

# PROTECT DISABLED CHILDREN WHOSE PARENTS ARE LIVING WITH HIV/AIDS

Please ask legislative leaders, budget chairs and Governor Spitzer to make sure this year's final state budget restores "SSI invisibility" for a thousand disabled children in low-income households that receive the HIV/AIDS emergency shelter allowance.

## KIDS AND FAMILIES AT RISK

These households:

- include a disabled child receiving SSI
- include a person or persons living with AIDS
- receive welfare cash assistance
- receive the HIV emergency shelter allowance

Proper welfare budgeting policy would not include the child's SSI benefits in calculating welfare cash assistance for the household; the child should be "invisible" for budget calculation purposes and should receive no shelter allowance. Federal SSI benefits should then be used to address the disabled child's needs, as intended.

## PATAKI PROBLEM

Governor Pataki imposed a policy to take the additional federal benefits away from these families. A lawsuit (Melendez v. Wing) restored the benefits until last year, when Governor Pataki added a sentence to the Education, Labor and Family Assistance budget bill to take away the benefits once again.

## SPITZER PROBLEM

Governor Spitzer's budget proposal:

- includes funding to ensure SSI invisibility for families with disabled children who receive the regular welfare shelter allowance;
- does not ensure SSI invisibility for families with disabled children who receive the HIV/AIDS emergency shelter allowance.

Clearly, all poor families with disabled children should receive the full benefit of federal disability payments. There is no humane or logical reason to single out families living with AIDS for more harmful treatment.

- FIX THE PROBLEM:**
- 1. RESTORE AIDS SSI INVISIBILITY IN THE FINAL STATE BUDGET**
  - 2. USE TANF SURPLUS FUNDS TO PAY THE COST**

# PROTECT DISABLED CHILDREN WHOSE PARENTS ARE LIVING WITH HIV/AIDS

The \$1.5 billion federal TANF surplus fund can be used to pay the cost of restoring benefits to about one thousand disabled children—the most vulnerable families in New York are counting on you to take action on this important issue.

**ACTION NEEDED:** We hope to win three-way agreement to **remove this passage in bold** from the Education, Labor and Family Assistance budget bill (A 4303 p. 261):

“ Notwithstanding any inconsistent provisions of law, funds appropriated herein shall be used by the office to reimburse 50 percent of the non-federal share of approved expenditures made by social services districts on or after April 1, 1996, after first deducting therefrom any federal funds received or to be received on account thereof, for emergency shelter, transportation, or nutrition payments which the district determines are necessary to establish or maintain independent living arrangements among persons who have been medically diagnosed as having acquired immunodeficiency syndrome (AIDS) or HIV-related illness and who are homeless or are faced with homelessness and for whom no viable and less costly alternative housing is available; provided, however, that funds appropriated herein may only be used for such purposes if the cost of such allowances are not eligible for reimbursement under medical assistance or other programs.

**Each emergency shelter payment provided hereunder shall equal the difference between such person's and his or her family's net available income, including any public assistance and supplemental security income benefits and/or additional state payments, and such person's and his or her family's public assistance needs, but in no event exceeding the actual shelter payment.**

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