related Pregnant Women, Infants and Children Medicaid
- C. Family has children at risk of removal from their home due to abuse or neglect, or the children are suspected at risk of abuse or neglect
- D. Family has children at risk of removal from the community
- E. Family has children removed from their home due to abuse or neglect, or the children were suspected at risk of abuse or neglect
- F. Family has children removed from the community

#### **Financial Eligibility**

- A. Household Income Is Limited  
Income eligibility is met if the family meets the technical eligibility criteria above.
- B. Household Resources Are Limited
  1. Medicaid individuals and families cannot have resources immediately accessible to meet their needs.
  2. The child cannot have resources immediately accessible to meet his or her needs; or
  3. The emergency assistance is necessary to avoid the destitution of a child or to provide living arrangements for him in a home; and
  4. The emergency is one that resulted from an unforeseen circumstance or combination of circumstances that are beyond the recipient's control.

#### **2. DHSS Staff Limits Assistance to Recipients**

This section only applies to those who are technically eligible due to receipt of cash or medical assistance as listed in Technical Eligibility above.

- A. Applicants for assistance must have a qualifying emergency. A qualifying emergency is one that resulted from an unforeseen circumstance or combination of circumstances that are beyond the recipient's control.

NOTE: A recipient whose money is stolen may receive assistance if the recipient provides a police report of the incident.

DHSS will not authorize emergency assistance when the emergency was due to a recipient's failure to comply with a requirement of a Division of Social Services program. This includes individuals whose grant was reduced as the result of a sanction or disqualification.

Example:

- a. Mary was sanctioned which resulted in a reduction of her TANF grant. Because she has less money she is not able to pay her electric bill. She is not eligible for emergency assistance because a grant reduction is a foreseeable consequence of a sanction.
- b. Joey was disqualified which resulted in a reduction of his TANF grant. Because he has less money he is not able to pay his rent. At the same time his refrigerator breaks down. This is not a result of his disqualification (grant reduction) and Joey could be eligible for emergency assistance to repair or replace his refrigerator.

### **6003 MAKING PAYMENTS FOR EMERGENCY ASSISTANCE SERVICES**

**31 Del.Code §521**

This policy applies any time a payment is issued for Emergency Assistance Services.

#### **1. DHSS Makes Payments to Vendors**

Payments for Emergency Assistance Services are made by check directly to the vendor..

Exception: Payments for food may be made directly to the recipient.

#### **2. DHSS Limits Amounts and Frequency of Payments to Vendors**

A household can receive approval for a payment from each of the following categories. Payment is limited to one period of 30 consecutive days in any twelve consecutive months.

Payments authorized within the 30-day period may cover needs which will arise during the 60 consecutive days beginning on the day after the end of the 30-day period.

Payments authorized within the 30-day period may cover debts which became due and payable within the 60 consecutive days immediately prior to the day the recipient applies for assistance.

The maximum payment a household can receive during the 30 day period is:

- A. \$1,200 for emergency shelter certified by the Department of Health and Social Services (DHSS)
- B. \$450 for mortgage or rent assistance
- C. \$200 for other costs related to the self-sufficiency of the household

### **3. Payment Limits Apply to the Original Household**

The payment limitation and time restrictions apply only to the original household.

Former members of a household that received emergency assistance may themselves receive assistance if they had not requested funds while part of the original household. For example, a household (F1) contains two TANF cases (A1) and (A2).

A1 receives emergency assistance to purchase a refrigerator in July. In September A2 moves to its own apartment. Several months later in December A2 needs money to pay the rent because her money was stolen. A2 can receive help because she is no longer part of the F1 household and while part of the F1 household had not requested assistance. If A1 asked for help, they would be denied because they received an emergency assistance payment less than twelve months ago.

## **6004 RESERVED**

## **6005 PROVIDING ASSISTANCE FOR QUALIFIED EMERGENCIES**

**31 Del. Code §521**

This policy applies after applicants are determined eligible for Emergency Assistance services.

### **1. Emergency Assistance is Provided for Qualified Emergencies**

Recipients with an emergency as defined in DSSM 6000 and who meet the eligibility criteria in DSSM 6002 are eligible to receive emergency assistance.

The covered items and the conditions that must be present before payments can be authorized are listed below.

#### **A. Home repairs**

The repair must be needed to assure adequate heating, refrigeration, cooking facilities, and water supplies.

#### **B. Shelter expense**

The recipients must be homeless or in jeopardy of losing their home. They cannot be more than 60 days behind in making payments on rent or mortgage or property taxes.

A maximum of \$1,200 is allowed to provide a homeless recipient with up to 90 consecutive days of temporary emergency shelter in a DHSS certified shelter.

A maximum of \$650 is allowed to help a recipient:

- a. Secure permanent shelter
- b. Maintain existing shelter
- c. Transition from temporary emergency shelter to secure permanent shelter

#### **1. Temporary emergency shelter**

- i. DHSS will authorize temporary emergency shelter in a DHSS certified shelter that meets the recipient's needs. DHSS will not count cash assistance received or money counted to determine the amount of cash assistance when authorizing temporary shelter.
- ii. DHSS will authorize the maximum time and amount allowed for temporary emergency shelter unless the recipient refuses to:
  - a. Relocate to subsequently arranged temporary emergency shelter in a free shelter
  - b. Actively seek permanent housing and cooperate with DHSS in monitoring progress of the housing search

Cooperation with the housing search requires the recipient to:

  - i. Contact DHSS at least weekly at mutually agreed upon times by telephone or arranged office appointment

- ii. Make housing contacts
- iii. Keep appointments
- iv. Discuss progress with the worker

Failure to cooperate without good cause (e.g., illness of recipient or immediate family member, no viable contacts remaining) will result in termination of the recipient's authorization for temporary emergency shelter

- iii. DHSS will not authorize temporary emergency shelter if free or permanent shelter is available or was refused without good cause.

Good cause includes the need for a family member to remain in a school district or near an employer when public or private transportation is not reasonably available.

- iv. The recipient has the primary responsibility for seeking and securing permanent shelter.

## **2. Permanent shelter**

Recipients must be able to maintain ongoing permanent shelter costs in order to receive help toward permanent shelter. Assistance can be used to pay up to two months' arrearage or the first month's rent and/or security deposit. See DSSM 6003 for amounts and limitations.

## **C. Moving expenses**

The move must be necessitated by a crisis situation such as fire, eviction or condemnation of a house. The applicant must provide estimates before payments can be authorized.

## **D. Household appliances and home furnishings**

The appliance or furnishing must be needed to assure adequate heating, refrigeration, and cooking facilities, and to provide appropriate sleeping arrangements. Funds may be used to purchase new items or replace existing items.

Exception: When an existing item is replaced, it must be worn out.  
Replacement of existing items is not permitted if the item is still serviceable.

## **E. Medical needs**

A medical need is present if that need could result in serious impairment of health, prolonged hospitalization, or death.

## **F. Fuel and utility bills**

The recipient must have an unpaid bill which became due and payable within 60 consecutive days immediately prior to the day the recipient applies for assistance. The recipient must be in immediate jeopardy of having his or her service disconnected or be unable to purchase fuel to maintain adequate living conditions. Recipients who have applied for funds under the Energy Crisis Assistance Program (ECAP) are eligible for assistance only when a delay in receiving ECAP funds will cause a hardship.

## **G. Food expenses**

A food need is present that could result in hunger in spite of the expedited service requirements of the Food Supplement Program. Households eligible for expedited service must receive their food benefits within 7 calendar days following the date the application was filed.

Payments for food expense are limited as follows

<u>1 person</u>	<u>\$20.00</u>
<u>2 - 4 persons</u>	<u>\$27.00</u>
<u>5 - 7 persons</u>	<u>\$33.00</u>
<u>8 - 10 persons</u>	<u>\$40.00</u>
<u>11 or more persons</u>	<u>\$53.00</u>

## **H. Clothing**

Assistance for clothing is authorized only if the need results from fire or theft and there is no other resource available.

## **I. Transportation**

Costs are allowed only when:

- a. The consequences arising out of the emergency demand that transportation be provided to the client in order to improve the situation

- b. Free transportation is not available, such as, transportation under Title XIX

**6006 OFFERING EMERGENCY ASSISTANCE SERVICES**

This policy applies to any staff assigned to provide emergency assistance services.

**Emergency Assistance Staff Offer Specific Services**

Emergency assistance staff will offer at least the following services, as required.

A. In personal and family crisis situations:

1. Provide casework or counseling service
2. Arrange for emergency financial assistance, if necessary
3. Provide other services required because of the nature of the emergency situation

B. In medical crisis situations:

1. Obtain the services of a physician for a client
2. Arrange for the care of dependents
3. Assist in obtaining other services and assistance, such as medical diagnosis treatment, care in appropriate settings

C. In housing and maintenance crisis situations:

1. Secure temporary shelter, utilities, food, clothing, and other maintenance items for the duration of the emergency
2. Refer applicants to appropriate agencies for assistance in obtaining permanent living arrangements appropriate to the client and his/her dependents after they leave a temporary shelter
3. Provide necessary replacement of lost household furniture, equipment and supplies
4. Provide temporary financial assistance

**6007 RESERVED**

16 DE Reg. 173 (08/01/12) (Prop.)