



## Local Commissioners Memorandum

### Section 1

<b>Transmittal:</b>	24-LCM-12
<b>To:</b>	Social Services District Commissioners
<b>Issuing Division/Office:</b>	Employment and Income Support Programs
<b>Date:</b>	September 18, 2024
<b>Subject:</b>	New York State Shelter Arrears Eviction Forestallment (SAEF) Program
<b>Contact Person(s):</b>	Temporary Assistance Bureau: 518-474-9344 or <a href="mailto:tabureau@otda.ny.gov">tabureau@otda.ny.gov</a>
<b>Attachments:</b>	<a href="#">Attachment A – 2024-2025 Shelter Arrears Eviction Forestallment Program Allocations</a>

### Section 2

#### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform social services districts (districts) of the New York State Shelter Arrears Eviction Forestallment (SAEF) program and to provide 2024-2025 SAEF program allocations and general program guidance. Consistent with the governing appropriation, allocations are available for all districts other than New York City.

#### II. Background

The New York State Fiscal Year 2024-2025 Budget appropriated \$10 million to provide for services and expenses related to the payment of shelter arrears necessary to retain housing for certain households that are in receipt of or who would be eligible for ongoing or emergency Public Assistance (PA) pursuant to Social Services Law (SSL) §131-a.

To distribute these funds, the New York State Office of Temporary and Disability Assistance (OTDA) created the SAEF program to provide vital shelter arrears assistance to help eligible households retain permanent housing. Districts may choose to retain their allocation and use district mechanisms (e.g., direct administration or transfer of funds to county agencies) to operate this program, or may delegate the administration of this program, in full or in part, to another public agency, contractor or non-profit organization.

#### III. Program Implications

##### A. Program Activities and Services

Assistance provided through the SAEF program must not exceed a total of six months of arrears per household. However, the six months of arrears payments do not have to be consecutive or paid all at once; payments may be issued partially (less than six months of arrears assistance needed) or in full (all six months paid at once).

Prior receipt of shelter arrears payments through the Emergency Assistance to Families (EAF) or Emergency Safety Net Assistance (ESNA) programs does not impact SAEF program eligibility. Households who previously received six months or more of shelter arrears assistance through EAF or ESNA, may receive additional payments via the SAEF program, not to exceed six months, if otherwise eligible for the SAEF program. SAEF program payments will not be limited by the shelter allowance amount set forth in SSL §131-a and will not be part of the standard of need pursuant to SSL §131-a, and therefore would not be considered by the Automated Budgeting and Eligibility Logic (ABEL) when computing financial eligibility for PA. SAEF program payments are not countable as income or as a resource for PA, Home Energy Assistance Program (HEAP) or Supplemental Nutrition Assistance Program (SNAP) eligibility or budgeting purposes. Additionally, SAEF program payments will not be subject to recoupment or repayment unless the application submitted was fraudulent, or otherwise identified as ineligible.

**B. Participant Eligibility**

Districts must establish and maintain local policy governing eligibility for SAEF payments. While districts have flexibility regarding SAEF program eligibility requirements, the governing statute outlines some minimum requirements for eligibility as follows:

- Eligible households are individuals and/or families, with or without children, who have shelter arrears and require assistance to retain permanent housing;
- Households must first apply for shelter arrears assistance under EAF or ESNA, and if they are found ineligible through both programs, they should be assessed for SAEF program eligibility;
- Households must meet the PA (Family Assistance (FA) or Safety Net Assistance (SNA)) citizenship/non-citizen status eligibility requirements;
- Households must meet the EAF or ESNA income eligibility requirements. OTDA issues guidance annually regarding changes in the federal poverty guidelines.

Financial eligibility for EAF is determined by the gross income immediately available to the household on the date of application. The household is financially eligible for EAF if the available income is at or below 200% of the Federal Poverty Level Guidelines for the household size. The following guidelines for EAF are effective April 1, 2024, through March 31, 2025:

**200% of 2024 Federal Poverty Level  
Guidelines  
EAF Gross Available Test  
By Family Size (Adjusted Annually)**

Household Size	Annual	Monthly
1	\$30,120	\$2,510
2	\$40,880	\$3,407

3	\$51,640	\$4,303
4	\$62,400	\$5,200
5	\$73,160	\$6,097
6	\$83,920	\$6,993
7	\$94,680	\$7,890
8	\$105,440	\$8,787
Additional	\$10,760	\$897

Financial eligibility for ESNA is determined by the household's gross monthly income on the date of application, which may not exceed 125% of the Federal Poverty Level Guidelines for the household size. The following income guidelines are effective April 1, 2024, through March 31, 2025:

**ESNA 125% of 2024 Federal Income Poverty Level Guidelines (Adjusted Annually)**

Household Size	Annual	Monthly
1	\$18,825	\$1,569
2	\$25,550	\$2,129
3	\$32,275	\$2,690
4	\$39,000	\$3,250
5	\$45,725	\$3,810
6	\$52,450	\$4,371
7	\$59,175	\$4,931
8	\$65,900	\$5,492
Additional	\$6,725	\$560

Households that are determined income eligible for the SAEF program under EAF or ESNA are not required to meet certain PA eligibility requirements for shelter arrears payments. Unlike traditional PA shelter arrears requirements, households eligible for the SAEF program:

- May have foreseen the occurrence or situation giving rise to the need for shelter arrears assistance;
- May be unable to reasonably demonstrate an ability to pay future shelter expenses, including any amounts in excess of the appropriate agency maximum monthly shelter allowance;
- May have already received a shelter arrears payment within the prior five years; and/or
- May not be current on a shelter repayment agreement from a prior shelter arrears payment.

Households that qualify for the SAEF program under the ESNA income eligibility requirement are not subject to a repayment agreement. In addition, receipt of PA is not a requirement for determining eligibility for the SAEF program.

Districts must make sure they have policies and procedures in place to:

- Establish that the SAEF program recipient is the primary tenant/homeowner (e.g., require a lease or other documentation);

- Establish the shelter arrears amount due for the SAEF program household;
- Ensure that the SAEF program payment will be accepted to prevent eviction for a specified timeframe;
- Take reasonable steps to prevent the duplication of benefits;
- Issue a determination letter stating the amount approved, or a denial letter with the reason for denial;
- Establish a process for handling fraudulent applications, including a procedure for recovering funds, if necessary; and
- Establish a process for reviewing and considering appeals of applications that are denied.

Applications are to be accepted on a first come, first-served basis according to the eligibility parameters above and set forth at the local level. While districts have flexibility in determining the overall design of their local SAEF program, they are encouraged to make extra efforts to ensure prioritization of certain households, such as those with children under the age of six, single individuals with a history of housing instability, veterans, individuals and families experiencing domestic violence (DV), and other victims of violence. Although receipt of PA is not an eligibility requirement to receive payments through the SAEF program, operators are encouraged to refer SAEF program applicants to apply for applicable benefit programs, such as PA, HEAP, SNAP, Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

SAEF program payments will **not** be issued through the Welfare Management System (WMS). SAEF program payments must be made directly to the landlord/property owner on behalf of the tenant. Tenants, landlords, and/or property managers must be notified of SAEF program assistance provided on behalf of any SAEF program recipient.

Notifications regarding eligibility determinations (e.g., approvals and denials) must be maintained in the case record for a minimum of six years following submission of the program end summation report. Further information on the report can be found under section D. below.

### C. Allocations

A total of \$10 million is available to support the SAEF program. The 2024-2025 SAEF program allocations are listed in Attachment A and have been determined based on ROS 2023 eviction rates as reported by the New York State Unified Court System. The program period for related expenditures is October 1, 2024, through September 30, 2025.

### D. Reporting Requirements

As part of their participation in the SAEF program, districts must keep data about each household that participates in the program. Household-payment records, to be made available on audit, must include at a minimum:

Landlord EIN  
 Landlord name or business name  
 Landlord address  
 Primary tenant name

Primary tenant DOB  
Primary tenant race/ethnicity  
Tenant address  
Date of SAEF program payment  
Months with arrears covered by SAEF program payment  
Total SAEF program payment  
Primary tenant has open PA case at time of payment yes/no  
Number of children in household at time of payment (0-N)  
Number of adults in household at time of payment (1-N)

Households whose landlords receive multiple payments on their behalf covering more than one period will have multiple records, one for each household/payment.

Using data above, districts will be required to submit a program end summation report to OTDA that includes the criteria used to determine eligibility, number of households served, the dollar value of arrears issued under the SAEF program, and basic demographic information on the households served. Demographic information must include:

Number of households served  
Number of households served for multiple periods  
Number and % of households with/without children  
Number and % of households with open PA case  
Age distribution of primary tenant  
Distribution of the number of children  
Distribution of total payment amount  
Distribution of race/ethnicity

Districts are encouraged to track and include other characteristics of landlords and tenants in their report. Districts must submit this information to the OTDA Temporary Assistance (TA) Bureau by October 31, 2025, via email at: [tabureau@otda.ny.gov](mailto:tabureau@otda.ny.gov).

The goal of reporting is to ensure the terms of the SAEF program are met in accordance with State legislation and to assess districts' emergency shelter arrears needs moving forward. It is the responsibility of the district to monitor any subcontracts. Districts must ensure the confidentiality of records concerning all SAEF program participants.

## E. Claiming Instructions

Expenditures for the SAEF program should be claimed through the RF-17 claim package for special project claiming for the month(s) that the expenditures were made. These costs are first identified on the RF-2A claim package as F17 functional costs and reported in the F17 column on the [LDSS-923](#) "Cost Allocation Schedule of Payments Administrative Expenses Other Than Salaries" and the [LDSS-2347](#) "Schedule D "DSS Administrative Expenses Allocation and Distribution by Function and Program." After final accepting the RF-2A, the individual project costs are then reported under the project label "SAEF Program SFY2025" on the RF-17.

Salaries, fringe benefits, staff counts, and central services costs are directly entered on the [LDSS-4975A](#) "RF17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs" while overhead costs are automatically brought over from the

RF2A, [Schedule D](#) and distributed based upon the proportion of the number of staff assigned to this project. Employees not working all their time for the SAEF program must maintain time studies to support the salary and fringe benefit costs allocated to the program.

Non-salary administrative costs are reported with the appropriate object of expense code(s) on page 1 of the [LDSS-923B](#) “Summary - Administrative Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs.”

Program costs should be reported as object of expense code 37 – Special Project Program Expense on page 2 of the [LDSS-923B](#) “Summary - Program Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs.”

Total project costs should be reported on the [LDSS-4975](#) “Monthly Statement of Special Project Claims Federal and State Aid (RF-17)” as 100% state share excluding central services costs which are local share. Actual reimbursement will be based upon each district’s allocation.

Claims for the period October 1, 2024, through September 30, 2025, must be final accepted in the Automated Claiming System (ACS) by February 13, 2026.

Further instructions for completing time studies; the [LDSS-923](#), [LDSS-923B](#) and [Schedule D](#); and the RF-17 claim package are found in Chapters 4, 7, and 18, respectively, of the Fiscal Reference Manual (FRM) Volume 3. The FRMs are available online at: <https://intranet.otda.ny.gov/bfdm/finance/>.

Any claiming questions should be directed to: Justin Gross at 518-474-7549 or [otda.sm.field\\_ops.i-iv@otda.ny.gov](mailto:otda.sm.field_ops.i-iv@otda.ny.gov).

#### **IV. Reimbursement Structure and Allowable Costs**

District allocations will be paid as claims are submitted to substantiate payment.

SAEF program funding is made available for districts to provide vital shelter arrears assistance to eligible households and as such, it is expected that a minimum of 90% of the funds will be used toward shelter arrears assistance in accordance with the guidelines outlined herein.

OTDA has set a 10% spending limitation on administrative costs. Agencies should limit the amount of administrative costs necessary to operate the SAEF program to maximize both the amount of funds available to pay shelter arrears and the number of households enrolled. The use of SAEF program funds for administrative purposes must be directly related to the provision of shelter arrears to eligible households. For districts opting to assign all or a portion of their SAEF program allocation to another public agency, contractor or local nonprofit organization, districts will be held liable for assigned funds not used in a manner consistent with the purpose of the SAEF program allocation.

Districts are required to submit all claims for reimbursement through the ACS regardless of whether they elect to operate the program in-house or transfer the administration to another entity. SAEF program claims must be for services provided between October 1, 2024, and

September 30, 2025, and must be claimed by February 13, 2026, per the instructions above.

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**Issued By:**

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