§ 159. Safety net assistance. 1. Safety net assistance shall be provided in amounts determined in accordance with article five and, where applicable, section one hundred seventeen of this chapter in the following manner.

(a) Cash assistance. Safety net assistance shall be granted in cash provided, however, that where the granting of cash may be deemed inappropriate by the social services district because of an inability to manage funds, or because less expensive or more easily controlled alternative methods of payment are available, or in the case of vendor payments to landlords made for individuals residing in public housing or for similar other reasons as established by department regulations, or where an individual has so requested, safety net assistance may be granted in whole or in part by restricted payment.

(b) Non-cash assistance. Safety net assistance paid as non-cash assistance shall be paid in the following manner and in the following order:

(i) Shelter assistance. A district shall make a payment for shelter by direct payment, two-party check or other form of restricted payment up to the maximum amount established by the department in regulation, provided that a district may make a payment for a recipient's assistance in excess of such maximum at the request of the recipient. Payments for shelter pursuant to this subparagraph shall be subject to the provisions of section one hundred forty-three-b of this chapter. A district shall make payment for shelter by two-party check upon request of the recipient; provided, however, that the district may make a direct payment whenever it finds that the recipient has persistently failed to make payment for rent without good cause as defined by regulations of the department. A district shall provide a recipient with proof of payment promptly upon request by the recipient.

(ii) Utility assistance. A social services district shall make a direct payment, a payment by two party check or other form of restricted payment on behalf of recipients of safety net assistance who pay separately for utilities. Payment for utilities shall include payment for fuel for heating on behalf of recipients who are eligible for a fuel for heating allowance pursuant to section one hundred thirty-one-a of this article and the department's regulations. Payments for fuel for heating shall not exceed the fuel for heating allowance except that a

district may make a payment in excess of such amount at the request of the recipient. A district shall provide a recipient with proof of payment promptly upon request by the recipient.

(iii) Personal needs allowance. To the extent available within payment amounts authorized by sections one hundred seventeen, where applicable, and one hundred thirty-one-a of this chapter, a social services district shall provide each household with a personal needs allowance equal to twenty percent of the sum of the monthly standard of payment determined in accordance with the schedule contained in paragraph (a) of subdivision three of section one hundred thirty-one-a of this article and the appropriate amount of home energy grant and supplemental home energy grant as determined by the schedules in subdivisions three-c and three-d of section one hundred thirty-one-a of this article, for the appropriate household size.

(iv) Other assistance. The remainder of the safety net assistance shall be provided on a non-cash basis, provided that an appropriate electronic benefit transfer system is operating in accordance with section twenty-one-a of this chapter in the social services district in which the recipient resides.

2. Persons eligible for safety net assistance because they are persons described in paragraph (b) or (d) of subdivision one of section one hundred fifty-eight of this title shall receive cash assistance, as defined in subdivision one of this section, for two years in a lifetime, whether or not consecutive, after the fourth day of August, nineteen hundred ninety-seven. On or after the first day of December, nineteen hundred ninety-nine, persons who are eligible for safety net assistance but who have received cash assistance for two years or more shall receive assistance only in the form of non-cash assistance. A person may receive cash assistance in excess of two years if the person is otherwise eligible for safety net assistance but the social services district in which the person resides has not yet implemented a non-cash assistance program. Persons who would otherwise be eligible for cash assistance pursuant to this subdivision who are referred to treatment pursuant to section one hundred thirty-two of this article or reside in a family where an adult or head of household has been referred to treatment shall receive assistance in the form of non-cash assistance.

3. Persons eligible for safety net assistance because they are persons described in paragraph (a) of subdivision one of section one hundred fifty-eight of this title shall receive assistance in the form of non-cash assistance.

4. Persons eligible for safety net assistance because they are persons described in paragraphs (c), (e) and (f) of subdivision one of section one hundred fifty-eight of this title shall receive assistance in the form of non-cash assistance.

5. Persons eligible for safety net assistance because they are persons described in paragraph (g) of subdivision one of section one hundred fifty-eight of this title shall receive cash assistance in the safety net program for two years in a lifetime, whether or not consecutive, after the fourth day of August, nineteen hundred ninety-seven. On or after the first day of December, nineteen hundred ninety-nine, persons who are eligible for safety net assistance but have received cash assistance for two years or more in the safety net program shall receive assistance only in the form of non-cash assistance. A person may receive cash assistance in excess of two years if the person is otherwise eligible for safety net assistance but the social services district in which the person resides has not implemented a non-cash program.

6. In calculating the period of cash assistance for new residents of the state, periods in which they received reduced safety net assistance benefits pursuant to section one hundred seventeen of this chapter shall be included. In calculating the period of cash assistance, periods in which a recipient received federally funded refugee assistance shall be included.

7. (a) Notwithstanding subdivisions two and three of this section, adults eligible for safety net assistance who are exempt from the employment requirements contained in title nine-B of this article pursuant to section three hundred thirty-two of such article shall receive cash assistance, unless the adult has been determined to be abusing illegal substances or engaged in habitual consumption of

alcohol.

(b) Notwithstanding subdivisions two and three of this section, adults eligible for safety net assistance who are also eligible to receive comprehensive health care services through a special needs plan defined in paragraph (n) of subdivision one of section three hundred sixty-four-j of this chapter shall receive cash assistance, regardless of whether such a plan is operating in the district in which they reside. An adult who would be eligible to receive such services through such a special needs plan but for the application of paragraph (d) of subdivision three of section three hundred sixty-four-j of this chapter shall also receive cash assistance.

8. Social services districts shall provide non-cash assistance to persons eligible for safety net assistance because they are persons described in paragraphs (b) and (d) of subdivision one of section one hundred fifty-eight of this title, who have received cash assistance for two years or more, on or after the first day of December, nineteen hundred ninety-nine. Social services districts shall provide non-cash assistance for persons described in paragraph (a) of subdivision one of section one hundred fifty-eight of this title on or after the first day of December, two thousand. However, social services districts shall not implement subparagraph (iv) of paragraph (b) of subdivision one of this section until an appropriate electronic benefit transfer system is operating in the district.

9. Notwithstanding subdivision eight of this section or any other inconsistent provision of this section, the department may approve up to five social services districts to provide non-cash assistance to persons described in paragraphs (b), (d) and (g) of subdivision one of section one hundred fifty-eight of this title who have received cash assistance for two years, beginning the first day of December, nineteen hundred ninety-eight, provided that an appropriate electronic benefit transfer system is operating in the district.

10. Social services district providing safety net assistance to persons receiving care as defined in paragraphs (c), (d) and (e) of subdivision three of section two hundred nine of the social services law

shall pay such facility at the rate provided for care and maintenance under the supplemental security income program for beneficiaries of that program in the same facility, less the amount of any personal needs allowance included in the supplemental security program. In addition, social services districts shall provide such persons receiving safety net assistance with a personal needs allowance in the amount included in the supplemental security payment level as a personal needs allowance for recipients of that program residing in the particular facility.

11. The provisions of section three hundred forty-nine-a of this article, with respect to victims of domestic violence, shall apply to applicants for and recipients of safety net assistance to the same extent as it applies to applicants for and recipients of family assistance.

12. To the extent allowable under federal law and to the extent that the state has spending sufficient to exceed the federally required maintenance of effort for the temporary assistance for needy families block grant, the office of temporary and disability assistance may maximize the state's work participation rate by targeting safety net assistance payments utilized to meet the federally required maintenance of effort for the temporary assistance for needy families block grant to safety net assistance cases that are not exempt from work activities, that have not been in sanction status for over three months, and that do not include two parents who are eligible for assistance who live in the same dwelling unit, or to other categories of cases, as defined by the office of temporary and disability assistance, that have no other potential impediments to participating in countable federal work activities.