§ 158. Eligibility. 1. A person is eligible for safety net assistance who is financially needy as determined in accordance with title one of this article and the regulations promulgated thereunder, is not in sanction status for a program authorized by this chapter and:

(a) resides in a family which is ineligible for family assistance or other assistance funded by the federal temporary assistance for needy families block grant because an adult in the family has exceeded the maximum durational limits on such assistance contained in section three hundred fifty of this chapter, or

(b) is an adult who would otherwise be eligible for family assistance except that he or she does not reside with a dependent child, or

(c) resides in a family that would otherwise be eligible for family assistance except that at least one adult or minor head of household has been determined in accordance with section one hundred thirty-two of this article to be abusing illegal substances or engaging in the habitual and excessive consumption of alcoholic beverages, or

(d) is under the age of eighteen, not living with his or her child and has no adult relatives with whom to reside, or

(e) resides in a family in which a person required to submit to screening or evaluation for use of illegal drugs or excess alcohol consumption pursuant to section one hundred thirty-two of this article refused to comply, or

(f) resides in a family which includes a person disqualified from receiving assistance pursuant to paragraph (f) of subdivision four of section one hundred thirty-two of this article, or

(g) is a qualified alien who is ineligible to receive assistance funded under the temporary assistance for needy families block grant solely because of section four hundred three of the federal personal responsibility and work opportunity reconciliation act of 1996 (P.L. 104-193) or is a noncitizen who is permanently residing under color of law but is not a qualified alien.

2. A person who shall be eligible for family assistance according to the provisions of title ten of this article shall be granted family assistance and while receiving such aid shall not be eligible for safety net assistance. A person who is receiving federal supplemental security income payments and/or additional state payments shall not be eligible

for safety net assistance. A person who is eligible for refugee cash assistance pursuant to the plan established pursuant to section three hundred fifty-eight of this article shall not be eligible for safety net assistance. An applicant for or recipient of safety net assistance shall be required, as a condition of eligibility for safety net assistance, to sign a written authorization allowing the secretary of the federal department of health and human services to pay to the social services district his or her initial supplemental security income payment and allowing the social services district to deduct from his or her initial payment the amount of safety net assistance granted for any month for which he or she subsequently is determined eligible to receive supplemental security income benefits. For the purposes of this subdivision the term "initial payment" shall refer to the first payment of supplemental security income benefits after a person files an application for benefits or after a person who has been terminated or suspended from eligibility for supplemental security income benefits subsequently has been found eligible for such benefits. An applicant for safety net assistance who reasonably appears to meet the criteria for eligibility for federal supplemental security income payments shall also be required, as a condition of eligibility for safety net assistance, to apply for such payments and shall, if otherwise eligible therefor, be eligible for safety net assistance until he or she has received a federal supplemental security income payment. Further, if an applicant for safety net assistance is required to apply for federal supplemental security payments and is denied, such person shall, subject to department regulation, also be required as a condition of eligibility to appeal his or her denial and exhaust his or her administrative remedies; such person shall remain eligible for safety net assistance, so long as he or she otherwise remains eligible while his or her appeal is pending.

3. A person shall not be eligible for safety net assistance who has made a voluntary assignment or transfer of property for the purpose of qualifying for such aid. A transfer of property made within one year of the date of application shall be presumed to have been made for the purpose of qualifying for such assistance.

4. Social services officials shall determine eligibility for safety

net assistance within thirty days of receiving an application for safety net assistance. Such officials shall notify applicants of safety net assistance about the availability of assistance to meet emergency circumstances or to prevent eviction.

5. Application for or receipt of safety net assistance shall operate as an assignment to the state and the social services district concerned of any rights to support that accrue during the period that a family receives safety net assistance from any other person as such applicant or recipient may have either on their own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance. Applicants for or recipients of safety net assistance shall be informed that such application for or receipt of such benefits will constitute such an assignment. Such assignment shall terminate with respect to current support rights upon a determination by the social services district that such person is no longer eligible for safety net assistance, except with respect to the amount of any unpaid support obligation that has accrued during the period that a family received safety net assistance.

6. In addition to other eligibility requirements, each person who is applying for or receiving assistance under this title, and who is otherwise eligible for assistance under this title, shall be required, as a further condition of eligibility for such assistance:

(i) to assign to the state and the social services district any rights to support that accrue during the period that a family receives safety net assistance from any other person as such applicant or recipient may have either on their own behalf or on behalf of any other family member for whom the applicant or recipient is applying for or receiving assistance; and

(ii) to cooperate with the state and the social services official, in accordance with standards established by regulations of the office of temporary and disability assistance consistent with federal law and regulations, in establishing the paternity of a child born out-of-wedlock for whom assistance under this title is being applied for or received, in their efforts to locate any absent parent and in obtaining support payments or any other payments or property due such

person and due each child for whom assistance under this title is being applied for or received, except that an applicant or recipient shall not be required to cooperate in such efforts in cases in which the social services official has determined, in accordance with criteria, including the best interests of the child, as established by regulations of the office of temporary and disability assistance consistent with federal law and regulations, that such applicant or recipient has good cause to refuse to cooperate. Each social services district shall inform applicants for and recipients of safety net assistance required to cooperate with the state and local social services officials pursuant to the provisions of this paragraph, that where a proceeding to establish paternity has been filed, and the allegation of paternity has been denied by the respondent, there shall be a stay of all paternity proceedings and related social services district proceedings until sixty days after the birth of the child. Such applicants and recipients shall also be informed that public assistance and care shall not be denied during a stay on the basis of refusal to cooperate pursuant to the provisions of this paragraph.

7. As a condition of eligibility for the receipt of safety net assistance, every applicant for such assistance must:

(i) sign an agreement which provides that, if it is determined that money is owed to the social services district because of overpayments of safety net assistance to the applicant while a recipient of safety net assistance, the applicant agrees to repay any such money that remains due after the applicant ceases to receive safety net assistance; and

(ii) sign an assignment of future earnings on a form prescribed by the department to secure the repayment of any money that is determined, after providing the opportunity for a fair hearing in accordance with section twenty-two of this chapter, to be owed to the social services district because of overpayments of safety net assistance to the applicant while a recipient of safety net assistance. The prescribed form shall include the following notice: "THIS AGREEMENT AUTHORIZES THE SOCIAL SERVICES DISTRICT TO RECOVER ANY OVERPAYMENT OF YOUR PUBLIC ASSISTANCE BENEFITS BY COLLECTING THE AMOUNT OF THE OVERPAYMENT DIRECTLY FROM YOUR FUTURE WAGES. IF YOU FAIL TO MAKE THE PAYMENTS REQUIRED BY A REPAYMENT AGREEMENT BETWEEN YOU AND THE SOCIAL SERVICES DISTRICT, THE

SOCIAL SERVICES DISTRICT WILL FILE THIS AGREEMENT WITH YOUR EMPLOYER AND RECOVER THE OVERPAYMENT DIRECTLY FROM YOUR WAGES." In addition, the assignment of future earnings and the enforcement thereof must comply with all requirements of article three-A of the personal property law. The social services district may file the assignment of future earnings with the employer of the assignor only if the assignor fails to make payments of money owed to the social services district in accordance with the agreement required in paragraph (i) of this subdivision.

8. No person who resides with his or her minor child shall be eligible for safety net assistance except as provided in subdivision one of this section.