

THA and the ADA

The New York State Office of Temporary and Disability Assistance has defined "Assessment" as the evaluation of an individual's or family's housing and housing-related temporary assistance and care needs including, but not limited to, the availability of housing; the need for THA; employment and educational needs; the need for protective services for adults; the need for child preventive services; the ability to live independently; and the need for treatment of physical and mental health impairments, including substance abuse

1. SCDSS **must** conduct assessments:
 - a. whenever a person or family applies for THA;
 - b. whenever a physical or mental impairment is claimed to contribute to the need for THA;
 - c. whenever SCDSS suspects a physical or mental impairment contributes to the need for THA;
 - d. whenever a person or family fails to comply with THA requirements as set forth in 18 NYCRR 352.35 and appears unable to comply;
 - e. whenever a person or family fails to comply with the requirements for receiving THA and that failure will result in a discontinuance of THA;
2. Details:
 - a. assessment should be coordinated w/services staff (CPS, Prev Services, APS), and SCDSS should determine if the client has recently participated in an evaluation of mental or physical health for employment or other purposes;
 - b. SCDSS must record the results of the assessment in the case record, identify mental and physical impairments, and document actions taken, when appropriate, to address mental and physical impairments that impede the client's ability to attain or retain housing;
 - c. SCDSS must be mindful that a client's claim that his noncompliance is due to a mental or physical impairment must never be dismissed outright but rather must be given serious consideration and investigated further, referring the client to a qualified professional if appropriate;
3. When to refer to a professional:
 - a. When physical or mental impairment is claimed to contribute to the client's need for THA, SCDSS may refer client to a qualified professional;
 - b. If SCDSS suspects a physical or mental impairment is contributing to the client's need for THA, SCDSS may refer client to a qualified professional;
 - c. When a physical or mental impairment appears to be present and interfering with the client's ability to comply with THA requirements, the SSD **must** refer the client for an evaluation by an appropriate professional;
 - d. If a client states that he has an impairment that interferes with his compliance with requirements for THA but does not have documentation and cannot obtain it without assistance, SCDSS may refer the client to an appropriate qualified professional for an evaluation and/or for such documentation. **** SCDSS "should work with the individual to facilitate cooperation."**
4. Denying or Discontinuing THA:
 - a. If a client appears to be unable to comply with the requirements of receipt of THA because of a physical or mental impairment, THA may not be denied or discontinued until a determination is made by an appropriate professional that a mental or physical impairment is not the cause for non-compliance;
 - b. SCDSS also **must** evaluate and determine the need for services (protective services for adults; preventive services for children; and/or protective services for children) prior to issuing any Notice of Denial or Discontinuance.