

▶▶352.3 ◀◀ Rent allowances.

(a) Each social services district must provide a monthly allowance for rent in the amount actually paid, but not in excess of the appropriate maximum of such district for each family size, in accordance with the following schedules:

LOCAL AGENCY MAXIMUM MONTHLY SHELTER ALLOWANCES
WITHOUT HEAT

By family size

	1	2	3	4	5	6	7	8+
Albany	176	204	234	255	276	285	297	325
Allegany	143	165	190	207	224	232	241	264
Broome	170	197	227	247	268	277	288	316
Cattaraugus	143	165	190	207	224	232	241	264
Cayuga	160	185	213	232	251	260	271	296
Chautauqua	145	168	193	210	228	235	245	268
Chemung	155	179	206	225	243	251	262	286
Chenango	142	164	189	206	223	231	240	263
Clinton	137	159	183	199	216	223	232	254
Columbia	155	180	207	226	244	253	263	288
Cortland	179	208	239	261	282	292	304	332
Delaware	151	175	201	219	237	245	255	279
Dutchess	174	202	232	253	274	283	295	322
Erie	155	182	205	223	242	250	260	285
Essex	145	168	193	210	228	235	245	268
Franklin	128	145	167	182	197	204	212	232
Fulton	125	145	167	182	197	204	212	232
Genesee	160	185	213	232	251	260	271	296
Greene	155	180	207	226	244	253	263	288
Hamilton	145	168	193	210	228	235	245	268
Herkimer	125	145	167	182	197	204	212	232
Jefferson	187	217	249	271	294	304	316	346
Lewis	105	122	140	153	165	171	178	195
Livingston	152	176	202	220	238	246	257	281
Monroe	227	263	302	329	356	368	384	420
Montgomery	125	145	167	182	197	204	212	232
Nassau	270	313	360	392	425	439	472	503
New York City	207	240	276	301	326	337	356	384
Niagara	163	189	217	237	256	265	276	302
Oneida	131	152	175	191	207	214	222	243
Onondaga	185	214	246	268	290	300	312	342
Ontario	165	191	220	240	260	268	279	306
Orange	195	226	260	283	307	317	330	361
Orleans	160	185	213	232	251	260	271	296
Oswego	141	164	188	205	222	229	239	261
Otsego	153	177	204	222	241	249	259	284
Putnam	195	226	260	283	307	317	330	361
Rensselaer	134	157	164	179	194	200	208	228
Rockland	272	316	363	396	428	443	461	505

St. Lawrence	134	156	179	195	211	218	227	249
Saratoga	164	190	218	238	257	266	277	303
Schenectady	168	195	224	244	264	273	284	311
Schoharie	153	177	204	222	241	249	259	284
Schuyler	149	172	198	216	234	242	251	275
Seneca	162	188	216	235	255	264	274	300
Steuben	137	159	183	199	216	223	232	254
Suffolk	290	337	387	422	457	472	491	538
Sullivan	164	190	218	238	257	266	277	303
Tompkins	163	189	217	237	256	265	276	302
Tioga	190	220	253	276	299	309	321	352
Ulster	221	256	294	320	347	359	373	409
Warren	159	184	212	231	250	259	269	295
Washington	168	195	224	244	264	273	284	311
Wayne	165	191	220	240	260	268	279	306
Westchester	259	300	345	376	407	421	438	480
Wyoming	155	179	206	225	243	251	262	286
Yates	139	161	185	202	218	226	235	257

LOCAL AGENCY MAXIMUM MONTHLY SHELTER
ALLOWANCES WITH HEAT

By family size

	1	2	3	4	5	6	7	8+
Albany	184	213	245	267	289	299	311	341
Allegany	190	220	253	276	299	309	321	352
Broome	218	252	290	316	342	354	368	403
Cattaraugus	179	208	239	261	282	292	304	332
Cayuga	179	208	239	261	282	292	304	332
Chautauqua	167	194	223	243	263	272	283	310
Chemung	197	228	262	286	309	320	333	364
Chenango	189	219	252	275	297	307	320	350
Clinton	156	181	208	227	245	254	264	289
Columbia	191	221	254	277	300	310	323	353
Cortland	199	231	265	289	313	323	337	368
Delaware	200	232	267	291	315	326	339	371
Dutchess	216	251	288	314	340	351	366	400
Erie	169	201	215	234	254	262	273	299
Essex	199	231	265	289	313	323	337	368
Franklin	161	191	212	239	250	259	269	295
Fulton	159	184	212	231	250	259	269	295
Genesee	202	234	269	293	317	328	342	374
Greene	197	229	263	287	310	321	334	366
Hamilton	159	184	212	231	250	259	271	296
Herkimer	173	200	230	251	271	281	292	320
Jefferson	200	232	267	291	315	326	339	371
Lewis	152	177	203	221	240	248	258	282
Livingston	187	217	249	271	294	304	316	346
Madison	199	231	265	289	313	323	337	368
Monroe	257	298	343	374	405	418	436	477

Montgomery	158	184	211	230	249	257	268	293
Nassau	288	334	384	419	453	468	527	561
New York City	215	250	286	312	337	349	403	421
Niagara	174	202	232	253	274	283	295	322
Oneida	179	207	238	259	281	290	302	331
Onondaga	203	235	270	294	319	329	343	375
Ontario	207	240	276	301	326	337	351	384
Orange	229	265	305	332	360	372	387	424
Orleans	202	234	269	293	317	328	342	374
Oswego	183	212	244	266	288	298	310	339
Otsego	200	232	267	291	315	326	339	371
Putnam	237	275	316	344	373	386	401	439
Rensselaer	153	179	193	210	228	235	245	268
Rockland	302	350	402	438	474	490	511	559
St. Lawrence	182	211	242	264	286	295	307	336
Saratoga	185	215	247	269	291	301	314	343
Schenectady	195	226	260	283	307	317	330	361
Schoharie	199	231	265	289	313	323	337	368
Schuyler	194	224	258	281	304	315	328	359
Seneca	204	237	272	296	321	332	345	378
Steuben	159	184	212	231	250	259	269	295
Suffolk	309	358	412	449	486	503	523	573
Sullivan	211	244	281	306	332	343	357	391
Tioga	201	233	268	292	316	327	340	373
Tompkins	217	251	289	315	341	353	367	402
Ulster	263	305	350	382	413	427	445	486
Warren	215	250	287	313	339	350	364	399
Washington	199	231	265	289	313	323	337	368
Wayne	207	240	276	301	326	337	351	384
Westchester	271	314	361	393	426	440	474	536
Wyoming	199	231	265	289	313	323	337	368
Yates	181	210	241	263	284	294	306	335

(b) When the recipient is obligated to pay for water as a separate charge to a vendor, an allowance shall be made for the additional amount required to be paid. When the recipient is obligated to pay for sewer, water (except when paid as a separate charge) and/or garbage disposal, an allowance must be made therefor to the extent that the total of the rent allowances plus such charge or charges does not exceed the appropriate maximum amount in the schedule in subdivision (a) of this section. For the purpose of this subdivision, the term "separate charge" refers to a billing made directly to a recipient in his or her name which is limited to charges for his or her utility service.

(c) An allowance for household expenses shall be made for a period not in excess of 180 days, when essential to retain a housing accommodation and to maintain the home to which a recipient temporarily receiving care in a medical facility is reasonably expected to return upon discharge from such facility. Payments under this subdivision shall not continue for more than 45 days unless, within 45 days following placement in the medical facility, the social services official has reviewed the recipient's status and determined that the recipient is expected to remain in the facility for not more than 180 days and

is likely to return to the home following discharge. The basis for these conclusions shall be documented in the case record.

(d) (1) Public housing. An allowance for rent must be made for recipients who are tenants of city, State or federally aided public housing up to the amount actually paid or the following schedule, whichever is less, except when a modified schedule of allowances is approved by this department for a specific housing authority or when the housing authority calculates the rent based on a percentage of household income:

Apartment size	Monthly rent
"0" Bedrooms	\$ 65
1 Bedroom	77
2 Bedrooms	90
3 Bedrooms	101
4 Bedrooms	107
5 Bedrooms	110

(i) Modified scheduled approved. When a modified schedule is approved by this department for a specific housing authority, the allowance for rent must be the amount actually paid up to the approved schedule amount.

(ii) Rent calculated based on a percentage of income. For any household for which the amount of rent is determined by a public housing authority as a percentage of either gross or adjusted gross income, the applicable shelter allowance is the amount so calculated up to the maximum allowance for the given household size found in subdivision (a) of this section.

(2) (i) Section 236 Rental Assistance Program, Section 8 Housing Vouchers, Section 8 Housing Program (non- certificate). The rent allowance for tenants of housing subsidized under the Section 236 Rental Assistance Program or the Section 8 Housing Assistance Payments Program, except as provided in clause (ii) of this paragraph, is the amount of rent actually paid (exclusive of the subsidy) but not more than the amount in the applicable schedule in subdivisions (a) and (b) of this section.

(ii) Section 8 Existing Housing Program (certificate). The rent and fuel for heating allowance for recipients whose housing payments of rent are subsidized under the Section 8 Existing Housing Program who hold a certificate of family participation (not including a recipient participating in the program of special allowances for owners of manufactured homes) is the amount in the applicable schedule in clause (iii) or clause (iv) of this paragraph. Such amount will not be adjusted in accordance with the actual cost of shelter and utilities. Subdivisions (a) and (b) of this section and subdivision (a) of section [352.5](#) do not apply; provided, however, that allowances hereunder may not exceed the applicable amount under subdivision (a) of this section. Shelter and fuel allowances pursuant to this subdivision are not subject to proration under section 352.32(e)(2)(ii) of this Part unless the members of each assistance unit in the household reside together as a single economic unit subject to proration of the basic monthly allowance, the home energy allowance and the supplemental home energy allowance under section 352(e)(2)(i) of this

Part. Any amounts by which the rental obligation of the tenant is reduced below the amounts in the applicable schedule in clause (iii) or clause (iv) of this paragraph as an allowance for payment of utilities and any amounts remitted to the tenant or to a vendor for payment of utilities as a result of participation in the section 8 program are deemed to be an actual payment for housing by the tenant for the purposes of this clause. No such utility allowance or reimbursement constitutes income for purposes of determining eligibility for or the amount of public assistance.

(iii) LOCAL AGENCY MAXIMUM MONTHLY SECTION 8
RENT ALLOWANCES

By Family Size

(No recipient having earned income which is or may be exempt under Section 352.19 of this Part)

Number of Persons Receiving Assistance in Household

Number of children under 18	Each additional person								
	1	2	3	4	5	6	7	8	
0	\$59	\$94	\$125	\$161	\$198	\$229	\$260	\$291	\$31
1	\$42	\$77	\$108	\$144	\$181	\$212	\$243	\$274	
2		\$60	\$91	\$127	\$164	\$195	\$226	\$257	
3			\$74	\$110	\$147	\$178	\$209	\$240	
4				\$93	\$130	\$161	\$192	\$223	
5					\$113	\$144	\$175	\$206	
6						\$127	\$158	\$189	
7							\$141	\$172	
								\$155	

For each additional dependent child in the household under the age of 18 years, subtract \$17.

(iv) LOCAL AGENCY MAXIMUM MONTHLY SECTION 8
RENT ALLOWANCES

By Family Size

(At least one recipient having earned income subject to disregard as a work expense)

Number of Persons Receiving Assistance in Household

Number of children under 18	Each additional person								
	1	2	3	4	5	6	7	8	
0	\$98	\$133	\$164	\$200	\$237	\$268	\$299	\$330	\$31
1	\$81	\$116	\$147	\$183	\$220	\$251	\$282	\$313	

2	\$99	\$130	\$166	\$203	\$234	\$265	\$296
3		\$113	\$149	\$186	\$217	\$248	\$279
4		\$132	\$169	\$200	\$231	\$262	
5		\$152	\$183	\$214	\$245		
6		\$166	\$197	\$228			
7		\$180	\$211	\$194			

For each additional dependent child in the household under the age of 18 years, subtract \$17.

(e) Rent allowances for hotel/motel facilities. An allowance for shelter shall be made for recipients temporarily housed in hotel/motel facilities under the following circumstances:

(1) No other suitable housing either public or private is available to house the recipient.

(2) Hotel/motel accommodations without cooking facilities shall be utilized only when accommodations with such facilities are not available. An allowance for the actual cost of the rental of a refrigerator, not to exceed \$10 per week per room, shall be made when a homeless family is temporarily placed in a hotel/motel which does not have cooking facilities and which provides a refrigerator on a rental basis.

(3) The continued need for hotel/motel accommodations shall be reviewed, evaluated and authorized monthly by the social services district.

(4) A detailed report of that review, evaluation and authorization shall be submitted to the department's division of income maintenance on the form prescribed by the department, on or before the 10th working day of the fourth month of temporary residence, and at monthly intervals thereafter.

(f) Reimbursement for shelter costs and restaurant allowances and rental fees for refrigerators as provided for in paragraph (e)(2) of this section is available to social services districts for expenditures made by such districts on behalf of recipients temporarily living in hotels or motels for so long as the recipients are actively seeking permanent housing, but in no event for a period in excess of six months unless the local commissioner of social services determines on an annual basis that housing other than hotels or motels or facilities regulated under Part 900 of this Title is not readily available in the social services district and the commissioner submits such determination to the department on an annual basis. Upon such a determination and submission, the social services district will continue to be reimbursed for shelter costs, restaurant allowances as appropriate and rental fees for refrigerators provided to public assistance recipients beyond such six month period. A recipient's continued need for hotel/motel accommodations must be reviewed and evaluated monthly. The maximum reimbursable amount for shelter costs after August 1, 1984 is \$16 per day for the first person in each hotel room, and \$11 per day for the remaining occupants in each room. Restaurant allowances, if necessary, must be provided in accordance with department regulations.

(g) Standards. No family shall be referred to a hotel/motel, nor shall any

reimbursement be made for costs incurred from such referral unless all of the requirements set forth below are met:

(1) Primary consideration shall be given to the needs of children. Specific factors considered must include but shall not be limited to educational needs, security, the nature of the facility in which the children would be placed, and factors which will insure the minimum disruption of community ties.

(2) The hotel/motel shall have appropriate contractual or other arrangements for maintenance, repair and sanitation in the hotel/motel. The hotel/motel must have available for review by the local social services district information verifying the above-mentioned arrangements or record of such. Such information would include, for example, contracts with private carters, bills, receipts, or other evidence of performance. Such arrangements shall include but not be limited to agreements for provision of the following services:

- (i) removal of garbage;
- (ii) maintenance of floor coverings, draperies and furniture;
- (iii) repainting of the facility at least once every five years;
- (iv) maintenance and inspection of the electrical system;
- (v) maintenance of plumbing and plumbing fixtures;