

19.2 EMERGENCY ASSISTANCE

A. INTRODUCTION

The Emergency Assistance Program is used to assist individuals and families in meeting a financial crisis when they are without available resources. The Program is designed to provide short-term emergency financial assistance with which eligible individuals and families may obtain certain items or services needed to eliminate an emergency or crisis. Those who are in need of and qualify for emergency financial assistance may already be participating in an economic or social service program.

Individuals and families who receive emergency financial assistance may also be in need of and be eligible to receive regular ongoing medical, financial and/or social services from the Department.

As contained in the provisions under Title IV-A, as established by Section 406(e) of the Social Security Act, federal matching funds are available to assist families with eligible children under the age of 21 who are destitute because they are without immediate resources to meet their needs.

B. GENERAL ELIGIBILITY REQUIREMENTS

1. Emergency Need Requirement

An applicant who meets the definition of being faced with an emergency need is one who:

- Is faced with an existing or imminent crisis of a nature that threatens the physical health, safety, and well-being of the applicant and his family; and
- Is without available resources with which he can immediately eliminate an existing crisis or prevent an imminent crisis.

When the applicant fails to meet either or both requirements indicated above, the application is denied. See **Specific Items of Need** below for specific requirements.

2. Time Limitation

Emergency financial assistance can be authorized during one period of 30 consecutive days in any 12 consecutive months. Payments may be made to meet needs which arose before this 30-day-period or needs which may extend beyond the 30 day period. The first day of the 30 day period

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of eligibility begins with the date the first Authorization for Payment, DFA-67, is approved for payment and ends 29 days later.

This limitation does not mean that only one item of need may be authorized during one period of 30 consecutive days in any 12 consecutive months. The applicant may request and be found eligible for more than one item of need during that period. However, when the applicant reapplies during the 30-day period of eligibility for an item of need for which he has already received the maximum allowable payment, the application is denied.

EXAMPLE: An individual made an application for Emergency Assistance on May 5, 2005, because he received a notice of eviction for June 1, 2005. His application was approved and the DFA-67 was approved on May 6, 2005. Later, he returns on June 1, 2005 to request food and payment of a utility bill. The client is found eligible for payment of both items of need. He is not eligible to receive an additional authorization for Emergency Assistance until May 7, 2006.

3. **NOTE:** The only exception to this is when the applicant qualifies for Emergency Assistance based upon natural or man-made disaster, and/or fire. See **Emergency Needs Created by Natural or Man-Made Disasters or Disorders** below.

The time limitation policy applies only to authorizations for Emergency Assistance. If an application is denied or withdrawn, the applicant may receive an authorization for Emergency Assistance within twelve months provided he meets the eligibility requirements. RAPIDS maintains a control for all Emergency Assistance applications.

NOTE: Emergency Assistance applicants can receive IV-A funded benefits from only one program, EA or Homeless, during one 30 consecutive day period in any 12 consecutive months.

4. Residency and Citizenship

An applicant for Emergency Assistance must be a resident of West Virginia. See **Specific Items of Need below** for specific requirements. The applicant must also be a United States Citizen, a national of the United States or an Eligible Alien (Qualified Alien) as defined in Section 18.4,**B**.

5. AG's Subject To A Penalty

When the applicant is a member of an AG for which any DHHR Program benefit was reduced, denied or closed because of a penalty for fraud, non-cooperation or failure to pursue potential resources, the applicant and

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members of that program's AG are ineligible to receive Emergency Assistance.

In making this determination, the following guidelines apply:

- The applicant and members of Emergency Assistance AG must have been an applicant for or recipient of the Department's program that was reduced, denied or closed.
- The other Department program AG is in a penalty period at the time the application for Emergency Assistance is made.
- This policy applies to all other Department programs that apply penalties for non-cooperation, fraud or failure to pursue potential resources.

NOTE: The above stated guidelines include all WV WORKS sanctions. AG's subject to a 3rd or subsequent WV WORKS sanction are ineligible for Emergency Assistance only during the first 3 months of the sanction.

NOTE: For SNAP penalties, the AG is only ineligible for Emergency Assistance during the first 3 months of the penalty.

NOTE: For Medicaid penalties, the AG is ineligible until the day the failure to cooperate ceases.

When any of the situations described above exists, the AG is ineligible to receive Emergency Assistance until the penalty period ends or action is taken to pursue potential resources. This policy does not apply to applicants who are denied because of failure to provide required information to establish eligibility.

In addition, this policy does not apply to persons who are excluded by law and are ineligible to receive benefits. See Section 9.1 for specific information about individuals excluded by law for SNAP. These individuals may apply in their own right for Emergency Assistance benefits.

6. Income

a. Income Policy

The Worker must determine availability of income to the applicant and all other members of the AG. All countable gross income

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When a referral is made to a community agency, the Worker must provide the following written notification to the applicant:

"You are being referred to (name of agency or person) to pursue potential assistance to alleviate any need you may have for Emergency Assistance. If you do not receive assistance or the amount of the assistance fails to eliminate your emergency, please contact (name of local office) by (month, date and year) for a decision on your application."

The date entered on this notification must be within 3 days of the date of the application. The date of the application is counted as the first day. The Worker must file a copy of this notification in the case record.

When the emergency need was met by community resources, the application is denied.

c. Applicant Responsibilities

All applicants for Emergency Assistance must cooperate in a reasonable manner by accepting a referral to a community resource in order to eliminate or prevent an emergency.

EXCEPTION: When the community resource is likely to be a friend or relative of the applicant or a church he attends, permission must be obtained from the applicant before the Worker may contact this resource. This procedure gives consideration to the applicant's privacy.

All applicants who are referred to a community resource, but who do not receive the resource, must contact the Worker by the due date on the referral notification form.

Based on his knowledge of the applicant's capability, the Worker is required to make judgment on whether or not the applicant can follow through with a referral to community resources.

The Worker should not refer an applicant to a community resource if he is unable because of illness, physical or mental handicap, lack of transportation, etc., to follow through with the referral. However, the applicant is expected to take any action necessary to follow through with the referral, provided he is capable to do so.

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If the Worker feels that authorization for payment of Emergency Assistance must be made, he must obtain verification of need through a collateral contact with the responsible local agency or person who is in charge of assessing the damages or loss to the community.

Applicants who have received Emergency Assistance within the last 12 consecutive months, including the current month of application are not denied Emergency Assistance as a result of natural or man-made disasters if they are otherwise eligible for such benefits. However, Emergency Assistance payments are made from 100 percent state funds.

C. APPLICATION PROCESS

1. Application Forms

a. DFA-2 and DFA-EA-1

These forms are used for all Emergency Assistance applications. See Section 1.3 for use of the DFA-2 forms and the proper use of the form DFA-5.

b. DFA-RR-1

The sections of this form titled "Emergency Assistance" and "For All Programs" must be completed and signed, when using the DFA-2. The DFA-RR-1 is not required when using the DFA-EA-1. See Section 1.3.

c. Completion of Form DFA-6 and/or Verification Checklist

When the Worker does not have sufficient information to make a decision, it is necessary to complete Form DFA-6 or verification checklist to inform the applicant of the additional information needed. All requests for verification must be made using the DFA-6 form and/or verification checklist.

The Worker must clearly state on the form what items must be returned by the applicant, as well as the date by which the information must be returned.

The failure to return information or the return of incomplete or incorrect information that prevents a decision from being made on the application will be considered failure to provide verification and will result in a denial of the application.

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Since the Emergency Assistance Program, administered by the Division of Family Assistance, and the Homeless Program, administered by the Division of Children and Adult Services, offer the same or similar services, it is important to define the relationship between these two programs in order to best serve the client in the most efficient manner.

“Homeless” applicants who are referred to the Emergency Assistance Program must be:

- Facing or in immediate danger of becoming homeless; or
- Homeless transients for which transportation arrangements to their communities are incomplete; or
- Applicants rendered homeless because their living quarters have been destroyed.

All other applicants who are identified as homeless using the definition provided in Chapter 33,000 of the Social Services Manual, are referred to the Homeless Program. That definition of homeless is when a person does not have access to nor the resources to obtain shelter.

Clients receiving benefits from one program as identified above shall not be eligible for concurrent benefits from the other.

1. Shelter

The applicant must be a resident of WV.

A tenant-landlord relationship must have existed for payment of rent on behalf of applicants who are facing eviction. This relationship exists when rent or room and board payments are made by the applicant to the landlord or family who are the original tenants. Payment must be cash or in-kind.

NOTE: This policy does not apply to homeless applicants. See **Applicants Who Are Actually Homeless** below.

The maximum allowable payment for the AG is determined at the time of application and remains the same during the 30-day period of eligibility. Therefore, when the AG is found eligible for more than one shelter payment within the 30-day period of eligibility, the original maximum allowable payment cannot be exceeded.

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The Worker must obtain the following types of verification to substantiate this situation:

- A collateral contact with the appropriate local agency or responsible person who is responsible for making damage assessment of destroyed living quarters.
- Verification of homeless stranded transients may be obtained through a collateral contact with the appropriate agency or responsible person in the community.

b. Mortgage

When the applicant is faced with foreclosure because of delinquent mortgage payments, he must verify his emergency by submitting a signed statement from the lending institute that indicates imminent foreclosure. The term "mortgage" is used here to define payments made by the applicant for his home or mobile home with the intent of obtaining ownership of such property.

c. Overnight Lodging

Authorization for payment of overnight lodging is only made for homeless applicants as defined in **Applicants Who Are Actually Homeless** above. Under no circumstances is payment for overnight lodging be authorized for any other reason.

The Worker must thoroughly explore available resources, such as alternate temporary housing with friends and relatives. The Worker must obtain permission from the client to pursue such resources.

When resources of this type are not available, payment is made only pending the completion of a plan for permanent housing.

The plan for permanent housing must include how the transient will complete his travel arrangements and how applicants who are homeless will obtain permanent housing.

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If the lending institution refuses to prevent foreclosure, the Worker may offer payment of both interest and principal or the total monthly mortgage amount for a maximum payment of one month.

The procedure of alternate housing is not used when the foreclosure of a mortgage is involved. However, if the applicant becomes homeless, as a result of actual foreclosure, the Worker must evaluate his eligibility for an emergency rent or overnight lodging payment as in any homeless applicant situation when the client and his family are actually homeless.

(4) Overnight Lodging

The Worker authorizes payment to the facility at the going per diem weekly or monthly rate up to a maximum of one week of lodging.

When overnight lodging must be extended beyond one week, alternate temporary housing must be explored. If alternate temporary housing cannot be arranged, Supervisory approval must be obtained for payment beyond one week, up to a maximum of 30 days.

2. Utilities And Bulk Fuel

a. Services Covered

The payment of utility services included under the Emergency Assistance Program include those services needed by the AG for heating, cooking, lighting, and sanitation. Telephone service is included only when the AG is in need of telephone service because everyone living in the home is 65 years of age or older, or is disabled or temporarily incapacitated for at least the next 30 days. See Section 12.15.

b. General Requirements

Payment may be authorized for clients who are without utility services or who face imminent termination of these services. When a utility service, other than telephone service, has been disconnected, the application for Emergency Assistance must be made within 30 days of the date the service was terminated

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NOTE: An electronic notice may be accepted in place of termination notice or written statement from the provider.

- The applicant must submit a written notice of termination from the provider that indicates a specific date on which the service was or will be terminated, and the amount of the overdue bill; or
- The applicant must submit a written statement from the provider, such as fuel oil, bottled gas, or coal company, that indicates no future orders will be filled; and
- The utility services must be in the name of the applicant or a member of the AG except, in the following situations:
 - When the Worker determines that the utility service is not in the name of the applicant or AG member because that person is deceased, has left the household with no intention to return, or the applicant is unable to pay the security deposit; or
 - The Worker determines that the utility service is in the name of the landlord, mobile home park owner/manager, etc., this person becomes, in effect, the utility provider. Therefore, the applicant must obtain a written notice of termination as specified above from this provider.
- The service address must be in West Virginia.
- When the water and sewage is billed separately, it is legal for the supplier to terminate water service for the non-payment of sewage even when the water bill is current. In these situations, a notice of termination for water service may be submitted by the applicant for an overdue sewage bill. This is accepted as verification of the emergency.

c. Determining the Amount of Payment

In determining the amount of payment, the Worker must consider the following:

The type of utility service being requested for payment.

- The amount of the overdue utility bill which covers a billing period up to 30 days.

Computation of overdue budget bill:

\$85.50 divided by 243 - \$0.35 x 30 days = \$10.50

Computation of regular overdue bill:

\$150.00 divided by 45 days = \$3.33 x 30 days \$ 99.90
Amount of payment \$110.40

- When the applicant has made a partial payment(s) toward the original overdue bill, the Worker must consider the following:
 - The average daily cost of the original overdue bill must first be computed.
 - The average daily cost multiplied by 30 equals the maximum amount of payment.

EXAMPLE: An applicant submits an overdue utility bill in the amount of \$211.72. This bill was the remainder of an original overdue bill which accumulated over a period of 183 days and totaled \$296.73. The applicant made a partial payment of \$85.01 which left a balance of \$211.72.

\$296.73 divided by 183 days = \$1.62 average cost/day.

\$1.62 x 30 = \$48.60 maximum amount of payment.

NOTE: When the utility bill balance remaining, after the applicant has made a partial payment, is less than the average cost/day times 30 days, that is the payment amount.

(2) Payment Amount for Telephone Service

When an applicant meets the criteria for telephone services, the Worker authorizes payment only for basic charges for up to 30 days, plus federal tax. Payment is not authorized for long-distance calls, wires or other special services. There is no time limit for disconnected telephone service when the requirements in **Utilities and Bulk Fuel, Services Covered**

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above are met. However, eligibility for the telephone assistance programs in Sections 19.8 and 19.9 must be explored first.

(3) Payment Amount for Bottled Gas, Fuel Oil, Coal and Wood

When the applicant uses energy that is not regulated by the Public Service Commission, the Worker must determine the amount of payment by referring to the chart below for a 30-day supply of fuel.

| <u>TYPE</u> | <u>UNIT</u> | <u>MAXIMUM AMOUNT</u> |
|-------------|-------------|---------------------------|
| Bottled Gas | Gallons | 135 |
| Bottled Gas | Pounds | 300 |
| Coal | Tons | 1 |
| Fuel Oils | Gallons | 150 |
| Wood | Cords | 1 |

When the client has an emergency need for wood pellets or any other type of bulk fuel not listed in the chart, the Worker will work with the vendor to determine a reasonable amount.

The following statement must be entered on all DFA-67 forms authorizing any type of liquid fuel: "The client must specify the correct grade and type of fuel."

When the provider refuses to make a delivery because of an existing unpaid balance, the Worker must allow the client and provider to determine what item will be paid. Payment cannot be authorized for both items. If the client and vendor agree to payment of the unpaid balance, the amount authorized cannot exceed the equivalent cost of the maximum amount of fuel shown in the chart above.

If either or both parties refuse to accept payment as outlined in this section, the application is denied.

3. Food

Payment may be authorized for applicants who have an emergency need for food. However, in the majority of instances, emergency food needs can be met by using SNAP benefits, provided the applicant meets the eligibility requirements of SNAP. If the applicant refuses to accept SNAP as a resource to meet his emergency food needs, the application for Emergency Assistance is denied.