

The following document includes track changes to the EA chapter. The substantive policy changes are marked to help readers identify what has changed.

This chapter is not effective until April 22, 2009 and will be published as part of the W-2 Manual on that date.

Chapter 17 EMERGENCY ASSISTANCE (EA)

17.1.0 INTRODUCTION

Emergency Assistance (EA) provides funding to families with a child(ren) who meet all EA eligibility requirements including experiencing a current emergency 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. W-2 agencies must make necessary EA determinations by using their professional judgment based on all circumstances of the specific situation.

Note: W-2 agencies must not apply W-2 policy to EA unless the W-2 policy is specifically referenced within this EA policy.

17.1.1 Five Business Days 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 17.2.0);
2. Have at least one in-person contact with the EA applicant or his/her representative (see 17.2.0);
3. Request and complete all necessary information/verification (see 17.3.0);
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 17.4.1.1.3);
5. Determine non-financial and financial eligibility (see 17.4.0 and 17.5.0);
6. 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 17.4.1.1.4);
- [7. Prior to determining EA eligibility for energy crisis, assist the group in completing the pursuit of other payment options for utility expense \(see 17.4.6 and 17.4.6.1\);](#)
8. Issue a written notice of eligibility determination to approved and denied EA applicants (see 17.6.0);

Chapter 17 EMERGENCY ASSISTANCE (EA)

9. Calculate and issue any EA payment (Note: The five business day timeframe may be extended if a Payment Delay Exception applies.) (See 17.7.4 and 17.7.4.1.); and
10. Enter an EA approval or denial in EATS.

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 17.8.0).

17.2.0

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.

For homelessness, or impending homelessness with relocation, foreclosure, uninhabitable home, or domestic abuse, the EA group may choose to complete an *EA Application* either in:

1. the county where the group is homeless or impending homeless; or
2. the county where the group has found permanent housing, when the group plans to move to a permanent home in a different county.

The W-2 agency which receives the *EA Application* must process that application and issue any EA payment.

Example 1: A homeless family was staying in a shelter in Dane County and found permanent housing in Rock County. The family chooses to complete an *EA Application* in Dane County. Dane 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. On the same day the person requests or inquires about EA, that person has the right to complete and sign the form in the presence of a W-2 agency staff person.

The W-2 agency must have at least one in-person contact with the EA applicant or his/her representative at a reasonable time within the five days timeframe for EA Application processing.

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

Chapter 17 EMERGENCY ASSISTANCE (EA)

agency must complete processing of the *EA Application* within five business days after the agency receives the complete *EA Application*.

Example 2: 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.

17.2.1 Month of the EA Application

The 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 17.4.1.1.1.) For example, a person may receive an eviction notice in June that was caused by a financial crisis in the previous February. That person may apply for EA in either June (the month of the eviction notice and the emergency) or July (the month after the emergency).

17.2.2 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.

Chapter 17 EMERGENCY ASSISTANCE (EA)

17.3.0 VERIFICATION

The W-2 agency must verify:

- The emergency occurred (see 17.3.1);
- The EA group information (see 17.3.2);
- Receipt of EA after the 12-month EA payment limit (see 17.3.3); and
- Any questionable or inconsistent information (see 17.3.4).

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.

17.3.1 Verifying Emergency Information

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

Chapter 17 EMERGENCY ASSISTANCE (EA)

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. Documentation of substantial depletion/loss of on-going income from child support, support from another caretaker relative, Unemployment Insurance (UI), or student financial aid; or substantial depletion/loss of income from an income tax refund;
8. Layoff notice;
9. Unemployment Insurance (UI) information;
10. Receipts from a medical facility showing medical expenses; ~~or~~
11. 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; ~~or~~
12. A police report which indicates a crime occurred, such as forced entry, assault, or threat of injury with a weapon, may be used to verify any theft of cash, money order or other resources.

For impending homelessness, there are only five types of legal notices to terminate tenancy. (See 17.4.1.1.2.) 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, a statement from the building inspector, health department or other appropriate local authority may be used as verification that the housing is uninhabitable.

Chapter 17 EMERGENCY ASSISTANCE (EA)

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, such as a report from a neutral third party.

Example 1: An EA applicant states the family is homeless and residing at the local shelter program. The agency may telephone the shelter to verify the family is residing at the shelter. The local shelter program is a reliable independent source of information about the homelessness emergency.

Example 2: An EA applicant states the family experienced a fire and needs housing assistance. The agency may telephone the fire department to verify the fire. The fire department is a reliable independent source of information about the fire emergency.

17.3.2 Verifying EA Group Information

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.

17.3.3 Verifying Receipt of EA under 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.

17.3.4 Verifying Any Questionable or Inconsistent Information

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:

Chapter 17 EMERGENCY ASSISTANCE (EA)

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 do 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.

17.4.0 NON-FINANCIAL ELIGIBILITY

Use the following requirements to determine nonfinancial eligibility.

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

Note: An emergency caused by the caretaker relative's criminal behavior is not eligible for EA.

Chapter 17 EMERGENCY ASSISTANCE (EA)

17.4.1.1 *Impending Homelessness*

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

1. A qualifying financial crisis which resulted in a legal notice to terminate tenancy for non-payment of rent/mortgage;
2. Foreclosure of rental housing;
3. A determination of uninhabitable housing; or
4. Domestic abuse.

17.4.1.1.1 *Impending Homelessness Due to 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 reasonable circumstances~~similar reason~~ as determined by the W-2 agency that the group is experiencing a financial crisis beyond the control of the caretaker relative(s), such as: the substantial depletion/loss of on-going income from child support, support from another caretaker relative, Unemployment Insurance (UI), or student financial aid for housing; or the substantial depletion/loss of income from an income tax refund or criminal theft of cash/-money order. This criterion is intended to cover reasons similar to the above reasons and not to cover general reasons for a group needing rent assistance.

Chapter 17 EMERGENCY ASSISTANCE (EA)

For -EA, criminal theft means a police report indicates a crime occurred such as forced entry, assault, or threat of injury with a weapon.

Generally the loss of cash, money order or other resources that is not caused by theft is not a qualifying financial crisis because often reasonable care and control by the caretaker relative(s) would have prevented such loss.

The W-2 agency's determination about a similar reason that the group is experiencing a financial crisis must be based on the agency's professional judgment regarding similarity to one of the financial crisis causes listed above in items a through e and must be based on the circumstances of the specific situation.

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 17.4.1.1.2.)

In summary, eligibility for impending homelessness due to a financial crisis and a notice to terminate tenancy requires:

- A qualifying financial crisis 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;
- That financial crisis resulted in non-payment of rent/mortgage; and
- That non-payment of rent/mortgage resulted in an eviction/foreclosure notice for non-payment of rent/mortgage that meets the requirements in 17.4.1.1.2.

Chapter 17 EMERGENCY ASSISTANCE (EA)

(See 17.2.1 regarding when the qualifying financial crisis which resulted in non-payment of rent/mortgage and the eviction/foreclosure notice for the non-payment of rent/mortgage are in different months.)

Example 1: Janet has one daughter. She lost her job due to down-sizing in May. Through September, Janet managed to pay her bills including rent before depleting her savings and financial help from her family and friends. Then Janet missed her October rent payment. She received a legal eviction notice in November and applied for EA. Janet is eligible for EA based on her lost employment in May and, after depleting savings and help from others, her eviction notice in November. (See 17.2.1)

Example 2: 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 3: 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 filling 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.

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.

Chapter 17 EMERGENCY ASSISTANCE (EA)

17.4.1.1.2 *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 notice terminating tenancy for failure to pay rent that meets the minimum requirements of Section 704.17 Wis. Stats.;
2. A summons and complaint for an eviction action which is based on failure to pay rent;
3. A notice of foreclosure for failure to pay property taxes or a mortgage;
4. A summons and complaint for a foreclosure action that is based on 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. Notices 2, 4, and 5 are filed with the court.

Example: Luis and his daughter moved into a rented home where his friends already resided, to fill vacancies left by previous roommates. 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.

Legal eviction notices are not necessarily filed with the court. A "5-day" notice, which gives the tenant five days to pay the past-due rent for a verbal or written lease or rental agreement for one year or less, is not filed with the court. However if the tenant does not pay the full amount of past-due rent within the time stated in the notice, and the landlord begins an eviction action in the local court, then the subsequent eviction notices are filed with the court.

Some eviction notices provide the tenant a right to "cure" or stop the eviction process, however other types of eviction notices do not provide this. For example, a type of eviction notice known as a "14-day" eviction notice, which orders the tenant to move out within a period of at least fourteen days, generally does not provide the tenant a right to "cure" or stop the "14-day" eviction notice process.

When an eviction notice meets all other EA requirements, however does not provide a right to "cure" or stop the eviction process, the W-2 agency must not pay EA to the landlord for that eviction notice. However in these situations, such an eviction notice may meet the policy requirements for impending homelessness and relocation (see 17.4.1.1.5). The W-2 agency is encouraged to provide case

Chapter 17 EMERGENCY ASSISTANCE (EA)

management and referral services to assist the group in obtaining permanent housing.

Some notices are not eviction notices for non-payment of rent. For example, Aa “28-day” notice is used to end a week-to-week or month-to-month tenancy. A “28-day” notice is a non-renewal notice, not an eviction notice for non-payment of rent, so it cannot be used for EA eligibility.

Agencies are encouraged to request review of their most commonly received eviction notices by the agency’s legal counsel to ensure the notices comply with Wisconsin Statutes Chapter 704 requirements.

An information sheet on eviction, including eviction notices, may be accessed at the following web address:

<http://www.tenantresourcecenter.org/pdf/eviction.pdf>

For additional information about eviction notices for rental tenants (not foreclosure notices), agencies may:

- Contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) at (800) 422-7128;
- Contact the Wisconsin Tenant Resource Center at (608) 257-0143 or toll-free outside Dane County at (877) 238-7368; and/or
- Search for an eviction notice filed with the court on the Wisconsin Circuit Court Access (WCCA) website at: <http://wcca.wicourts.gov/index.xsl>

For additional information about notices related to subsidized housing, agencies also may contact the subsidized housing program that issued the notice.

For additional information about foreclosure notices, agencies may:

- Contact the agency’s legal counsel; and/or
- Search for a foreclosure notice filed with the court on the Wisconsin Circuit Court Access (WCCA) website at: <http://wcca.wicourts.gov/index.xsl>

17.4.1.1.3

Stay of Eviction Proceedings in Impending Homelessness

When the legal notice to terminate tenancy (eviction notice) has been filed with the court, then the W-2 agency must ask the 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

Chapter 17 EMERGENCY ASSISTANCE (EA)

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.

17.4.1.1.4 *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:

- For eviction: "You already agreed to not proceed with the eviction for non-payment of rent. Your cashing this payment further ratifies this agreement and constitutes stipulation for dismissal of an eviction action based on non-payment."; or
- For foreclosure: "You already agreed to not proceed with the foreclosure for non-payment of mortgage. Your cashing this payment further ratifies this agreement."

This cover letter language means the landlord, bank or local government agrees to end any pending eviction action or stop any pending foreclosure action.

17.4.1.1.5 *Impending Homelessness and Relocation*

EA provides funding for EA groups who meet all other eligibility criteria and:

1. There is impending homelessness with a qualifying financial crisis that is due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency and the financial crisis resulted in a qualifying legal eviction notice due to non-payment of rent/mortgage for the current home (see 17.4.1.1.1 and 17.4.1.1.2); and
2. The agency has determined the landlord does not agree to keep the EA group as tenants (including when the landlord has another legal basis, in addition to non-payment of rent, for eviction of the EA group) 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.

Chapter 17 EMERGENCY ASSISTANCE (EA)

When the requirements above are met, then EA provides funding for the different home (i.e. the relocation home) at the lower cost than the current home.

Also EA may provide funding for relocation for impending homelessness due to domestic abuse or uninhabitable housing. However EA is not intended primarily to be a relocation program, and does not provide funding for relocation based only on the EA group's preference to relocate.

17.4.1.1.6 *Impending Homelessness Due to Foreclosure of Rental Housing*

A group is eligible under the condition of impending homelessness due to foreclosure of rental housing when all of the following conditions apply:

1. The group are tenants in rental housing that currently is subject to a foreclosure action based on that rental housing's owner failing to pay the mortgage and/or property taxes for that housing;
2. The group's current rental housing already is scheduled for a foreclosure sale to finalize the foreclosure and that scheduled sale will result in the group's current rental housing becoming unavailable to the group within 30 days or less; and
3. The group needs EA to obtain a permanent living accommodation.

EA for impending homelessness due to foreclosure of rental housing does not require a financial crisis, although there must be a need for housing assistance.

17.4.1.1.7 *Impending Homelessness Due to Uninhabitable Housing*

A group is eligible under the condition of impending homelessness due to uninhabitable housing if 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.

EA for impending homelessness due to uninhabitable housing does not require a financial crisis or eviction/foreclosure notice, although there must be a need for housing assistance.

17.4.1.1.8 *Impending Homelessness Due to Domestic Abuse*

A group is eligible under the condition of impending homelessness due to 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;

Chapter 17 EMERGENCY ASSISTANCE (EA)

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 have a financial crisis, or provide an eviction/foreclosure notice or a determination of uninhabitable housing. However there must be a need for housing assistance. EA's goal is to provide safe and permanent housing for the caretaker relative and the dependent children. W-2 agencies are encouraged to provide case management and referral services in domestic abuse situations.

17.4.1.2

Homelessness

A group is eligible under the condition of homelessness when the group needs EA funds to obtain permanent housing and the group 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.
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.

<p>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</p>

Chapter 17 EMERGENCY ASSISTANCE (EA)

habitation. The W-2 agency may accept the local CAP as an appropriate authority to determine that the current housing is uninhabitable.

17.4.1.2.1 *Homelessness Due to Domestic Abuse*

A group is eligible under the condition of homelessness due to domestic abuse if the homelessness condition results because a member of the group was subject to domestic abuse. (See 17.4.1.1.7 for definition of domestic abuse.)

17.4.1.2.2 *“Doubled-Up” Housing as Temporary or Transitional Living Arrangement*

Generally for EA purposes, an EA group residing in “doubled-up” housing meets the temporary or transitional living arrangement requirements for EA eligibility due to homelessness when the EA group:

- Is not on the lease/mortgage;
- Is using the “doubled-up” housing as a short-term housing solution and otherwise the group would be homeless; and
- Has been residing in the “doubled-up” housing for one month or less.

Often those living in a temporary or transitional doubled-up living arrangement are residing in a home that has more people living in it than the house was designed to accommodate.

The W-2 agency must use professional judgment in determining if the group residing in “doubled-up” housing is in a temporary or transitional “doubled-up” living arrangement.

Example 1: Tess left her abusive husband on June 15th and moved with her children to live with her mother. Tess’ mother has a small one bedroom apartment and can only let Tess and her children stay for a week or two. On June 25th, Tess applied for EA. She is eligible because she has a qualifying emergency of homelessness due to domestic abuse. The fact that she is temporarily staying in “doubled-up” housing with her mother does not make her ineligible.

Chapter 17 EMERGENCY ASSISTANCE (EA)

Example 2: Polly and her children were staying in a transitional shelter for homeless families. Polly's aunt Millie learned of this situation and invited Polly and her children to stay with Millie for a few weeks while Millie's roommate was away on vacation. Polly accepted Millie's invitation and during the second week, Polly applied for EA because while she is saving some money from her new job, she needs assistance with paying the first month's rent and security deposit in the low-income housing she found for her family. Polly is eligible for EA due to homelessness because she and her children are residing in "doubled-up" housing as a temporary and transitional alternative to residing in the homeless shelter.

Example 3: To save money, Wayne and his children moved in with his sister three months ago. He is not on the lease and would like to find housing of his own for himself and his children. Although he is sharing housing with his sister, there are no indications that this living arrangement is a temporary or transitional living arrangement for an EA homelessness emergency. Therefore, Wayne is not eligible for EA.

17.4.1.3

Energy Crisis

The group is eligible under the condition of energy crisis when the group has a lack of or imminent loss of utility service that includes or is likely to include an immediate threat to the health or safety of the group. The energy crisis must be beyond the control of the caretaker relative(s) or constitute good cause as determined by the W-2 agency.

The W-2 agency's determination about whether or not there is an immediate threat to the group's health and safety from the lack of or imminent loss of utility service ~~an energy crisis~~ must be based on the agency's professional judgment and the circumstances of the specific situation. ~~For example, w~~The lack of or imminent loss of utility service is likely to be an immediate threat to the health or safety of the group, and therefore an energy crisis, when the home includes an infant or young child (defined for energy crisis as a child age five or younger), a person who requires utility service to operate essential medical equipment, or other high risk individuals, then loss of energy is more likely to be a threat to the health and safety of the group.

The group may only receive an EA payment for energy crisis if there is an unmet energy crisis after completing pursuit of all other payment options through services and assistance from the Low Income Home Energy Assistance Program (LIHEAP) known in Wisconsin as the Wisconsin Home Energy Assistance Program (WHEAP), the local utility company/companies and any other available programs. (See 17.4.6.1 Pursuit of Other Payment Options – Utility Expense.)– The W-2 agency must assist the EA group in completing the pursuit of other payment options for energy crisis.

Chapter 17 EMERGENCY ASSISTANCE (EA)

17.4.1.4 *Fire*

The group must be experiencing an housing-related emergency ~~due to~~ 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.~~ The fire must not be caused by arson set by a caretaker relative of the group.

17.4.1.5 *Flood*

The group must be experiencing an housing-related emergency ~~due to~~ 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.~~

17.4.1.6 *Natural Disaster*

The group must be experiencing an housing-related emergency ~~due to~~ 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.

17.4.2 EA Group

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*; and

Chapter 17 EMERGENCY ASSISTANCE (EA)

- 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*; 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 17.4.2.1 and 17.4.2.2.)

In order to be eligible for EA, the EA group must consist of at least one dependent child and one caretaker relative of that dependent child. The EA group also may include other caretaker relatives to these dependent children. When there are multiple caretaker relatives in the household, these caretaker relatives do not need to be related to each other, however each caretaker relative needs to be related to a dependent child in the EA group.

For example, an EA group may include two unrelated mothers, each with one dependent child, who reside together with the children on an on-going basis. Then the W-2 agency usually would include both of these families together in the same EA Application, instead of processing two separate EA Applications or only processing the EA Application for one of the mothers and her dependent child.

An SSI recipient who meets the requirements to be an EA group member must be included in the EA group. (See 17.5.1.2.)

While all individuals residing in the household are not always a member of the EA group, all household members must be listed on the *EA Application*. The EA group must include all eligible members of the household.

The W-2 agency must exclude from the EA group any household members who do not meet all EA non-financial eligibility requirements. For example, if one member of the household is not a citizen or qualified alien, then the W-2 agency would not include that individual in the eligible EA group. The same concept would apply for a member of the household who does not meet the EA requirement for caretaker relative, dependent child, resident, accepting employment or training, pursuing other payment options, or already has received an EA payment within the past 12 months.

Chapter 17 EMERGENCY ASSISTANCE (EA)

After excluding any members from the group, the W-2 agency must determine if the group still meets the requirements for an EA group, i.e. the EA group has at least one caretaker relative and at least one dependent child.

Note: The income, assets and expenses from any excluded household members are not included in the Financial Need calculation. (See 17.5.1.)

17.4.2.1. *Caretaker Relative*

A caretaker relative must be the dependent 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 as the caretaker relative's legal husband or wife. (Wisconsin law does not recognize common-law marriage.)

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.

17.4.2.2. *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;

Chapter 17 EMERGENCY ASSISTANCE (EA)

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.

17.4.3 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 2.2.0.)

17.4.4 Citizens or Qualified Aliens

All members of the EA group must be citizens or qualified aliens. (See W-2 Manual 2.2.1.)

17.4.5 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.

17.4.6 Pursuit of Other Payment Options

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

[For those applying for EA due to an energy crisis, prior to determining EA eligibility, the W-2 agency must ensure that the EA group has completed the pursuit of other payment options from the local WHEAP program, the local utility company/companies and any other available programs. The W-2 agency must](#)

Chapter 17 EMERGENCY ASSISTANCE (EA)

[assist the EA group in completing the pursuit of other payment options for energy crisis. \(See 14.4.6.1\)](#)

[With the exception of those applying for EA due to an energy crisis.](#) EA applicants are not required to have pursued other payment options prior to applying for EA. If the EA group has not already pursued other appropriate payment options, the group must do so during the five-business-day timeframe. [Agencies are encouraged to assist the EA group in completing the pursuit of other payment options.](#)

When income from other payment options is anticipated in the month of the EA Application, the anticipated income must be included in Available Income. (See 17.5.1.2.)

[When there is theft of income, money order or other resources, pursuit of other payment options would include reimbursement from any available local crime victim compensation service. When the theft is of a money order, the agency may request the EA applicant activate any available tracer/stop payment on the money order. If the money order was not cashed already, the tracer/stop payment may result in replacement of the money order.](#)

Example 1: Gwen purchased a money order to pay her family's rent. She 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.

When Gwen was unable to pay her rent, she received an eviction notice. She went in to apply for EA. Gwen was able to show that she had already reported the theft to the police and the officer's report indicated a crime of theft had occurred that included forced entry. However, Gwen had not yet reported the theft of the money order to the financial institution where she purchased the money order or filed for assistance from the local crime victim compensation service. At the request of the W-2 agency, Gwen did these the next day. The tracer/stop payment revealed the original money order already was cashed. Gwen is eligible for EA because she pursued replacement of the money order and other payment options during the five-business-day timeframe.

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.

17.4.6.1 Pursuit of Other Payment Options –Utility Expense

Chapter 17 EMERGENCY ASSISTANCE (EA)

Information about the WHEAP program, including where to apply and how to contact the local program, may be accessed at the following web address: <http://homeenergyplus.wi.gov/>

Local electric, gas, and water utility companies are required by state regulations to provide the following assistance to customers:

- Utility Service for Medical Problems: Local utility companies are required to maintain a customer's utility service when there is a **serious illness** of a group member. However this is not automatically provided and instead must be requested by the customer. Upon the customer's request to the utility company that utility service is necessary for a group member's medical condition, the local utility company is required to maintain utility service for a 21 day period pending the customer obtaining medical documentation that supports the medical need for the utility service. Then when the customer has provided to the local utility company, documentation of the medical need for the utility service, the utility company must work with the customer to help ensure the medical need for the utility service is met. The utility company may require the customer to renew medical documentation periodically.
- Reasonable Payment Plan: Local utility companies are required to provide a payment plan based on the customer's ability to pay. However this is not automatically provided and instead must be requested by the customer. Note: Local utility companies may require higher payment amounts or deny payment plans for customers with an ability to pay who did make utility payments on a regular (i.e. monthly) basis, customers who failed to comply with previous payment plans based on ability to pay, etc. Once a customer's utility service has been disconnected, the customer now has a new right to a payment plan based on ability to pay even if the customer previously may have been denied a payment plan.
- "Winter Moratorium" plus additional Regional Days: Local utility companies are required to not disconnect customers' utility service during the November 1st through April 15th "winter moratorium" period. In addition, on a regional basis **state** regulations require local utility companies to not disconnect a customer's utility service on any other days when the temperature is forecasted at 32 degrees or colder, or forecasted as a "heating degree" day. Generally when a customer's utility service already was disconnected prior to the "winter moratorium" or the regional days, the local utility company/companies must work with the customer to reconnect the customer's utility service during that period upon the customer's request.

Customers are required to contact their local utility company to try to resolve any problems, including obtaining payment plans, available delays in possible utility disconnections and available reconnection of any disconnected utility service. However when a customer already has attempted to resolve a problem with the local utility company and the problem has not been resolved, then the customer may contact the:

Chapter 17 EMERGENCY ASSISTANCE (EA)

[State of Wisconsin Public Service Commission \(PSC\) at \(800\) 225-7729 or http://psc.wi.gov/apps/cmplnts/default.aspx](http://psc.wi.gov/apps/cmplnts/default.aspx)

The PSC regulates local electric, gas and water utility companies. These regulations include the requirements listed above. The customer's follow-up to obtain assistance from the local utility company/companies often will eliminate or greatly reduce the EA group's need for an EA payment.

Note: Because the PSC does not regulate local utility cooperatives, liquid propane (LP) companies or oil companies, the regulations described above are not applicable to these cooperatives/companies.

17.4.7 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 approved EA Application.

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 1: 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 \$100 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 one month 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.

Chapter 17 EMERGENCY ASSISTANCE (EA)

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

Chapter 17 EMERGENCY ASSISTANCE (EA)

Example 2: 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 3: 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 his last approved EA Application was within the past 12 months. He is not eligible again until July of the next year (12 months after his last approved EA Application). 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 4: In June, Julia and her daughter, Marta, applied for and received EA 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 5: Sue and her daughter Rachel applied for and 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 her last approved EA Application was ten months ago in October.

17.4.8 ————— **“Doubled-Up” Housing**

~~“Doubled-up” housing is not a qualifying emergency for EA. As a result, a family living in “doubled-up” housing situation is not eligible for EA based solely on the “doubled-up” housing situation. Depending on the circumstances of the specific situation, a family residing in “doubled-up” housing may meet one of the policy requirements regarding homelessness if the “doubled-up” housing is a temporary or transitional living arrangement. (See 17.4.1.2.) The W-2 agency must use professional judgment in determining if the group is in a temporary or transitional “doubled-up” living arrangement.~~

~~Also, a family in “doubled-up” housing 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.~~

Chapter 17 EMERGENCY ASSISTANCE (EA)

~~For EA purposes, “doubled-up” housing is when there are more people living in a residence than the residence is designed for.~~

17.5.0 FINANCIAL ELIGIBILITY

17.5.1 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.

17.5.1.1 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 17.2.1.)

17.5.1.2 Available Income

To determine Available Income, count the income already received or expected to be received anytime in the month of application that has not already been used or is not expected to be used to meet the EA group’s needs. When there are other individuals in the household besides the individuals included in the EA group, only count income from the EA group members. To determine which sources of income are countable, start by using the W-2 income policy for:

- Estimating Income (see W-2 Manual 3.2.2);
- Income Availability (see W-2 Manual 3.2.3);
- Fluctuating Income (see W-2 Manual 3.2.4);
- Prorating Income (see W-2 Manual 3.2.5),
- Farm & Self-Employment Income (see W-2 Manual 3.2.7.2);
- Child Support Income (see W-2 Manual 3.2.7.3);
- Supplemental Security Income (SSI) and Caretaker Supplement (CTS) Income (see W-2 Manual 3.2.7.4);
- List of Disregarded Income types (see W-2 Manual 3.2.7.5); and
- Income with Limited Disregards (see W-2 Manual 3.2.7.6).

In addition disregard:

1. 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
2. Caretaker Supplement (CTS) payments.

Chapter 17 EMERGENCY ASSISTANCE (EA)

Note: When income is anticipated in the month of the *EA Application* from the pursuit of other payment options, although the income is not received yet, the anticipated income must be included in Available Income.

Keep in mind that income must be available in the month of the EA Application. For earnings, this likely means counting only take home pay after taxes. It is possible that other deductions such as retirement would be included in available income if the earnings could be received within the month of the EA Application. However, circumstances vary and each situation must be considered individually. For example, if the employee is expected to receive a tax refund in the month of the EA Application, that income would be included in the Available Income calculation.

Remember to not double count any anticipated deductions or other income.

17.5.1.3

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 3.3.1 and 3.3.3.) 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.

17.5.1.4

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;

Chapter 17 EMERGENCY ASSISTANCE (EA)

9. Transportation; and

10. Medical care.

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

As required by the Pursuit of Other Payment Options requirements (see 17.4.6 and 17.4.6.1), the W-2 agency must require the EA group to pursue payment from their local WHEAP program, local utility company and any other available local programs.

When there is remaining utility expense after the required pursuit of other payment options for utility expense, the utility expense is the payment plan amount (not the entire past-due utility bill). When the local utility company will not allow a payment plan for the utility expense and the W-2 agency has confirmed this, then the W-2 agency must use professional judgment based on the circumstances of the specific situation to determine the amount of a past-due utility bill to count as utility expense for EA.

Regardless of whether or not a payment plan was established, When any part of the past-due utility bill will be paid by other payment options (see 17.4.6.1), then the W-2 agency must reflect this in the Financial Need calculation.

17.5.1.5

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.

Usual and necessary monthly expenses include any accumulated usual and necessary expenses from previous months, except those expenses that have been paid at the time of the EA application are not counted. Also any partially paid expenses that are for more than one month are counted as a monthly expense only for the portion of the amount that is unpaid at the time of the EA application.

Note: To eliminate any duplicate counting of expenses, unpaid usual and necessary monthly expenses do not include expenses resulting from the emergency, which instead are counted in "Expenses Resulting from the Emergency." (See 17.5.1.4.)

See Expenses Resulting from the Emergency above regarding the Pursuit of Other Payment Options requirements (see 17.4.6 and 17.4.6.1).

Also see Expenses Resulting from the Emergency above regarding the amount of utility expense.

Chapter 17 EMERGENCY ASSISTANCE (EA)

~~regarding past due utility bills for expenses resulting from the emergency.)~~

When determining an expense such as rent, consider who contributes to that expense and calculate accordingly. An example would be a situation in which one or more adult members of a household is excluded from the EA group because that person(s) does not meet an EA non-financial eligibility requirement. If the excluded individual normally contributes to the rent, then only the portion of the rent expense that the EA group members are responsible for would be included as an expense for EA.

Remember to not double-count any expenses by counting the expense in both Expenses Resulting from the Emergency and Usual and Necessary Monthly Expenses. Instead, if an expense could be counted in either category, choose one category to avoid double-counting.

Example: An EA group provided information about unpaid monthly bills accumulated over the past three months. Any expenses that are not usual and necessary (such as cable television) would not be counted as a monthly expense. Any portion of the expenses paid at the time of the EA application also would not be counted as a monthly expense.

17.6.0 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 Chapter 19.)

17.7.0 EA PAYMENT

17.7.1 EA Payment Amount

To calculate the EA payment amount for an eligible EA group, pay the lowest amount of:

1. ~~\$150 for each eligible EA group member~~ Maximum payment amount:*
The maximum payment amount for EA groups experiencing an energy crisis is \$500 regardless of group size.

For all other emergency types the following maximum payment amounts apply:

- \$516 for groups with two to four members;
- \$645 for groups with five members;

Chapter 17 EMERGENCY ASSISTANCE (EA)

- [\\$110 per group member for groups with six or more members.](#)

2. The amount requested by the group; or
3. The financial need resulting from the emergency (i.e. [subtract the available income and available assets from](#), ~~subtract the available income and available assets from~~ the total [of unpaid](#) expenses resulting from the emergency [and the unpaid usual and necessary monthly expenses and the unpaid usual and necessary monthly expenses](#)).

[*When the EA group is experiencing more than one emergency type, use the higher maximum payment amount. For example, when a three-member EA group is experiencing an energy crisis plus impending homelessness, the maximum payment amount would be \\$516 instead of \\$500.](#)

~~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. (See 17.5.1.2, 17.5.1.3, 17.5.1.4 and 17.5.15.)~~

Example: The agency determined a group of three is eligible for EA for impending homelessness. The maximum payment for the group would be \$516. 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.

17.7.2 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 [payment amount 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. ~~\$516~~~~150~~-Maximum [payment amount for a each eligible EA group \(see 17.7.1\)](#); or
 - b. Financial need resulting from the emergency [\(see 17.7.1\)](#);

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.

Chapter 17 EMERGENCY ASSISTANCE (EA)

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*.

17.7.3 Issuing EA Payment

The agency may make the EA payment by: check to the applicant, landlord or vendor; or voucher to the landlord or vendor.

17.7.4 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.

17.7.4.1 Payment Delay Exceptions

1. An EA payment can be delayed if both of the following conditions exist:
 - a. The group is seeking new permanent housing and the group is homeless, including any homelessness that is caused by ~~energy crisis~~, fire, flood or natural disaster; or the group is seeking new permanent housing and the group is eligible for impending homelessness and relocation; or the group is eligible for impending homelessness due to foreclosure of rental housing, uninhabitable housing, or domestic abuse; 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.

Chapter 17 EMERGENCY ASSISTANCE (EA)

The agency must issue the EA payment within five business days of the EA group notifying the W-2 agency the group found permanent housing.

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 17.4.1.1.4.)

The agency must make the EA payment within five days 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 received 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.

17.7.5 Allowable Uses of EA Payment

17.7.5.1 *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.

17.7.5.2 *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.

17.7.5.3 *Utilities*

In cases of energy crisis, EA can be used to pay for utility expenses.

17.8.0 EA COORDINATION WITH OTHER RESOURCES

In addition to required coordination with other resources for the Pursuit of Other Payment Options (see 17.4.6) and Pursuit of Other Payment Options – Utility

Chapter 17 EMERGENCY ASSISTANCE (EA)

Expense (see 17.4.6.1), 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 Need calculation. (See 17.5.1.) 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.

17.9.0

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:

Chapter 17 EMERGENCY ASSISTANCE (EA)

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 [for an EA approval and within the five business days time frame for an EA denial. Information in the EATS Voucher/Check Number, Voucher/Check Date, Voucher/Check Amount and Voucher/Check Name fields must be entered within ten calendar days of the Voucher/Check Date. The Voucher/Check Date must be within five business days of the EA Application Date unless extended when a Payment Delay Exception applies \(see 17.1.1, 17.7.4, and 17.7.4.1\);](#)
4. Monitor EA payment information reported in EATS to ensure accuracy and completeness; and
5. Reconcile EA Voucher/Check 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 must be entered into the EATS Voucher/Check Number field, along with the Voucher/Check Date and the Voucher/Check Amount for the respective EA payment. These fields facilitate reconciliation of EA Voucher/Check 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://dcf.wisconsin.gov/partnertraining/default.htm>

17.9.1

EA Denials In EATS

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

1. No legal notice to terminate tenancy/mortgage for non-payment (for impending homelessness);

Chapter 17 EMERGENCY ASSISTANCE (EA)

2. Landlord or bank will not agree to stop eviction/foreclosure action (for impending homelessness);
3. Does not have a documented financial crisis beyond the control of the caretaker relative(s) of the group (for impending homelessness);
4. Unable to obtain a permanent home within a 30-day Payment Delay Exception timeframe (for homelessness or for impending homelessness where there is a relocation);
5. No eligible dependent children in the group;
6. No eligible caretaker relative in the group;
7. Not a resident(s) of Wisconsin;
8. Not US citizen(s) or qualified alien(s);
9. Need for assistance is the result of a refusal to accept employment or training without good cause;
10. Need for assistance is the result of failure to pursue other payment options;
11. Received an EA payment within the 12-month EA payment limit;
12. Income and/or assets exceed need;
13. Crucial verification was not available;
14. Did not apply in the calendar month of the emergency or the next calendar month; or
15. Applied in the wrong geographic area.
16. Circumstances do not meet the EA definition of an emergency (Note: This EA denial reason is only to be used when no other EA denial reason applies to the specific situation.);

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>

17.10.0

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

Chapter 17 EMERGENCY ASSISTANCE (EA)

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 Chapter 19.)

17.11.0 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.