

Emergency Assistance (EA) Policy
Effective June 2, 2008

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NOTE: This EA Policy document has been prepared for reference by Wisconsin Works (W-2) agencies in preparation for the issuance of the updated EA Manual Chapter which will be issued effective June 2, 2008. The updated EA Manual Chapter will replace this EA Policy and may include minor revisions. Prior to June 2, 2008, W-2 agencies are to implement EA policy based on the current EA Manual Chapter. Effective June 2, 2008, W-2 agencies must implement the updated EA policies.

I. INTRODUCTION

Emergency Assistance (EA) provides funding to eligible families with a child(ren) to prevent homelessness. Eligible families must be experiencing a current emergency and meet other EA eligibility requirements. The emergency must be due to impending homelessness, homelessness, energy crisis, fire, flood or natural disaster as defined below. EA does not require eligibility for any other public assistance program.

EA is one of many housing and emergency resources programs. W-2 agencies must provide information to EA applicants regarding all local housing and emergency financial resources.

Five Business Day Timeframe

The W-2 agency must complete the following requirements within five business days from the date the W-2 agency receives the complete *EA Application*:

1. Process the *EA Application* (see EA Application Process);
2. Have at least one in-person contact with the EA applicant or his/her representative (see EA Application Process);
3. Request and complete all necessary information/verification (see Verification);
4. Ask the EA applicant to inform the court of the *EA Application* and then the outcome of the EA eligibility determination to stay the eviction proceedings in impending homelessness (see *Stay of Eviction Proceedings in Impending Homelessness*);
5. Determine non-financial and financial eligibility (see Nonfinancial Eligibility and Financial Eligibility);
6. Issue a written notice of eligibility determination to approved and denied EA applicants (see Notice of Eligibility Determination);
7. Obtain confirmation from the landlord, bank or local government agreeing to waive any right to proceed with the eviction/foreclosure for non-payment in exchange for the EA payment (for eviction/foreclosure in impending homelessness) (see *Waiving Right To Proceed with Eviction/Foreclosure*);

and

8. Calculate and issue any EA payment (Note: The five business day timeframe may be extended if a Payment Delay Exception applies.) (See EA Payment and Payment Delay Exceptions.).

The five-business-day timeframe also applies to the following optional practice:

As a best practice, provide case management services and referrals to local housing and emergency financial resources (see EA Coordination with Other Resources).

II. EA APPLICATION PROCESS

The W-2 agency must provide an *Emergency Assistance (EA) Application* form (DWSP-2010) to all persons who request EA. The *EA Application* must be completed in the county of residence. When the group is homeless, the group may choose to complete an *EA Application* either in the county where the group is homeless or the county where the group has found permanent housing, when the group plans to move to a permanent home in a different county. Then the W-2 agency serving that county where the group completed the *EA Application* must process the *EA Application* and issue any EA payment.

Example: A homeless family lived in a county in Wisconsin and applied for EA there. The family found housing in another county and plans to move there. The family decided to complete an *EA Application* in the first county, so the first county is responsible for processing the *EA Application* and issuing any EA payment for that application.

A person or the person's representative who requests EA must complete the *EA Application* form. The person has the right to complete and sign the form in the presence of a W-2 agency staff person on the same day the person requests or inquires about EA at the W-2 agency.

An *EA Application* is considered complete on the date it has a legible name, address and signature by the applicant or his/her representative, and is completed to the best of his/her ability. The W-2 agency staff person must initial and date-stamp the *EA Application* on the date it is received by the agency. The W-2 agency must complete processing of the *EA Application* within five business days after the agency receives the complete *EA Application*.

Example: The W-2 agency received a completed *EA Application* on Tuesday November 25th in a week that included a legal holiday on Thursday November 27th. The first day of the five-business-day timeframe would be Wednesday November 26th, the day after the *EA Application* was received. The legal holiday on Thursday November 27th would not be counted, and the five-business-day timeframe would end at the close of business on Wednesday December 3rd.

Month of the EA Application

The calendar month of the emergency is the calendar month in which the EA group experienced the emergency, i.e. impending homelessness, homelessness, energy crisis, fire, flood or natural disaster. An EA applicant must submit an *EA Application* either in the calendar month of the emergency or in the next calendar month after the emergency.

When the emergency is impending homelessness due to a qualifying financial crisis that resulted in a legal notice to terminate tenancy, and the date of the qualifying financial crisis and the date of the legal notice to terminate tenancy are on different dates, the later date is the date of the emergency. (See *Impending Homelessness and Financial Crisis/Notice to Terminate Tenancy*.)

EA Application Form Instructions

The applicant must complete the first three pages of the *EA Application* form to the best of his/her ability.

Within the five-business-day timeframe, the agency is required to have at least one in-person (i.e. face-to-face) contact with each EA applicant or his/her representative as part of the application process.

An agency staff person must review each of the assurance statements on page 3 of the *EA Application* form with the EA applicant to ensure that the applicant has an opportunity to ask for clarification of each item. The EA applicant must initial each statement to verify that he or she understands each statement. If the EA applicant already initialed the statements, then the EA applicant may initial each statement again.

An agency staff person must complete page 4 and any missing information from other pages of the *EA Application* form with information provided by the applicant.

III. VERIFICATION

The W-2 agency must complete verification of financial and nonfinancial information during the five-business-day timeframe.

The agency must request any necessary verification from the EA applicant as quickly as possible in order to allow the EA applicant sufficient time to obtain and provide the requested information, and also to allow the agency enough time within the five-business-day timeframe to complete the agency's required actions.

If the EA applicant requests assistance in obtaining the verification information, the W-2 agency must provide assistance. If the information can not be obtained with the assistance of the agency, the agency must consider the importance of the information in the determination of eligibility and issuance of any EA payment. If the information is not crucial to the determination of eligibility, or calculation and issuance of an EA payment, the W-2 agency must proceed without it. However, if the information is crucial and has not been obtained by the agency, the agency must deny the EA application and communicate to the EA applicant that the group may reapply at any time.

Verification ideally consists of a reliable report from an independent source (i.e. third-party) or the agency's direct observation. Written verification is preferable to oral verification. When verification is not possible, the agency may accept a sworn statement from the EA applicant or his/her representative.

When documents or other information appear questionable or inconsistent, the agency must verify the authenticity of the documents/information with the issuing entity and utilize additional

review, such as a supervisor approving the agency's determination of eligibility and/or issuance of any EA payment. The agency may verify the accuracy of crucial phone numbers and/or addresses in the phone book and/or on the internet.

Potentially questionable circumstances for verification may include but are not limited to:

1. The EA applicant or a member of the EA group is a relative of the landlord;
2. The EA applicant is an employee of a W-2 agency;
3. A document states employment has ended, however the employer's address and phone number in the phone book does not match information in the document;
4. Someone who does not have custody or placement of their children applied for EA and the children are listed as household members;
5. Documentation of the financial crisis does not match the amount of rent non-payment (e.g. a \$50 car repair receipt was provided as the financial crisis reason for \$800 past-due rent); or
6. Other inconsistencies in or between the *EA Application* and verification documents.

In situations when the EA applicant or group has applied for EA year after year, the agency must take extra steps based on the specifics of the situation to address verification/documentation of essential information.

Verifying Emergency Information

(See Qualifying Emergency regarding requirements for the emergency.)

The W-2 agency must verify that the emergency has occurred. This verification information will differ depending upon the type of emergency.

Example: An EA applicant states the family's belongings were destroyed in a fire. The agency may telephone the fire department to verify the emergency was due to fire and the fire was beyond the control of the EA group. The fire department is a reliable independent source of information about the emergency.

The verification of a permanent living arrangement may include the EA group's lease (rent/security deposit) agreement, which may contain all household members, or other documentation such as title to the home.

The agency's verification of a financial crisis for impending homelessness may include but is not limited to:

1. Employer's documentation of income reduction;
2. Employer's documentation about reduced pay hours;
3. Pay stubs over a period of time that demonstrate a reduction in or elimination of work hours/pay;

4. Employer's documentation about employment termination;
5. Documentation by a third-party of income reduction for self-employment or independent contract employment;
6. Evidence (possibly in KIDS) of reduced child support payments;
7. Layoff notice;
8. Unemployment Insurance (UI) information;
9. Receipts from a medical facility showing medical expenses; or
10. Receipts from a mechanic for repair expenses of a vehicle which will be used to obtain or maintain employment, along with documentation of vehicle ownership.

For impending homelessness, there are only five types of legal notices to terminate tenancy. (See *Legal Notice to Terminate Tenancy [Eviction Notice]*.) Verification of the authenticity of the legal notice to terminate tenancy may be obtained from one of the following three sources:

1. Issuing entity, e.g. the court to verify a legal notice to terminate tenancy or legal eviction notice;
2. Financial institution to verify a mortgage foreclosure notice; or
3. City or county real estate assessor's office to verify any property ownership.

In some homelessness situations, verification of the cause of homelessness may not be possible. In those situations when verification is not possible, the agency must accept whatever verification is available, including a sworn statement by the EA applicant or his/her representative.

When housing is uninhabitable, the statement used by the agency as the determination that the housing is uninhabitable from the building inspector, health department or other appropriate local authority may be used as verification.

When the reason for the EA application is fire, flood or natural disaster, verification by the W-2 agency may be done by a visit to the scene. When the reason is homelessness, energy crisis, fire, flood or natural disaster, verification by the W-2 agency may be done by a reliable report.

To verify any crimes, the agency may review police reports and a sworn statement by the EA applicant or his/her representative. If a money order was lost or stolen, the agency may request the EA applicant activate any available tracer/stop payment on the money order which may result in replacement of the money order if it was not cashed already.

Verifying EA Group Information

(See EA Group regarding requirements for EA group members.)

To verify members of the household when documents or other information appear questionable or inconsistent, the agency may query information systems, such as the Client Assistance for Re-employment and Economic Support (CARES) system regarding the members of an Assistance Group (AG) or may contact the county Department of Human/Social Services to determine if the caretaker relative(s) has custody or placement of the child(ren) included in the *EA Application*.

When there is a family re-configuration which results in a potential EA payment including the same child(ren) who already was included in an EA payment within the 12-month EA payment limit period, the W-2 agency must verify the residency of the adults.

Verifying Receipt of EA under the 12-Month EA Payment Limit

(See Frequency of EA Payments regarding requirements for the 12-month EA payment limit.)

Agencies must use the Emergency Assistance Tracking System (EATS) to verify that issuance of any previous EA payment was at least 12-months ago.

IV. NONFINANCIAL ELIGIBILITY

Use the following requirements to determine nonfinancial eligibility.

Qualifying Emergency

The need for assistance must result from a current emergency due to at least one of the following:

1. Impending homelessness (that is not the result of energy crisis, fire, flood or natural disaster);
2. Homelessness (that is not the result of energy crisis, fire, flood or natural disaster);
3. Energy Crisis;
4. Fire;
5. Flood; or
6. Natural disaster.

Impending Homelessness

A group may be eligible under the condition of impending homelessness for:

1. Qualifying financial crisis which resulted in a legal notice to terminate tenancy for non-payment of rent/mortgage;
2. Determination of uninhabitable housing; or
3. Domestic abuse.

Impending Homelessness and Financial Crisis/Notice to Terminate Tenancy

A group is eligible under the condition of impending homelessness if the group meets the following first and second requirements:

1. The group is experiencing a financial crisis that is due to reasons beyond the control of the caretaker relative(s) of the group or that constitute good cause as determined by the W-2 agency. The financial crisis must be caused by one of the following:
 - a. Loss of employment that does not include voluntarily leaving appropriate employment without good cause;
 - b. Substantial loss of wages due to illness or injury of a group member, domestic violence, lack of child care, a transportation breakdown, or a reduction of work hours by an employer including temporary employment;
 - c. Loss of income due to a second parent leaving the group;
 - d. Exceptional, unexpected, and necessary expenses that are not the responsibility of a third party, such as car repair expenses necessary for transportation to work or medical expenses not covered by insurance;
 - e. Loss of W-2 benefits due to a sanction that is subsequently overturned through the dispute resolution process; or
 - f. Other similar reason as determined by the W-2 agency that the group is experiencing a financial crisis. This criterion is intended to cover reasons similar to the above reasons and not to cover general reasons for a group needing rent assistance.

And as a result of the financial crisis;

2. The group received a legal notice in the name of the EA applicant to terminate tenancy because of nonpayment of rent or mortgage (or land contract). This legal eviction notice must be due to nonpayment of rent or foreclosure from a financial institution or local government. (See *Legal Notice to Terminate Tenancy [Eviction Notice]*.)

Example 1: Emily worked various temporary office assistant jobs for several months in placements by the local temporary employment agency. Then the agency informed Emily they had not received any more requests for office assistants and they had no other job placements to offer Emily. Emily missed the next rent payment for her apartment home for herself and her two children. Then she received a legal eviction notice and applied for EA. Emily's loss of income from her temporary jobs would qualify as a financial crisis for EA under item b in the above list.

Example 2: After receiving a legal eviction notice for non-payment of rent, Stella purchased a money order to pay the rent for her family's apartment. Stella left the financial institution without filing out the money order, and kept the money order, receipt, and copy together in an exposed pocket of her backpack. Stella took the bus home and at home discovered the money order, receipt and copy were missing. Stella doesn't know if these documents were lost or stolen.

This situation does not meet the EA requirement for a financial crisis due to reasons beyond the control of the caretaker relative(s) of the group because Stella did not take reasonable steps within her control to care for the money order and prevent the money order from being lost or stolen.

Reasonable preventative steps would include filing out the money order before leaving the financial institution, keeping the money order documents in a secure non-exposed location and if possible keeping the money order, receipt and copy in separate secure locations. After the money order was lost or stolen, important follow-up steps include as soon as possible (on the same day when possible) filing a police report and filing any available tracer request with the financial institution that issued the money order. Notes: If the tracer shows the original money order was not cashed yet, the financial institution may be able to issue a replacement money order. The W-2 agency may confer with the police about the specific circumstances to determine if the EA applicant reasonably may have prevented the loss/stolen money order.

Although Stella was not eligible for EA, the W-2 agency worked with Stella to provide her case management services and referrals to other housing and emergency resources.

Legal Notice to Terminate Tenancy (Eviction Notice)

Only the following notices qualify to terminate tenancy and the notice must be in the EA applicant's name:

1. A summons and complaint for an eviction action which is based on failure to pay rent;
2. A notice terminating tenancy for failure to pay rent that meets the minimum requirements of section 704.17 Wis. Stats.;
3. A summons and complaint for a foreclosure action that is based on failure to pay property taxes or a mortgage;

4. A notice of foreclosure for failure to pay property taxes or a mortgage; or
5. A writ of assistance, notice of sale, or other verifiable documentation that a foreclosure judgment has been entered against a member of the EA group and the group will be required to vacate the premises imminently.

For a detailed description of the notices described above, refer to sections 704.17 and 704.19 Wis. Stats.

When a verbal or written lease or rental agreement is for one year or less, or is a periodic tenancy for week-to-week or month-to-month, the notice terminating tenancy listed in item 1 above is required to be a “five-day” legal notice from the landlord. The legal notice indicates the landlord plans to begin legal eviction proceedings in five days. However, any legal notice that follows the initial five-day legal notice in an eviction proceeding also is valid for EA purposes, including a summons to court for eviction proceedings.

Example: Luis and his daughter moved into a rented home where his friends already resided, to fill vacancies left by previous roommates. Luis and his daughter were not added to the lease. The lease-holder (Luis’ friend) received an eviction notice for failure to pay rent. Luis is not eligible for EA due to impending homelessness based on that eviction notice because the eviction notice is not in Luis’ name. Although Luis is not eligible for EA, the W-2 agency worked with Luis to provide him case management services and referrals to other housing and emergency resources.

Stay of Eviction Proceedings in Impending Homelessness

The W-2 agency must ask each EA applicant to inform the court of the *EA Application* and then the outcome of the EA eligibility determination. The W-2 agency also must inform each EA applicant that a court will stay the proceedings in a civil action of eviction if the tenant applies for EA and informs the court of the *EA Application* and the outcome of the determination of EA eligibility. The stay remains in effect until the tenant’s eligibility for EA is determined and, if the tenant is determined to be eligible, until the EA payment is received by or on behalf of the EA group.

The stay of the eviction proceedings for EA does not prohibit a landlord from legally pursuing other eviction proceedings, for example proceedings based on a violation of a lease provision, or endangering others, etc. If the W-2 agency is informed that a landlord has an additional legal basis for eviction proceedings besides non-payment of rent, then the W-2 agency must not issue an EA payment to that landlord because it is not possible to stay the additional eviction proceedings in exchange for the EA payment.

Waiving Right to Proceed With Eviction/Foreclosure

For impending homelessness, the landlord, bank or local government that issued the notice to terminate tenancy must agree to not proceed with the eviction or foreclosure for non-payment of rent/mortgage if they accept the EA payment. The agency must confirm this agreement prior to issuing any EA payment. This confirmation may be verbal or in writing based on the agency’s assessment of the specific situation. However, when the confirmation is verbal, the agency

must follow-up with a cover letter, enclosing the EA payment to the landlord, bank or local government, which states “You already agreed to not proceed with the eviction or foreclosure for non-payment of rent/mortgage. Your cashing this payment further ratifies this agreement.”

See section titled Payment Delay Exceptions regarding the requirement that the agency issue any EA payment within five business days of the agency’s receipt of this verbal or written confirmation.

See section titled Stay of Eviction Proceedings in Impending Homelessness regarding other possible eviction proceedings.

Impending Homelessness and Relocation

EA will provide funding for EA groups who meet all other eligibility criteria (the cause of the emergency and relocation must be due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency) and:

1. There is impending homelessness with a legal eviction notice for the current home; and
2. The agency has determined the landlord does not agree to keep the EA group as tenants or the EA group cannot afford the costs of the current home (including costs for rent, utilities, transportation, etc.); and
3. The EA group has obtained a different home with lower costs than the current home.

Impending Homelessness and Uninhabitable Housing

A group is eligible under the condition of impending homelessness and uninhabitable housing if the group meets the following requirement:

The group must leave their current housing because that housing is uninhabitable as determined by the local building inspector, local health department, or other appropriate local authority. For this purpose, the W-2 agency is not considered an appropriate local authority.

Impending Homelessness and Domestic Abuse

A group is eligible under the condition of impending homelessness and domestic abuse if the impending homelessness is caused by a member of the group being subject to domestic abuse. Section 968.075(1)(a) Wis. Stats. defines domestic abuse to mean any of the following engaged in by an adult person against his/her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness;
2. Intentional impairment of physical condition;
3. Sexual assault as defined in section 940.225(1), (2) or (3) Wis. Stats.; or

4. A physical act that may cause the other person reasonably to fear imminent engagement in the conducts described in the previous three items.

If impending homelessness is due to domestic abuse, the EA applicant is not required to provide an eviction notice or a determination of uninhabitable housing.

Homelessness

The group must be experiencing homelessness due to reasons beyond the control of the caretaker relative(s) of the group or that constitute good cause as determined by the W-2 agency. A group is homeless for EA purposes if the group needs EA funds to obtain permanent housing and the group also meets one of the following requirements:

1. The group has a current residence that is designed for providing a temporary living accommodation such as an emergency shelter facility, or other temporary or transitional living arrangement. An emergency shelter facility is any facility with the primary purpose of providing temporary or transitional shelter to the homeless.

Generally motels and hotels are temporary living accommodations, however the W-2 agency must consider the specific circumstances. For example, a monthly lease at a motel or hotel may indicate permanent housing similar to other rental homes. Absent other documentation, the EA applicant's intention to stay in a motel or hotel long-term does not indicate that the motel or hotel is permanent housing.

2. The group has left their current housing because it is uninhabitable as determined by an official building inspector, health department, or other appropriate local authority. For this purpose, the W-2 agency is not considered an appropriate local authority.

Example: The home is in a small community without a building inspector or health department. Staff from the local Community Action Program (CAP) are familiar with building codes and recommend that the home be considered unfit for human habitation. The W-2 agency may accept the local CAP as an appropriate authority to determine that the current housing is uninhabitable.

3. The group lacks a fixed, regular, and adequate nighttime residence.
4. The group is living in a place that is not designed for, or ordinarily used as, a regular sleeping accommodation. Examples include public hallways, parks, bus stations, and building entrances.

Homelessness and Domestic Abuse

A group is eligible under the condition of homelessness and domestic abuse if the homelessness condition results because a member of the group was subject to domestic abuse. (See *Impending Homelessness and Domestic Abuse* for the definition of domestic abuse.)

Energy Crisis

The group must be experiencing loss from an energy crisis due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency. Energy crisis may include lack of or imminent loss of essential home heating. The energy crisis must include or is likely to include an immediate threat to the health or safety of the group.

Fire

The group must be experiencing a housing loss from a fire due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency.

Flood

The group must be experiencing a housing loss from a flood due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency.

Natural Disaster

The group must be experiencing a housing loss from a natural disaster due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency. Natural disasters are caused by nature and include but are not limited to:

1. Tornadoes;
2. Earthquakes;
3. Electrical storms;
4. Wind storms
5. Hail;
6. Sleet;
7. Mud and/or rock slides; or
8. Explosions or fires resulting from lightning strikes.

EA Group

In order to be eligible for EA, the EA group must consist of at least one caretaker relative and one dependent child of that caretaker relative. The EA group also may include other caretaker relatives living in the household (i.e. spouse or non-marital co-parent) and other dependent children of a caretaker relative.

Everyone in the household will not always be a member of the EA group although all household members must be listed on the *EA Application*.

Each person in the EA group must be either:

1. A dependent child, however not an unborn child, who is:
 - a. Anticipated to live in the home during the one-month period after the date of the *EA Application* (i.e. the next 28, 29, 30 or 31 days depending on the length of the month); and
 - b. Currently living in the home or lived in the home within the six months prior to the emergency; and
 - c. Is under the age of 18, or if under the age of 19 is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19.

or

2. A caretaker relative with whom the child:
 - a. Is anticipated to live with during the one-month period after the date of the *EA Application* (i.e. the next 28, 29, 30 or 31 days depending on the length of the month); and
 - b. Is currently living in the home or with whom the child lived in the home within the six months prior to the emergency; and
 - c. Meets the definition of a caretaker relative or a minor caretaker relative. (See Caretaker Relative and Minor Caretaker Relative.)

An SSI recipient who meets the requirements to be an EA group member must be included in the EA group. (See Available Income regarding SSI payment for EA financial eligibility and the EA payment calculation.)

Caretaker Relative

A caretaker relative must be the child's:

1. Natural or legally adoptive parent;
2. Stepfather or stepmother;
3. Natural, legally adopted, half-, or step-brother or –sister;
4. Grandmother or grandfather, aunt or uncle, first cousin, niece or nephew, or any preceding generation denoted by the prefix grand-, great-, or great-great, and including those through adoption; or
5. Spouse of anyone of the above even after the marriage is ended by death, divorce or separation. A spouse is that person recognized by Wisconsin law (does not recognize common-law marriage) as the caretaker's legal husband or wife.

To be considered a caretaker relative, each caretaker relative must reside with the dependent child in the caretaker relative's own home and exercise responsibility for care and control of the

dependent child. For purposes of EA policy, exercising responsibility for care and control of the child includes decisions about the child's education, health-care, and any treatment, hospitalization, and long-distance travel.

Example: Miranda applied for EA due to impending homelessness. She listed herself, three friends and her three-year-old child on her *EA Application*. Miranda is the parent of the child. The EA group would consist of Miranda and her child. The three other adults would not be included in the EA group because they are not a relative of Miranda's child and do not have caretaker responsibility for Miranda's child.

Minor Caretaker Relative

An individual under 18 years of age who is the parent of a child is ineligible to be a caretaker relative unless one of the following applies:

1. The individual is or has ever been married;
2. The individual has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known;
3. No living parent, legal guardian, or other appropriate adult relative allows the individual to live in their home;
4. The individual or the individual's child for whom assistance is requested is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the individual's own parent or legal guardian;
5. Substantial evidence exists that an act or failure to act would present imminent or serious harm if the individual and his/her minor child lived in the same residence with the individual's own parent or legal guardian; or
6. The W-2 agency otherwise determines that it is in the best interest of the individual's child to waive the prohibition on assistance to unmarried caretakers who are under 18 years of age.

Residents

All members of the EA group must be residents of Wisconsin and intend to reside in Wisconsin, except a migrant worker is not required to intend to reside in Wisconsin. (See W-2 Manual *Nonfinancial Eligibility Criteria Chapter*.)

Citizens or Qualified Aliens

All members of the EA group must be citizens or qualified aliens. (See W-2 Manual *Nonfinancial Eligibility Criteria Chapter*.)

Acceptance of Employment or Training

The need for assistance may not result from the caretaker relative's or the child's refusal to accept employment or training, or both, without good cause as determined by the W-2 agency.

Failure to Pursue Other Payment Options

The need for assistance must not result from a member of the EA group failing to pursue other payment options.

Example 1: Gwen purchased a money order to pay her family's rent and took appropriate precautions to keep the money order safe, including completing the money order form before she left the financial institution, keeping the money order and the receipt in separate secure locations, etc. Despite Gwen's precautions, the money order was stolen during a burglary of Gwen's home. In addition to filing a police report, Gwen immediately reported the theft of the money order to the financial institution where she purchased the money order, however Gwen declined to pay the \$12 fee for the financial institution to trace the status of the money order, and issue a replacement money order if the original money order was not cashed already. Although Gwen took precautions and immediately reported the theft of the money order, Gwen is not eligible for EA because she failed to pursue other payment options by declining to pursue tracer/possible replacement of the money order. Although Gwen is not eligible for EA, the W-2 agency worked with Gwen to provide her case management services and referrals to other housing and emergency resources.

Example 2: Rafael was unable to pay the rent for an apartment he leases for himself and his two children after the manufacturing business where Rafael had worked closed its business in Wisconsin. Rafael applied for and received Unemployment Insurance (UI) although Rafael needed some additional funds to pay the rent. Rafael received an eviction notice with his name on the notice for non-payment of rent and he applied for EA. Rafael is eligible for EA because he pursued other payment options by applying for UI.

Frequency of EA Payments

The caretaker relative(s) in an EA group is eligible to receive EA once in a 12-month period. If the caretaker relative previously received EA, the caretaker relative is eligible to receive EA again 12 months after the date of the last EA payment.

EA payments may be made for a one-month (e.g. 30 days) period within any 12 consecutive months:

1. The date of the first EA payment begins the one-month (e.g. 30 days) period;

and

2. The period ends one month (e.g. 30 days) after the initial EA payment, whether or not any additional requests or payments for the same emergency are made.

Example: After a fire in their home, a family of four received an EA payment of \$400. A week later, the family discovered additional needs totaling \$200 that resulted from the fire. Because the EA group has not already received the maximum EA payment amount, the EA group may receive an additional EA payment as part of the same EA eligibility provided the additional EA payment is within 30 days from the original EA payment.

Children may be included in more than one EA group within the 12-month EA payment limit when the children live with a different caretaker relative(s) during that time. The caretaker relative(s) of the EA group (not the dependent children) are considered in determining the 12-month EA payment limit.

When a household includes a caretaker relative(s) who already received EA within the past 12 months and also a caretaker relative(s) who did not receive EA within the past 12 months, the caretaker relative(s) who did not receive EA within the past 12 months may be included in a new EA group. However the caretaker relative(s) who already received EA within the past 12 months must be excluded from any EA group during the 12-month EA payment limit period.

The examples below illustrate various re-configurations of EA groups for the 12-month EA payment limit.

Example 1: Daria and her two children received EA in September for impending homelessness. Later the children went to live with their dad, Tony, who applied for EA in January for impending homelessness. Tony and his children may be eligible for EA although his children were part of an EA group four months earlier when living with Daria, their mom.

Example 2: Tia, Tyrone and their four children received EA in July for impending homelessness. Tia moved out. Tyrone reapplied for EA for himself and the children in the following December after his hours were cut at work and he could not make the rent payments. Tyrone is not eligible for EA because he received an EA payment within the past 12 months. He is not eligible again until July of the next year (12 months after his last EA payment). Although Tyrone is not eligible for EA, the W-2 agency worked with Tyrone to provide him case management services and referrals to other housing and emergency resources.

Example 3: Julia and her daughter, Marta, received EA in June for impending homelessness. Julia experienced some difficulties in July and arranged for Marta to live with Julia's sister, her Aunt Maria. Aunt Maria applied for EA with Marta in August for impending homelessness. Aunt Maria's receipt of EA (including her niece Marta) would be allowed by the 12-month EA payment limit.

Example 4: Sue and her daughter Rachel received EA due to impending homelessness in October. Sue's husband, Victor, was released from jail and moved in with the family four months later. Victor got a full-time job and two months later, Victor's employer went out of business. Victor then applied for EA in August due to impending homelessness. Victor's receipt of EA (including his daughter Rachel in the EA group) would be allowed by the 12-month EA payment limit. However Sue would not be included in that EA group because she received an EA payment ten months ago in October.

“Doubled-Up” Housing

A family living in “doubled-up” housing situation is not eligible for EA based solely on the “doubled-up” housing situation. However, the family may be eligible for EA based on other factors such as an official determination of an uninhabitable home, domestic abuse, fire, flood or natural disaster. For EA purposes, “doubled-up” housing is when there are more people living in a residence than the residence is designed for.

V. FINANCIAL ELIGIBILITY

To determine financial eligibility for EA, complete the following:

Calculate Financial Need

Calculate the EA group's financial need by determining whether or not the group's expenses resulting from the emergency plus the unpaid usual monthly expenses for the group exceed the group's available income and assets.

Time Frame for Evaluating Income, Assets and Expenses

The month of the *EA Application* is the time frame for which income, assets and expenses are evaluated. (See Month of the EA Application.)

Available Income

To determine the income available or to be received for the EA group in the month of the *EA Application*, start by using the W-2 income policy. (See W-2 Manual *Financial Eligibility Criteria Chapter*.)

Income that was used to meet the group's needs before the date of the *EA Application* must be disregarded. However, any income that was received in the month of the *EA Application* before the *EA Application* which was not used to meet the group's needs is counted as available income.

In addition disregard:

- a. SSI payments. If an SSI recipient meets EA's nonfinancial eligibility requirements, the SSI recipient is included in the EA group. However, the SSI payment received in the month of the *EA Application* is disregarded in calculating financial eligibility and any payment; and
- b. Caretaker Supplement (CTS) payments.

Available Assets

To determine assets for the EA group available in the month of the *EA Application*, start by using the W-2 asset policy. (See W-2 Manual *Financial Eligibility Criteria Chapter*.) In addition, disregard:

1. Any asset with a fair market value of less than \$3,000 that would require liquidation at a loss; and
2. Real property, such as land or the primary home.

Expenses Resulting from the Emergency

Expenses incurred by the EA group as a result of the emergency are limited to:

1. Food;
2. Clothing;
3. Temporary housing (however temporary housing is only an allowed expense when the emergency is homelessness as a result of fire, flood, or natural disaster and not homelessness for other reasons);
4. First month's rent plus security deposit;
5. For impending homelessness, unpaid rent connected to a financial crisis;
6. Home energy, which may include heating fuel, electricity, and repair or replacement services necessary to maintain the basic heat and electrical requirements of an average household;
7. Necessary household items;
8. Necessary home repairs and appliances;
9. Transportation; and
10. Medical care.

Do not count expenses that have been or will be met through other resources such as free meals, clothing distributions, other community resources, insurance payments, or help from family or friends.

Monthly Expenses

Determine the amount of the EA group's unpaid usual and necessary monthly expenses apart from any expenses resulting from the emergency needs. These unpaid usual monthly expenses include housing, food, utilities, transportation, medical and child care costs that are not paid for by government programs or other resources.

Example: An EA group provided information about unpaid monthly bills accumulated over the past three months. For monthly expenses, the W-2 agency must count only the usual and necessary portion of these expenses. Any expenses that are not usual and necessary (such as cable television) would not be counted as a monthly expense. Also any partially paid expenses that are for more than one month would be counted as a monthly expense only for the portion of the amount that is unpaid at the time of the *EA Application*.

VI. NOTICE OF ELIGIBILITY DETERMINATION

The agency must notify all approved and denied applicants in writing of the eligibility determination within five business days of receiving a completed *EA Application*. If the agency denies eligibility for EA, the notice of eligibility determination must include the reasons for the denial and information about the opportunity for a Fact Finding. (See W-2 Manual *Fact Finding Chapter*.)

VII. EA PAYMENT

EA Payment Amount

To calculate the EA payment amount for an eligible EA group, subtract the available income and assets from the total expenses resulting from the emergency and the unpaid usual and necessary monthly expenses, and pay the lowest amount of:

1. \$150 for each eligible EA group member; or
2. The amount requested by the group; or
3. The financial need resulting from the emergency.

When determining the EA payment amount for an emergency due to an energy crisis, the EA payment must be determined using the lowest amount of items 2 or 3 above. Item 1 above is not part of the payment determination for energy crisis.

Example: The agency determined a group of three is eligible for EA for impending homelessness. The maximum payment for the group at \$150 per group member would be \$450 (3 X \$150). The *EA Application* requested \$400, and the group's total financial need due to the emergency is \$425. Because the requested amount is lower than the other two amounts, the EA payment amount would be \$400.

The agency may make the EA payment by:

1. Check to the applicant;
2. Voucher to the applicant, landlord or vendor; or
3. Vendor payment.

Informed Request

When the amount requested by the group (i.e. the Financial Request amount from the *EA Application*) is less than the \$150 maximum for each eligible EA group member and less than the calculated financial need resulting from the emergency, then the W-2 agency must obtain the EA applicant's or his/her representative's agreement in writing to the following:

1. The lower amount of the following two amounts:
 - a. \$150 maximum for each eligible EA group member; or
 - b. Financial need resulting from the emergency; and
2. The EA applicant has been informed that the EA payment amount could be the amount above (in item 1), however he/she still requests the lower amount in the *EA Application*.

The W-2 agency must file a copy of this written signed statement and give the original to the EA applicant or his/her representative.

Instead of agreeing to accept a lower EA payment amount, the EA applicant or his/her representative may elect to increase the amount requested by the group (i.e. increase the Financial Request amount from the *EA Application*). Then the EA applicant or his/her representative must initial and date the increased Financial Request amount on the *EA Application*.

Timeframe for Issuing EA Payment

The EA payment must be made within five business days after the W-2 agency receives the complete *EA Application*, with only the following two exceptions.

Payment Delay Exceptions

1. An EA payment can be delayed if both of the following conditions exist:
 - a. The group is homeless for a reason other than energy crisis, fire, flood or natural disaster, or the group is facing impending homelessness, and the group is seeking a new permanent home; and
 - b. The group has not notified the agency that they have found permanent housing within the five-business-day period after the agency received the completed *EA Application*.

When both of these conditions occur, the agency must notify the EA group in writing that their EA eligibility is valid for an additional 25 calendar days while the group searches for permanent housing. If after 30 calendar days from the date of the *EA Application* the group has not found permanent housing, the agency must:

- Determine if there is cause to extend the eligibility period for an additional 30 calendar days; or
 - Deny the *EA Application* and allow the group to reapply when permanent housing is found.
2. If the EA payment is to retain a current permanent home for an emergency due to impending homelessness, an EA payment can be delayed when obtaining confirmation from the landlord, bank or local government takes longer than the five-business-day timeframe. (See *Waiving Right To Proceed With Eviction/Foreclosure*.) The agency has five days to make the EA payment after receiving confirmation from the landlord, bank or local government agreeing to waive any right to proceed with the eviction/foreclosure for non-payment in exchange for the EA payment. If the agency receives both verbal and written confirmation from the landlord, bank, or local government, then the agency's receipt of the first form of confirmation (usually the verbal confirmation) must be used as the start of this five day period. Agencies are encouraged to obtain verbal and written confirmation as quickly as possible to expedite this process.

Allowable Uses of EA Payment

Temporary Shelter

EA can only be used to pay for temporary shelter in emergencies due to fire, flood, or natural disaster. In those situations, EA can pay for temporary shelter and transportation to a shelter.

Permanent Housing

In cases of impending homelessness, homelessness, fire, flood or natural disaster, EA can be used to pay for a permanent home. If there is any EA payment amount left over after establishing a permanent home for the household, and there are additional needs typically incurred when establishing a home (e.g. furniture, household goods, etc.), EA can pay for those additional needs.

VIII. EA COORDINATION WITH OTHER RESOURCES

Agencies are encouraged to provide appropriate case management services and referrals to strengthen coordination with other housing and emergency financial resources. For example, provide a list of local resources, provide information on budgeting classes, and encourage appropriate participation in W-2 case management services.

When the family applies for and receives EA year after year, agencies are encouraged to provide additional case management and referrals for additional resources.

When EA applications are denied, referrals to other housing and emergency financial resources are especially important.

Do not include the EA group's social service needs in the financial needs calculation. If the EA group needs social services, provide these services with appropriate referrals to available resources. The following are examples of social services for the EA group:

1. Information and referral;
2. Counseling;
3. Securing family shelter funded through other assistance programs; and/or
4. Child care funding through county or tribal human services or social services agencies.

IX. EMERGENCY ASSISTANCE TRACKING SYSTEM (EATS)

The Emergency Assistance Tracking System (EATS) is the internet-based tracking system for use by W-2 agencies to:

1. Search and verify each caretaker relative's history of any EA payments are beyond the 12-month EA payment limit;
2. Track data for all approved and denied EA applications;
3. Provide reports on approved EA payment amounts and denied EA applications; and
4. Reconcile EA payment amounts in EATS with the agency's accounting system/check register.

The data agencies enter in EATS comes from the *EA Application* and the agency's fiscal records. When entering information into EATS, W-2 agencies are required to:

1. Enter information in all EATS fields that are necessary to determine the EA payment amount in addition to entering information in all fields required by EATS. For example, W-2 agencies are required to enter in EATS all dependent children and caretaker relatives in the EA group;

2. Complete EATS entries and EATS searches of caretaker relatives who already received EA to prevent issuance of EA payments to caretaker relatives who have received EA in the previous 12-month period;
3. Enter information in EATS in a timely manner and prior to issuing an EA payment;
4. Monitor EA payment information reported in EATS to ensure accuracy and completeness; and
5. Reconcile EA payment amounts in EATS monthly with the agency's accounting system/check register for issued EA payments.

In addition to the required EATS fields, W-2 agencies are strongly encouraged to utilize optional EATS fields, such as payee address.

If an agency uses a voucher system for EA payments, a voucher number may be entered into the EATS check number field, along with the voucher date and the voucher amount for the respective EA payment. These fields facilitate reconciliation of EA payment amounts in EATS with the agency's accounting records.

Agencies must use EATS in accordance with EATS materials available through the Partner Training Page at the following web address:

<http://www.dwd.state.wi.us/w2/w2partnr.htm>

EA Denials In EATS

To track denied EA applications in EATS, W-2 agencies must use the most appropriate reason from the following list of EA denial reasons from the EATS Status field:

1. Circumstances do not meet the EA definition of an emergency;
2. No legal notice to terminate tenancy/mortgage for non-payment;
3. Landlord or bank will not agree to stop eviction/foreclosure action;
4. No eligible dependent children in the group;
5. No eligible caretaker relative in the group;
6. Not a resident(s) of Wisconsin;
7. Not US citizen(s) or qualified alien(s);
8. Need for assistance is the result of a refusal to accept employment or training without good cause;
9. Need for assistance is the result of failure to pursue other payment options;
10. Received an EA payment within the 12-month EA payment limit;

11. Unable to obtain a permanent home within a 30-day Payment Delay Exception timeframe;
12. Does not have a documented financial crisis beyond the control of the caretaker relative(s) of the group;
13. Income and/or assets exceed need;
14. Crucial verification was not available;
15. Did not apply in the calendar month of the emergency or the next calendar month; or
16. Applied in the wrong geographic area.

EATS will produce denial reports for statewide data and also for each geographic area.

Agencies can access EATS through the following web address:

<https://www.dwd.state.wi.us/dwseats>

X. EA FACT FINDING

EA applicants have the right to the Fact Finding process as a means of dispute resolution. A Fact Finding may be requested if the agency does not act upon the *EA Application* with reasonable promptness, the *EA Application* amount is not funded in part or whole, or if the applicant believes the EA payment amount was calculated incorrectly. The Fact Finding request must be made within 45 days of the agency action that is in dispute. (See W-2 Manual *Fact Finding Chapter*.)

XI. OVERPAYMENT RECOUPMENT

An EA overpayment may occur due to a variety of circumstances, including when incorrect information is provided by an EA applicant and/or landlord.

Agencies cannot recoup EA overpayments from other program payments because it is not specifically authorized by state law.

Although agencies cannot recover EA overpayments from other program payments, agencies may elect to recover EA overpayments from other sources on a manual and voluntary basis. To do this, the agency would send a letter(s) to the appropriate person(s) to request recovery of an EA overpayment. The agency may select applicable language from other program's letters/forms to insert in the EA overpayment letter. The agency must customize the letter to the specific EA overpayment situation.