

**CHAPTER 289. EMERGENCY ASSISTANCE****GENERAL PROVISIONS**

Sec.	
289.1.	Policy.
289.2.	Definitions.
289.3.	Requirements.
289.4.	Procedures.

**Source**

The provisions of this Chapter 289 adopted December 16, 1977, 7 Pa.B. 3788, unless otherwise noted.

**Cross References**

This chapter cited in 55 Pa. Code § 147.61 (relating to GA residence policy).

**GENERAL PROVISIONS****§ 289.1. Policy.**

(a) Emergency assistance is financial and medical assistance to needy individuals or to families with children, including migrant workers, who, for reasons beyond their control, are unable to engage in their normal employment, to deal with a crisis situation causing a threat to the well-being of the individual or family and to meet urgent needs resulting from a sudden event requiring immediate aid.

(b) Federal financial participation is available only for emergency assistance (EA) to families with children under age 21 for a period not to exceed 30 consecutive days within a 12 consecutive month period. Emergency assistance (EA) for individuals or families without children is provided solely from Commonwealth funds.

(c) Emergency assistance shall be only for those items which represent the immediate and urgent needs of the individual or family as defined in § 289.4(a) (relating to procedures).

**§ 289.2. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Emergency*—Sudden unexpected circumstances creating a breakdown of individual or family functioning in meeting basic family needs and resulting in a need for immediate action to avoid destitution of the individual or minor children residing in the family unit.

#### Notes of Decisions

The issuance of a housing citation with an order to vacate as soon as possible creates “sudden unexpected circumstances” requiring moving, even though the deterioration which made the premises uninhabitable was not sudden and unexpected. *Hopkins v. Department of Public Welfare*, 405 A.2d 1077, 1078 (1979).

Since an applicant’s indebtedness for furniture and a mortgage were incurred during her employment and there was no evidence which would tend to show that she spent her money improvidently or that she would not have met her obligations had she been able to work, she was eligible for emergency assistance. *Slaughter v. Department of Public Welfare*, 406 A.2d 846, 847 (Pa. Cmwlth. 1979).

Threatened eviction of an applicant and her children due to financial difficulties resulting from the departure of the applicant’s husband one year before is an emergency as defined by this section, since the mere passage of time between the sudden unexpected circumstances and the actual request for assistance need not preclude a finding that an emergency exists. *McCullough v. Department of Public Welfare*, 424 A.2d 577, 579 (1981).

#### Cross References

This section cited in 55 Pa. Code § 289.4 (relating to procedures).

### § 289.3. Requirements.

(a) *Eligibility for families with children under age 21.* Families with children under age 21 may qualify for emergency assistance, provided all of the following conditions are met:

(1) The child is, or has been within 6 months prior to application for assistance, residing with the relatives specified in § 151.42 (relating to definitions). If the child is residing with an adult other than specified in § 151.42, emergency assistance may be authorized but no Federal financial participation is available.

(2) Resources immediately available to the child are within the need and resource standards as set forth in Subpart D (relating to determination of need and amount of assistance), except that the provisions set forth in Chapter 187 (relating to support from relatives not living with the client) on assignment of support rights do not apply.

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

(4) The destitution or need for living arrangements for the child did not arise because the child, if age 16 to 21 not regularly attending school, or such relative refused without good cause to accept employment or training for employment.

(b) *Eligibility for individuals or families without children under age 21.* Individuals or families without children under age 21 may qualify for Emergency Assistance provided all of the following conditions are met:

(1) The resources immediately available to the needs of the individual or family are within the needs and resource standards as set forth in Subpart D.

(2) The emergency assistance is necessary to avoid destitution of the individual or family or to provide living arrangements for him or them in a home.

(3) The individual's or family's destitution or need for living arrangements did not arise because the individual or family member refused without good cause to accept employment or training for employment.

(c) *Period of eligibility.* Emergency assistance will be authorized only for one period of 30 consecutive days in any 12-consecutive months. The 30-day period begins on the date emergency assistance is authorized. During the 30-day period following the authorization date, shelter costs as described in § 289.4(a)(2) (relating to procedures) may be authorized when required to meet an emergency situation. Although more than one payment may be authorized during the 30-day period, no emergency assistance may be authorized after the 30-day period has expired. An individual or family may again be eligible for emergency assistance 12 months from the date emergency assistance was first authorized.

(1) *Exception.* Non-AFDC or non-AFDC-CU families with children under age 21, who receive family cash assistance under the provisions of § 289.4(a)(1) for 30 days within a 12-month period, may also be granted emergency shelter need under the provisions of § 289.4(a)(2) for one 30-day period within the same 12-consecutive months. The second emergency assistance authorization in any 12-consecutive month period is solely State funded. However, if a family receives the family cash assistance payment under the provisions of § 289.4(a)(1) and an emergency shelter expense payment under the provisions of § 289.4(a)(2) during the same consecutive 30-day period, a second emergency shelter expense payment may not be authorized until 12 months have elapsed from the date of authorization.

(2) *Applicants.* Emergency assistance may be authorized at time of initial application for a period not to exceed 30 consecutive days within a 12-consecutive month period.

(3) *Recipients.* Emergency assistance may be authorized at the time the emergency arises, at the time of redetermination or reapplication if an emergency condition is determined to exist, for a period not to exceed 30 consecutive days provided 12-consecutive months have passed since the date Emergency Assistance was last authorized.

#### Cross References

This section cited in 55 Pa. Code § 289.4 (relating to procedures).

### § 289.4. Procedures.

(a) *Authorized emergency assistance items.* Although it is recognized that an individual or family may have needs which are not covered under emergency assistance, assistance shall be authorized only for the following items within the indicated amounts and limits.

(1) *Family cash assistance.* Family cash assistance will be authorized in accordance with the following procedures:

(i) Family cash assistance may only be authorized for families with children under age 21, who meet the conditions in § 289.3 (relating to requirements) and who do not qualify for either AFDC or AFDC-CU at the time emergency assistance is first authorized. This includes migrant worker families with children under age 21.

(ii) In determining the amount of the family cash assistance grant, the need and resource standards are the same as for the AFDC/CU program. Therefore, families with children under age 21, who meet the conditions in § 289.3, and who qualify for either AFDC or AFDC-CU at the time of application for emergency assistance will be authorized C or CU assistance for the 30-day period, or less as needed, in lieu of family cash assistance.

(iii) Family cash assistance will never be granted concurrently with GA, AFDC or AFDC-CU.

(iv) Family cash assistance is not to be used as a substitute for General Assistance. However, if it is determined that a sudden, emergent situation does exist, for example, sudden unemployment, sudden reduction of income, and so forth, emergency assistance (family cash assistance) should be authorized.

(A) *Example 1.* A father's employment suddenly terminates and the family is without income or resources to meet the child(ren)'s needs. The sudden unemployment, through no fault of the wage earner, creates a crisis for the family, and upon application for public assistance, they are determined ineligible for AFDC or AFDC-CU because of failure to meet the definitive conditions. Because of the emergency situation, they would qualify for family cash assistance for 30-consecutive days, or less as needed.

(B) *Example 2.* A migrant worker is not working because of general weather conditions, or because maturity of crops delays harvesting. For reasons beyond the migrant worker's control, the family is without income or resources to meet the child(ren)'s needs. The family may be eligible for family cash assistance for 30-consecutive days or less as needed.

(v) If, at the end of the 30-day emergency assistance period, the family continues to be in need, regular assistance will be authorized in the appropriate category. If the facts substantiate that the migrant wage earner will definitely be employed when the conditions no longer exist that created the crisis for the family, assistance will be continued in the regular category until the migrant receives his first pay.

(vi) Need and eligibility for cash assistance is determined using the income and resource standards in Subpart D (relating to determination of need and amount of assistance). The payment amount is the family size

allowance plus special needs for the number of eligible persons in the assistance unit as provided in § 175.23 (relating to requirements).

(2) *Emergency shelter expenses.* Emergency shelter expenses will be authorized in accordance with the following procedures:

(i) Emergency assistance for total shelter needs may be authorized to eligible families or individuals who meet the eligibility criteria specified in § 289.3, except that no emergency shelter expenses shall be paid to a full-time college student in the GA category, unless he has received a Federally subsidized category of assistance—AFDC, AFDC-CU, AFDC-F—within the previous 5 years. Total shelter needs mean a payment for rent, mortgage or contract rent, that is, when utilities are included in the rental payment.

(ii) Emergency shelter grants will not be considered as income in computing the public assistance grant and are never adjusted to an ongoing grant. The authorizations will be limited to only shelter needs subject to the maximums specified below; and, all authorizations must be approved in advance by the Executive Director or his delegate. If the Executive Director must delegate this authority, it shall be to his assistant but no lower than a second level supervisor.

(iii) Total shelter costs may be authorized for families or individuals:

(A) To prevent eviction or foreclosure as the result of an emergency. The maximum payment will be the actual cost necessary to prevent eviction, but not to exceed three months arrearages rent, or mortgage or contract payment subject to a maximum of \$100 per month or a maximum of \$300 for 3 months arrearages. Shelter costs to prevent eviction will only be authorized for arrearages of rent, mortgage or contract payment. Payments for future months' shelter costs cannot be granted. Payments may only be authorized if such payments will prevent eviction or foreclosure. Necessary documentation to substantiate that the payment will prevent eviction or foreclosure is required prior to any authorization. Nonpayment of rent resulting in eviction is not in itself an emergency. The nonpayment of rent must have been caused by unexpected circumstances over which the client had no control. Clients who are being evicted or foreclosed because of money mismanagement will be offered social services, not emergency assistance.

(B) To provide living quarters to persons who are homeless as the result of an emergency. The maximum payment for a family/individual who is homeless because of an emergency is the actual cost subject to a maximum payment of \$100. Payments are authorized as soon as possible but no earlier than 30 days prior to the date the individual or family is actually going to move. Payments may only be authorized provided there is evidence that the individual or family is homeless, and has, in fact, obtained or committed himself or themselves to new living accommoda-

tions. Necessary documentation to substantiate the following will be required prior to authorization. Persons will be considered to be homeless when:

(I) The individual/family is already without a place to stay.

(II) The individual or family had a home immediately prior to the emergency and is temporarily staying with relatives or friends, or is staying in nonprivate temporary shelter such as with the Salvation Army, or the like.

(III) The individual/family is continuing to live in a dwelling but, because of the emergency, it is imminent that the individual or family will have to move from his home within 30 days.

(C) To provide for temporary shelter when the home is not habitable as the result of an emergency. The maximum payment for temporary shelter is the actual cost necessary to house the family or individual not to exceed one month's duration, subject to a maximum of \$100. Payments may only be authorized to persons or families who are not able to live in their home because it is not habitable, provided there is evidence that the home is, in fact, not fit for human habitation, and the person or family has committed himself or themselves to securing temporary housing. Necessary documentation to substantiate that the home is not habitable is required prior to authorization.

(3) *Emergency Medical Assistance.* Emergency Medical Assistance will be authorized in accordance with the following procedures:

(i) Families with children under 21 who qualify for family cash assistance under EA, including migrant worker families, will also be eligible for Medical Assistance (categorically needy) for the same period family cash assistance is authorized. This period may not exceed 30 consecutive days, but may be for a lesser period as needed. The category symbol "EA" will be used to identify these cases on the Medical Eligibility File and the Form PA 5-A, Medical ID card. Medical ID cards are issued manually in accordance with the procedures in subsection (b)(3) and (4).

(ii) Families and individuals, including migrant workers, applying for medical assistance (Medically Needy only) as the result of an emergency situation will be eligible for emergency medical assistance services if their resources are within the resource standards of the Medical Assistance Program defined in § 177.81 (reserved). The suffix "E" will be added to the category symbol to identify migrant workers as provided for in § 141.81(c) (relating to eligibility policy for Medically Needy Only).

(b) *Procedures for authorizing Emergency Assistance.* A basic finding must be made that an emergency, as defined in § 289.2 (relating to definitions) does exist and that the individual or family qualifies for Emergency assistance as provided in § 289.3. Emergency assistance grants are always paid directly to the cli-

ent. Payments are never made to a vendor or with a restricted endorsement. Grants issued with restricted endorsement do not qualify for Federal matching funds.

(1) *Applicants qualifying for AFDC or AFDC-CU.* If the applicant qualifies for AFDC or AFDC-CU and the emergency situation includes shelter needs the following procedures will be followed:

(i) Regular “C or CU” assistance using the usual disbursement procedure will be authorized, with the initial grant issued from the county disbursement fund.

(ii) A Form PA 122-E, Category D, Action Code H, and Financial Code 120 will be authorized. The period covered will be the actual period of time covered by the shelter grant, not to exceed three month’s arrearages or one month’s rent. In the “comment” section of the Form PA 122-E, “Emergency Shelter Assistance” will be indicated along with the number of adults and children in the case. The “Persons in Grant” block will be completed but not the “AFDC Children” and “Specified Relative” blocks.

(iii) No further emergency assistance may be granted until 12 months from the date of initial authorization. Reference should be made to § 289.3(c).

(2) *Recipients of AFDC or AFDC-CU.* If the AFDC or AFDC-CU recipient qualifies for an emergency shelter grant as defined in subsection (a)(2), the following procedures will be followed:

(i) A Form PA 122-E, Category D, Action Code H and Financial Code 120 will be authorized. The period covered will be the actual period of time covered by the shelter grant, not to exceed three months arrearages or one month’s rent. In the “comment” section of the PA 122-E, “Emergency Shelter Assistance” will be indicated along with the number of adults and children in the case. The “Persons in Grant” block will be completed, but not the “AFDC Children” and “Specified Relative” blocks.

(ii) No further emergency assistance may be granted until 12 months from the date of initial authorization. Reference should be made to § 289.3(c).

(3) *Applicants not qualifying for AFDC or AFDC-CU with children under 21.* If the applicant meets the requirements for emergency assistance as defined in § 289.3, the following procedures will be followed:

(i) Family cash assistance as defined in subsection (a)(1) will be authorized by issuing a county disbursement check for the 30-day period or less as needed, using Category D, Financial Code 120 and Action Code H on the Form PA 122-E. In the comments section of the Form PA 122-E “Family Cash Assistance” will be indicated along with the number of adults and children in the case. The “Persons in Grant” block, will be completed but not the “AFDC Children” and “Specified Relative” blocks.

(ii) A Form PA 5-A Medical ID card will be manually issued for the 30-day period or less as needed, using category EA.

(iii) A Form PA 743-NCE transaction, category EA, will be submitted for the 30-day period or less as needed.

(iv) At the end of the 30-day period if need continues, a Form PA 122, Category D will be submitted, to open the Cash Disbursement case and Form PA 743, Category D, will be attached to open the case on the Medical Eligibility file.

(v) In addition to the family cash assistance, the case may be eligible within the 12-month period for a shelter grant as defined in subsection (a)(2). This grant, however, is solely State funded.

(A) If the case is actively receiving a cash grant a Form PA 122-E, Category D, Action Code G, and Financial Code 305 will be authorized for the period covered as provided in subsection (a)(2).

(B) If the case is not receiving a cash grant, a Form PA 122-E, Category D, Action Code H, and Financial Code 305 will be authorized for the period covered as provided in subsection (a)(2).

(4) *Recipients not qualifying for AFDC or AFDC-CU with children under 21.* If it is determined that an emergency situation exists, as defined in § 289.2 (relating to definitions), and EA has not been granted within the last 12 consecutive months, the case will be eligible for Family Cash Assistance as defined in subsection (a)(1):

(i) A Form PA 122 will be submitted to close the D category case on the cash disbursement file and the Medical Eligibility file.

(ii) A county disbursement check will be issued to the D case for the 30-day period or less as needed, using Financial Code 120 and Action Code H on the Form PA 122-E. In the comments section of the Form PA 122-E “Family Cash Assistance” will be indicated along with the number of adults and children in the case. The “Persons in Grant” block will be completed but not the “AFDC Children” and “Specified Relative” blocks.

(iii) A Form PA 743-NCE transaction will be submitted to open the case for the 30-day period or less as needed, using Category EA.

(iv) A Form PA 5-A Medical ID card will be manually issued for the 30-day period or less as needed, using Category EA.

(v) At the end of the 30-day period, if need continues, a Form PA 122 will be submitted to reopen the cash disbursement case and a Form PA 743 will be attached to reopen the D case on the medical eligibility file.

(vi) In addition to the family cash assistance the case may be eligible within the 12-month period for a shelter grant as defined in subsection (a)(2). This grant, however, is solely State funded.

(A) If the case is actively receiving a cash grant, a Form PA 122-E, Category D, Action Code G, and Financial Code 305 will be authorized for the period covered as provided in subsection (a)(2).



(B) If the case is not receiving a cash grant, a Form PA 122-E, Category D, Action Code H, and Financial Code 305 will be authorized for the period covered as provided in subsection (a)(2).

(5) *Applicants not qualifying for AFDC or AFDC-CU with no children under 21.* If the applicant meets the requirements for Emergency Assistance as defined in § 289.2 and the emergency situation includes shelter needs as defined in subsection (a)(2):

(i) A regular ongoing GA Grant will be authorized using the regular disbursement procedure, with the initial grant issued from the county disbursement fund.

(ii) A Form PA 122-E, Category D, Action Code G and Financial Code 305 will be authorized for the period covered as provided in subsection (a)(2).

(iii) No further Emergency Assistance may be granted until 12 months from the date of initial authorization. Reference should be made to § 289.3(c) (relating to requirements).

(6) *Recipients not qualifying for AFDC or AFDC-CU with no children under 21.* If the recipient meets the requirements for Emergency Assistance as defined in § 289.2 and the emergency situation is for shelter needs as defined in subsection (a)(2), the following procedures will be followed:

(i) A Form PA 122-E, Category D, Action Code G and Financial Code 305 will be authorized for the period covered as provided in subsection (a)(2).

(ii) No further emergency assistance may be granted until 12 months from the date of initial authorization. Reference should be made to § 289.3(c).

#### Authority

The provisions of this § 289.4 issued under the Public Welfare Code (62 P. S. § 403(b)).

#### Source

The provisions of this § 289.4 amended through July 11, 1980, effective May 15, 1980 for new applicants and effective June 1, 1980 for currently active cases, 10 Pa.B. 2980. Immediately preceding text appears at serial page (49852).

#### Notes of Decisions

Although the provisions defining homelessness were only in the proposed stage at the time of the application of the claimant for Emergency Assistance, they should have been used to determine the homeless status of the claimant since there was no other existing definition of homelessness and the provisions were expressly proposed for the purpose of clarifying existing policies. *Dragan v. Department of Public Welfare*, 396 A.2d 77, 80 (1979).

In a determination under 55 Pa. Code § 289.4 (2)(iii)(B), the hearing examiner disbelieved recipient's contention that her new landlord would not allow her to move in before rent was paid and found that the county assistance office's notice was adequate to show that denial of emergency shelter

expenses was based on determination that general assistance recipient was not homeless because she had a place to stay, her new apartment. *Jerrell v. Department of Welfare*, 455 A.2d 759, 760 (1983).

**Cross References**

This section cited in 55 Pa. Code § 141.61 (relating to policy); 55 Pa. Code § 147.61 (relating to GA residence policy); and 55 Pa. Code § 289.1 (relating to policy).

[Next page is 291-1.]

289-10