

Emergency Assistance Manual

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Welcome

Welcome to the Emergency Assistance Manual. This manual contains policies and procedures used by W-2 agency workers who determine eligibility and provide case management services.

The content within this manual is the sole responsibility of the State of Wisconsin's Department of Children and Families (DCF). This site will link to sites outside of DCF where appropriate. DCF is in no way responsible for the content of sites outside of DCF.

NOTE: Prior to the publication of this manual, the Emergency Assistance policy was located in Chapter 17 of the W-2 Manual.

View W-2 Manual Chapter 17 (*Release 12-04 effective June 1, 2012*)

To sign up for emails notifying you of a new Emergency Assistance Manual release, go to <http://dcf.wisconsin.gov/w2/partners/ops-memos>.

01 Emergency Assistance Overview and Application

1.1 Emergency Assistance Overview

1.1.1 Emergency Assistance Overview

Emergency Assistance (EA) is one of Wisconsin's **TANF** programs. The program provides a payment to eligible families who are experiencing an emergency due to fire, flood, or natural disaster, impending homelessness, homelessness, or energy crisis. **EA** is one of many housing and emergency resource programs.

Statutory provisions for Emergency Assistance are included in Wisconsin Statutes under Chapter 49, Public Assistance and Children and Family Services. EA Administrative Rules are found in DCF 120 of the Wisconsin Administrative Rules.

Contact and location information for each agency that administers EA is available on the W-2 Agency Locator website.

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1.2 Emergency Assistance Application Process

1.2.1 Where to Apply for Emergency Assistance

Any individual may apply for Emergency Assistance. The **W-2** agency must provide an opportunity to complete an Emergency Assistance (EA) application to all persons who request **EA**. Applicants can request EA by contacting the W-2 agency directly, or by applying directly in **ACCESS**.

Applicants must apply at the W-2 agency that serves the geographical area in which they reside. The following exceptions apply:

1. An applicant who resides in an area served by a W-2 agency that serves more than one geographical area may apply at any of that agency's W-2 offices, even if the office is located outside of the applicant's geographical area;
2. An applicant that is homeless may apply wherever he or she is residing at the time of application;
3. An applicant that is moving to a residence in another geographical area may apply in that geographical area. The W-2 agency that takes the EA application must determine eligibility and issue any payment; and
4. An applicant that is a victim of domestic abuse may apply at any W-2 agency.

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1.2.2 Completing the Emergency Assistance Application

The **W-2** agency must provide an opportunity to complete an Emergency Assistance (EA) application to all persons who request **EA**. If EA is requested in person or over the phone, the W-2 agency must provide applicants the opportunity to complete and sign the EA application in the presence of a W-2 agency worker on the same day as the request or inquiry. If an application is submitted via **ACCESS**, the agency must contact the applicant within one working day of receiving the application to continue the EA application process. If the application in ACCESS is submitted after 4:30 p.m. or on a non-working day, the agency must contact the applicant within one working day of the next working day.

Applicants can submit an EA application by submitting a completed **Emergency Assistance (EA) Application (2010)** to the W-2 agency or by submitting the application in the ACCESS web portal. The W-2 agency must date stamp the completed EA application on the date it is received by the agency, which is used as the application date. For applications received via ACCESS, the application date is determined in ACCESS based on the time and date of application submittal. The applicant signature will be obtained via an electronic signature as part of the application process. (See [1.3.1](#))

An EA application is considered complete when it has:

1. A legible name;
2. An address, if available;
3. A reason for the emergency;
4. A signature by the applicant or his or her representative; and
5. Been completed to the best of the applicant's ability.

The applicant, or that person's representative, must complete the Emergency Assistance (EA) Application (2010) or the online ACCESS application to the best of his or her ability. A W-2 agency worker must complete any missing information from the EA application with information provided by the applicant. Any information added or updated by the W-2 agency must be clearly explained in EA comments in **WWP**.

A W-2 agency worker must review each of the assurance statements in the Emergency Assistance (EA) Application (2010) with the applicant to ensure that the applicant has an opportunity to ask for clarification of each item. The applicant must initial each statement in the presence of the W-2 agency worker to verify that he or she understands each statement and sign the form. If the applicant already initialed the statements, then the applicant must initial each statement again.

Applicants using ACCESS to complete an EA application cannot schedule an interview in ACCESS. Instead, the agency must contact the applicant to determine eligibility

within five working days. (See 1.3.2) ACCESS applicants will review and initial the assurance statements through their electronic signature on the online application. The W-2 agency staff person must review these assurance statements with the applicant during the application process to ensure that the applicant has the opportunity to ask for clarification.

The W-2 agency must scan and store all pages of each application in *ECF* or place a copy in the paper file if an Emergency Assistance (EA) Application (2010) is submitted. (See [4.4.3](#))

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1.2.3 Reasonable Accommodations for Applicants

W-2 agencies must follow the Americans with Disabilities Act (ADA). Agency workers must offer and provide reasonable accommodations to applicants who disclose a disability. Examples of reasonable accommodations may include reading materials aloud, providing materials in different formats, or going to the individual's home or other mutually agreeable location to complete the **EA** application in person. All W-2 agency workers must be familiar with current civil rights standards for service delivery and resources available to ensure the EA program is accessible to all applicants. (See W-2 Manual Appendix, W-2 Agency Civil Rights Obligations) Examples of accommodations are listed in the W-2 Manual 1.3.3.

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1.2.4 Stay of Eviction Proceedings

If an applicant is facing eviction that has been filed with the court, and a writ of restitution has not been issued in the court proceedings, state law requires the court to stay (postpone) the eviction if the individual applies for **EA**.

Agencies must inform applicants in this situation that:

1. The eviction will be stayed by the court if the individual applies for EA and requests the court stay the eviction;
2. The stay will remain in effect until the individual's eligibility for EA is determined and, if the individual is determined to be eligible for EA, until the payment is received by or on behalf of the EA Group (up to 10 working days); and
3. The process is not required for EA eligibility.

If the individual chooses to request a stay of eviction, the **W-2** agency must complete the following additional steps after the individual submits the EA application form:

1. Provide the applicant with a copy of the date-stamped EA application received by the agency.
2. Inform the applicant that he or she will be notified in writing of the EA eligibility decision.
3. Provide the applicant with copies of:
 - Wisconsin Circuit Court Form SC-5500VA (Petition for Stay of Eviction Based on Defendant's Application for Emergency Assistance); and
 - Wisconsin Circuit Court Form SC-5510VA (Statement on Eligibility to Receive or Receipt of Emergency Assistance).
4. Instruct the applicant how to file Wisconsin Circuit Court Form SC-5500 with the court.
5. Instruct the applicant how he or she must inform the court of the eligibility decision by submitting Wisconsin Circuit Court Form SC-5510 along with a copy of the eligibility notice.
6. Document in EA comments in **WWP** if they assisted the applicant with this process, along with any relevant information regarding the stay of eviction process.

1.3 Application Processing

1.3.1 Application Processing Timeframe

Within five working days of the application date, the **W-2** agency must process the **EA** application, which includes:

1. Determining Eligibility (see [1.3.2](#));
2. Entering all EA applications in **WWP** (see [4.4.2](#));
3. Issuing an Eligibility Notice of Decision (see [1.3.3](#)); and
4. Issuing Payments (see [1.3.4](#)).

The application date is used to determine the five working days timeframe. Day one is the first working day after the application date. Day five ends at the close of business on the fifth working day after the application date. If the agency date stamp is different from the date the applicant signed the application, the date stamp is the date that is used to calculate the five working days timeframe for processing EA.

EXAMPLE: Inez inquired about EA on Tuesday, May 29th. She completed an EA application on the same day and the W-2 agency date stamped the completed EA application as received on May 29. Inez had to pick up her children from school, so she was unable to wait to meet with an EA worker that day to complete the face-to-face meeting. Inez met with an EA worker on Thursday, May 31st, when the worker reviewed the EA application and Inez initialed each assurance statement. The W-2 agency used the date of the agency date stamp (May 29th) to begin the five working days timeframe for processing the EA application, therefore Tuesday, June 5 is day five of the five working days timeframe for processing the EA application.

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1.3.2 Determining Eligibility

The first step in processing the *EA* application is determining eligibility. To determine eligibility within the five working days timeframe, the *W-2* agency must:

1. Have at least one face-to-face contact with the applicant or his or her representative to go through the application and the assurance statements of the *Emergency Assistance (EA) Application form (2010)* (see [1.2.2](#));
2. Determine nonfinancial eligibility (see [Chapter 2](#));
3. Determine financial eligibility (see [Chapter 3](#)); and
4. Request and complete all necessary information and verification (see [Chapter 4](#)).

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1.3.3 Issuing an Eligibility Notice of Decision

Once eligibility has been determined, the **W-2** agency must issue a notice of decision regarding eligibility to all applicants within the five working days timeframe, including when a payment delay is required or an applicant chooses to withdraw their application. **WWP** will automatically generate and send notices at the close of business when an application is submitted. The notice type depends on the status selected when submitting the application. If there is a status change, a new notice will generate and send to the applicant. Multiple status changes on the same business day will only result in one notice according to the application status at close of business.

Notices will be sent to the applicant's mailing address in WWP. W-2 agency workers must discuss with the applicant their current living situation to determine the appropriate mailing address to use so the applicant can receive notices.

A copy of the notice will automatically be saved in **CWW** correspondence history.

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1.3.4 Issuing Payments

The final step in processing the [EA](#) application is making the payment. This step must also be completed within five working days after the EA application is received, unless a Payment Delay applies. (See [5.4.2](#) and [5.4.3](#)) Refer to [Chapter 5](#) for information on determining payment amount and guidelines for issuing payments.

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1.4 Referral and Case Management

1.4.1 Referral and Case Management

[1.4.1.1 Referrals](#)

[1.4.1.2 Case Management](#)

The **W-2** agency must evaluate the immediate and long-term needs of applicants and:

1. Provide information regarding all local housing and emergency financial resources; and
2. Make appropriate referrals to assist the applicant in meeting immediate and long-term needs. (See [1.4.1.1](#))

In addition, the W-2 agency is encouraged to provide appropriate case management services to the applicant. (See [1.4.1.2](#))

The W-2 agency must document in **EA** comments in **WWP** what resources and referrals were provided.

1.4.1.1 Referrals

Referrals may be made at the time of application (prior to processing the **EA** application) to address immediate needs or at any time during the EA application process. Potential referrals include but are not limited to:

- W-2 emergency payments for W-2 participants awaiting a first W-2 payment (see W-2 Manual 19.1);
- Wisconsin Home Energy Assistance Program (WHEAP);
- Counseling;
- Securing family shelter funded through other assistance programs;
- Budgeting classes;
- Wisconsin Shares child care; and
- Other resources such as FoodShare, Medicaid/BadgerCare, W-2, and other local services.

EXAMPLE: Traci and her two children applied for and received EA in August for impending homelessness. Traci reapplied for EA the following year in April after her home was damaged by flooding that occurred throughout the region. Traci is not eligible for EA because she received EA within the last 12 months. Although Traci is not eligible for EA, the W-2 agency referred Traci to the county emergency

management agency for information about assistance available to properties impacted by flooding.

1.4.1.2 Case Management

The purpose of case management activities is to help an EA group avoid eviction or foreclosure, secure housing, and/or assist the EA Group with resources to resolving the emergency situation. These services may be particularly important for applicants who apply for EA year after year, and for applicants who are found ineligible for EA.

EXAMPLE: Elaine is unemployed and the mother of a 2-year-old daughter, Bria. She has been living with her sister in a small apartment for the past two months, but her sister's boyfriend is now insisting that they can't continue to stay. Elaine left Bria's father following repeated episodes of domestic violence. As a consequence of the disruption their relationship had repeatedly created in her past rental complex, no landlord will offer a positive reference and she's having difficulty finding housing of her own. The W-2 agency worker informed Elaine of the local Landlord/Tenant Mediation Program who is dedicated to promoting positive relations between tenants and landlords throughout the state. The program provides housing information and referrals, education about rental rights and responsibilities, and access to conflict resolution. The W-2 agency worker also pointed out the Domestic Violence Brochure so that Elaine can decide if it is safe to keep.

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02 Nonfinancial Eligibility

2.1 Nonfinancial Eligibility Overview

2.1.1 Nonfinancial Eligibility Overview

In order to be nonfinancially eligible for Emergency Assistance, the *EA* group must meet the following criteria. For information on verifying nonfinancial eligibility, see [Chapter 4](#).

1. The applicant is a *Caretaker Relative* of at least one *Dependent Child*. (See [2.4.2](#) and [2.4.3](#))
2. All *EA Group* members are U.S. citizens or qualified non-citizens. (See [2.2.1](#))
3. All EA Group members apply for or provide a *SSN*, unless exempt. (See [2.3.1](#))
4. All EA Group members are residents of Wisconsin and intend to reside in Wisconsin (Note: Migrant workers are not required to intend to reside in Wisconsin).
5. The applicant has not received an EA payment in the 12 months prior to the EA application. (See [2.5.1](#))
6. The EA group's need resulted from an emergency due to one of the following:
 - a. Fire, flood, natural disaster (see [2.6.2](#));
 - b. Homelessness (see [2.6.3](#));
 - c. Impending homelessness (see [2.6.4](#)); or
 - d. Energy crisis (see [2.6.5](#)).
7. The emergency did not result from the applicant's refusal without good cause to accept employment or training for employment.

See [Chapter 4](#) for information about verifying nonfinancial eligibility.

2.2 U.S Citizenship or Qualified Non-Citizen Status

2.2.1 Qualified Non-Citizen

Every individual in an **EA** Group must verify U.S. citizenship or qualified non-citizen status. The following qualified non-citizens may be eligible for EA:

1. An alien lawfully admitted to the United States for permanent residence under the *Immigration and Nationality Act (INA)*;
2. An alien who is granted asylum under section 208 of the Immigration and Nationality Act;
3. A refugee who is admitted to the United States under section 207 of the Immigration and Nationality Act, including Special Visa Immigrants from Iraq and Afghanistan under section 1059 of H.R. 1815;
4. An alien who has been certified as a victim of trafficking;
5. An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year;
6. An alien whose deportation is being withheld under section 243(h) or 241(b)(3) of the Immigration and Nationality Act;
7. Cuban and Haitian aliens, as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
8. An American Indian born in Canada who is at least 50% American Indian by blood, or an American Indian born outside of the United States who is a member of a federally recognized Indian tribe;
9. An alien who has been battered or whose child has been battered, who is no longer residing in the same household with the batterer, and who meets the requirements of 8 U.S.C. s. 1641(c);
10. An alien who is granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;
11. Amerasian Immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988;
12. An alien who is lawfully residing and is one of the following:
 - a. An armed forces veteran who received an honorable discharge that was not on account of alienage and who completed either 24 months of continuous active duty or the full period for which the individual was called, unless the individual received a hardship discharge under 10 U.S.C. s. 1173, early discharge under 10 U.S.C. s. 1171, or a discharge due to a disability incurred or aggravated in the line of duty.
 - b. On active duty in the armed forces of the United States, other than active duty for training.

- c. The spouse of an individual described in subdivision a. or b., or the unremarried surviving spouse of an individual described in subdivision a. or b. if the marriage was for one year or more or the individual had a child in common.
13. An alien who is lawfully residing in the United States and authorized to work by *United States Citizenship and Immigration Services (USCIS)*.

Over time, many non-citizens acquire citizenship. Therefore, the worker should review non-citizen status at each application. However, citizenship only needs to be verified once.

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2.3 Social Security Numbers

2.3.1 Providing Social Security Numbers

Every individual in an **EA** Group must provide a Social Security Number (SSN), or provide proof of having applied for an **SSN** within the past six months, unless the individual is initially exempt. An individual is initially exempt if he or she does not have an SSN, does not have a work authorization, and is a member of one of the following qualified non-citizen groups:

1. Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
2. Certified, foreign-born victims of trafficking; or
3. Parolees (alien paroled into the U.S. for at least one year under section 212(d)(5) of the Immigration and Nationality Act (INA));
4. Certain battered aliens who meet the requirements of 8 U.S.C. s. 1641(c); or
5. Any qualified non-citizen (see W-2 Manual 2.4.2) who cannot apply for an SSN until his or her immigration status paperwork has been revised. See [4.2.2](#) for suggested sources of allowable verification.

If the **W-2** agency determines that an individual in an **EA Group** has refused to provide or apply for an SSN, the entire EA Group is ineligible for EA.

W-2 agencies must only use SSNs and personally identifiable information for the direct administration of the program. Each time a W-2 agency staff person requests an SSN, the staff person must inform the individual that disclosure is mandatory for eligibility determination, how the agency will use the number, and under what statutory or other authority the agency is requesting the number. A sample statement follows:

Provision of your SSN or cooperation in applying for a SSN is required to determine eligibility for Emergency Assistance (EA). The number you provide to the agency will be verified through a computer matching program to monitor compliance with program regulations and for program management. Wisconsin Statutes 49.82 (2)(a).

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2.4 Emergency Assistance Group

2.4.1 EA Group Overview

The **EA** Group must consist of at least one dependent child and one caretaker relative of that dependent child. All members of the EA Group must be either a qualified caretaker relative or a dependent child. See [2.4.3](#) for information on caretaker relatives.

The applicant should list all household members on the EA application, however the **W-2** agency must determine whether all individuals residing in the household are eligible members of the EA Group. The W-2 agency must exclude from the EA Group any household member who does not meet all EA nonfinancial eligibility criteria.

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2.4.2 Dependent Child

A dependent child eligible for an **EA** group is a child who meets all of the following criteria:

1. Is currently living with the **Caretaker Relative**(s) or lived with the caretaker relative(s) within six months prior to the emergency;
2. Is anticipated to live with the caretaker relative(s) listed on the EA application in the month following the date of the EA application; and
3. Is under the age of 18 or, if the person is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before turning age 19, is under the age of 19.

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2.4.3 Caretaker Relative

Each caretaker relative in the **EA** Group must meet all of the following:

1. Be at least 18 years of age (unless the individual is a Minor Caretaker Relative, see [2.4.4](#)).
2. Be related to at least one dependent child in the EA Group in one of the following relationships:
 - a. Natural or adoptive parent;
 - b. Stepfather or stepmother;
 - c. Natural, legally adopted, half-, or step-brother or -sister;
 - d. Grandmother or grandfather, aunt or uncle, first cousin, niece or nephew, or any preceding generation denoted by the prefix grand-, great-grand, or great-great-grand-, and including those through adoption; or
 - e. Legal spouse of any individual listed in a. through d. above even after the marriage is ended by death or divorce.
3. Currently living with the dependent child(ren) or have lived with the dependent child(ren) within six months prior to the emergency.
4. Anticipated to live with the dependent child(ren) in the month following the date of the EA application.
5. Exercising care and control for that dependent child(ren). For purposes of EA policy, exercising care and control of the child(ren) includes decisions about the child's education, health care, and any treatment, hospitalization, and long-distance travel.

EXAMPLE 1: Linda's niece, Anna, lives with Linda full-time and attends high school near Linda's home. Anna's mother lives in Michigan. Prior to moving to Michigan, Anna's mother signed a statement giving Linda "care and control" for Anna. There was no legal transfer of guardianship; however, Linda is authorized to make decisions regarding Anna's health care, education and long-distance travel. Linda would meet the definition of "caretaker relative" for purposes of EA eligibility.

EXAMPLE 2: Alice and her daughter, Jamie, and grandson, Larry, live together and share living expenses. Alice works full-time. Jamie works part-time, about 20 hours per week. While Jamie is working, Alice provides child care for Larry. Even though Alice lives with Jamie and Larry, and provides child care, Alice does not

exercise “care and control” for Larry. Jamie makes all decisions regarding Larry’s health care, education, etc. Even if Alice needed to take Larry to the hospital for emergency care, this does not mean she is exercising care and control for Larry. Alice would not meet the definition of “caretaker relative” for EA eligibility.

EXAMPLE 3: Miranda applied for EA due to impending homelessness. She listed herself, three friends and Miranda’s three-year-old child on her EA application. 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 relatives of Miranda’s child and do not have caretaker responsibility for Miranda’s child. Only Miranda’s income and assets would be counted.

EXAMPLE 4: Carlos applied for EA due to an energy crisis. In the household, he listed himself, his two daughters Zoe and Raven, and his girlfriend Brianna. Brianna is not Zoe or Raven’s mother. The EA Group would be Carlos and his two daughters. Brianna would not be included in the EA Group because she is not married to Carlos or related to either child in the household.

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2.4.4 Minor Caretaker Relatives

An individual under 18 years of age is not eligible to be a qualified 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 would meet applicable criteria to act as the individual's legal guardian who is living or whose whereabouts are known;
3. No living parent, legal guardian, or other appropriate adult relative who would meet applicable criteria to act as the individual's legal guardian allows the individual to live in their home;
4. The individual or the 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 the 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.

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2.5 Prior EA Payments

2.5.1 Eligibility Once in a 12-Month Period

The caretaker relative(s) in an *EA Group* is eligible to receive *EA* once in a 12-month period. If the *Caretaker*(s) previously received EA, the caretaker relative would be eligible to receive EA again 12 months after the application date, which resulted in an EA payment.

EXAMPLE 1: Billie and her family applied and were approved with an application date stamped as received on March 12. She would be eligible as of March 12 the following year to receive another EA payment.

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2.5.2 Children in Multiple EA Groups

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) is considered in determining the 12-month EA payment limit. When there is a family reconfiguration which results in a potential EA payment for the same child(ren) who had been included in an EA payment within the prior 12 months, the W-2 agency must verify the residency of the adult(s) who has care and control of the child(ren).

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 of the following year 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, as Tony has not received EA in the last 12 months.

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2.5.3 Two Caretaker Relatives and Prior EA Payments

If an **EA** group that consists of two caretaker relatives receives an EA payment, neither caretaker relative is eligible for an EA payment for 12 months, even if one parent moves out and creates a separate EA group.

When a household includes one caretaker relative who already received EA within the past 12 months and another caretaker relative who did not receive EA within the past 12 months, the caretaker relative who did not receive EA within the past 12 months may be included in a new EA Group. The caretaker relative who already received EA within the past 12 months must be excluded from any EA Group. (See [2.4.3](#) for the criteria for caretaker relative.)

EXAMPLE 1: Tia, Tyrone, and their four children received EA in July for impending homelessness. Tia moved out later that year in October. Tyrone reapplied for EA for himself and the children in December of the same year 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).

EXAMPLE 2: In June, Julia and her daughter, Carla, applied for and received EA for impending homelessness. Julia experienced some difficulties in July of the same year and arranged for Carla to live with Julia's sister, her Aunt Maria. Aunt Maria applied for EA with Carla in August of the same year for impending homelessness. In this scenario, Aunt Maria is the adult caretaker relative of Carla, as she exercises care and control for her, being responsible for Carla's school attendance, medical care and other major decisions. Since Carla can be included in more than one EA Group during a 12-month timeframe, Aunt Maria and Carla may be eligible as a separate EA group.

EXAMPLE 3: Steven and his daughter Olivia received EA in February for impending homelessness. He and his wife Barbara were separated at the time. Later that year in June, Barbara moves back into the home. The family experiences flooding in August of the same year and applies for EA again. Steven is not eligible for EA again until February of the following year and is excluded from the EA group. Barbara and Olivia may be eligible for EA as a separate EA group without Steven.

2.6 Qualifying Emergency Eligibility

2.6.1 Qualifying Emergency Eligibility Overview

To be eligible for **EA**, the **EA Group** must need assistance as a result of an emergency due to one or more of the following cases:

- Fire, Flood, or Natural Disaster (see [2.6.2](#));
- Homelessness (see [2.6.3](#));
- Impending Homelessness (see [2.6.4](#)); or
- Energy Crisis (see [2.6.5](#)).

The emergency must have occurred either in the same calendar month as the EA application or in the calendar month prior to the EA application. The month of the emergency is the calendar month in which the family experienced the emergency.

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2.6.2 Fire, Flood, or Natural Disaster

Applicants may be eligible for **EA** when experiencing an emergency due to a fire, flood, or natural disaster. Natural disasters are caused by nature and include but are not limited to:

- Tornadoes;
- Earthquakes;
- Electrical storms;
- Wind storms;
- Hail;
- Sleet;
- Mud or rock slides; or
- Explosions or fires resulting from lighting strikes.

EA eligibility for fire, flood, or natural disaster does not require a financial crisis.

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2.6.3 Homelessness

[2.6.3.1 Temporary Living Accommodations](#)

[2.6.3.2 Homelessness due to Uninhabitable Housing](#)

[2.6.3.3 Homelessness due to Domestic Abuse](#)

An **EA** Group is eligible under the condition of homelessness when the **EA Group** needs funds to obtain permanent housing and the EA Group meets one of the following criteria:

1. The EA Group is living in a place that is not designed for, or ordinarily used as, a regular sleeping accommodation (examples include cars, public hallways, parks, bus stations, and building entrances);
2. The EA Group is living in a temporary accommodation (examples include motel, hotel, emergency/homeless shelter facility, or “doubled-up” housing) (see [2.6.3.1](#));
3. The EA Group lacks a fixed, regular, and adequate nighttime residence;
4. The EA Group has left the current housing situation because the housing is uninhabitable (see [2.6.3.2](#)); or
5. A member of the EA Group is a victim of domestic abuse (see [2.6.3.3](#)).

EA eligibility for any of the homelessness reasons listed above does not require a financial crisis.

2.6.3.1 Temporary Living Accommodations

An EA Group is considered homeless if they have a current residence that is providing a temporary living accommodation such as an emergency shelter facility or other temporary or transitional living arrangement.

When determining if the EA Group living in a temporary accommodation is considered homeless, the **W-2** agency must consider the specific circumstances of the situation. For example, a motel is generally considered to be a temporary living accommodation, but some motels offer a monthly lease and can serve as permanent housing. The EA Group’s intent to stay in a motel or hotel long term does not indicate that the motel or hotel is permanent housing unless documentation is provided that states it is a permanent housing situation.

A family living in “doubled-up” housing may also be considered homeless. For EA purposes, an EA Group residing in doubled-up housing generally meets the homelessness definition when the EA Group meets all of the following criteria:

1. Is not on the lease/mortgage (in cases where the “host” family has a lease/mortgage);
2. Is using the doubled-up housing as a short-term housing solution and would otherwise be homeless; and
3. Has been residing in doubled-up housing for 180 consecutive days or less.

EXAMPLE 1: To save money, Wayne and his children moved in with his sister seven months ago. He is not on the lease and would like to find housing of his own for himself and his three children. Although Wayne is sharing housing with his sister, he and his children have been residing there for more than 180 days. Therefore, Wayne is not eligible for EA. Although Wayne is not eligible for EA, the W-2 agency worked with Wayne to provide him with referrals to other housing and emergency resources.

EXAMPLE 2: Crystal and her son Justin lived with Crystal's boyfriend, Tom. Two weeks ago, Crystal got into a huge fight with Tom and he kicked her out of the apartment. Crystal and Justin are staying with Crystal's friend Belinda. Crystal is eligible for EA, as she and her son are residing in doubled-up housing for less than 180 days and would otherwise be homeless.

2.6.3.2 Homelessness due to Uninhabitable Housing

An EA Group is eligible under the condition of homelessness due to uninhabitable housing if the EA Group has left the current housing situation because that housing is uninhabitable as determined by the local building inspector, local health department, or other appropriate local authority, such as the local Community Action Program agency. The W-2 agency is not considered an appropriate authority to determine that housing is uninhabitable.

2.6.3.3 Homelessness due to Domestic Abuse

An EA Group is eligible under the condition of homelessness due to domestic abuse if a member of the group was subject to domestic abuse as defined under [Wis. Stat. s. 968.075\(1\)\(a\)](#).

Wis. Stat. s. 968.075(1)(a) defines domestic abuse to mean any of the following engaged in by an adult person against his or 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 Wis. Stat. s. 940.225(1), (2) or (3); 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.

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2.6.4 Impending Homelessness

[2.6.4.1 Impending Homelessness due to Uninhabitable Housing](#)

[2.6.4.2 Impending Homelessness due to Domestic Abuse](#)

[2.6.4.3 Impending Homelessness due to Foreclosure of Rental Housing](#)

[2.6.4.4 Impending Homelessness due to Financial Crisis and Notice to Terminate Tenancy](#)

An **EA** Group is eligible under the condition of impending homelessness when the **EA Group** funds to obtain permanent housing and the EA Group meets one of the following criteria:

1. The EA Group must leave the current housing situation because the housing is uninhabitable (see [2.6.4.1](#));
2. A member of the EA Group is a victim of domestic abuse (see [2.6.4.2](#));
3. The EA Group must leave the current rental housing due to a foreclosure action against the owner (see [2.6.4.3](#)); or
4. The EA Group must leave the current housing situation due to a qualifying financial crisis, resulting in a notice to terminate tenancy for non-payment of rent, mortgage, or property taxes (see [2.6.4.4](#)).

2.6.4.1 Impending Homelessness due to Uninhabitable Housing

An EA Group is eligible under the condition of impending homelessness due to uninhabitable housing if the EA Group must leave the current housing situation because that housing is uninhabitable as determined by the local building inspector, local health department, or other appropriate local authority such as the local Community Action Program agency. The W-2 agency is not considered an appropriate authority to determine that housing is uninhabitable.

EA eligibility for impending homelessness due to uninhabitable housing does not require a financial crisis.

2.6.4.2 Impending Homelessness due to Domestic Abuse

An EA Group is eligible under the condition of impending homelessness due to domestic abuse if a member of the group was subject to domestic abuse as defined under Wis. Stat. s. 968.075(1)(a).

Wis. Stat. s. 968.075(1)(a) defines domestic abuse to mean any of the following engaged in by an adult person against his or 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 [Wis. Stat. s. 940.225\(1\), \(2\) or \(3\)](#); 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.

EA eligibility for impending homelessness due to domestic violence does not require a financial crisis.

2.6.4.3 Impending Homelessness due to Foreclosure of Rental Housing

An EA Group is eligible under the condition of impending homelessness due to foreclosure of rental housing when all of the following conditions apply:

1. The EA Group is residing in rental housing that is currently subject to a foreclosure action; and
2. The EA Group has received written or oral notice to vacate the rental housing within 30 days of the EA application date because of a foreclosure action against the owner.

EA eligibility for impending homelessness due to foreclosure of rental housing does not require a financial crisis.

2.6.4.4 Impending Homelessness due to Financial Crisis and Notice to Terminate Tenancy

An EA Group is eligible under the condition of impending homelessness for reasons of financial crisis if the group meets the following two criteria:

1. The EA Group is experiencing a 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. The financial crisis must be caused by one of the following:
 - a. Loss of employment that does not include voluntarily leaving employment without good cause;
 - b. Substantial loss of wages due to illness or injury of an EA 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 EA 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 out-of-pocket medical expenses required to be paid;
 - e. Loss of W-2 benefits due to a sanction that is subsequently overturned through the Fact Finding process; or
 - f. Other reasonable circumstances that constitute good cause as determined by the W-2 agency, including but not limited to:
 - i. The substantial depletion/loss of child support payments;
 - ii. Loss of support from another caretaker relative, other adult household member, relative or other person outside the home who provided financial support to the EA Group;
 - iii. Loss of Unemployment Insurance (UI);
 - iv. Loss of student financial aid for housing;
 - v. The substantial depletion/loss of an income tax refund; or
 - vi. Decrease in a W-2 payment due to a sanction for which the W-2 participant is subsequently found to have good cause.
2. As a result of the financial crisis, the EA Group received a notice in the name of the applicant to terminate tenancy because of non-payment of rent, mortgage, or property taxes. The financial crisis and the notice to terminate tenancy do not need to occur in the same month. However, the emergency must be a result of the financial crisis.

EXAMPLE 1: Janet has one daughter. She lost her job due to down-sizing in May. Janet managed to pay her bills including her rent through September, before depleting her savings and financial help from her family and friends. Then Janet missed her October rent payment. She received an 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.

EXAMPLE 2: Emily worked various temporary office assistant jobs for several months in placements by a local temporary employment agency. Then the agency informed Emily it had not received any more requests for office assistants and had no other job placements to offer her. Emily missed the next rent payment for her apartment for herself and her two children. She received an eviction notice and applied for EA. Emily's loss of income from her temporary jobs and eviction notice would qualify as a financial crisis for EA.

2.6.5 Energy Crisis

[2.6.5.1 Exhausting Available Resources](#)

[2.6.5.2 Immediate Threat to Health and Safety](#)

[2.6.5.3 Financial Crisis due to Reasons Beyond the Control of the Caretaker Relative\(s\)](#)

To be eligible for an **EA** payment for energy crisis all of the following conditions must apply:

1. The **EA Group** has exhausted available resources (see [2.6.5.1](#));
2. The EA Group needs financial assistance to obtain or maintain heat, electricity, water, or sewer service provided by a utility company;
3. The lack of, or imminent lack of, utility service providing heat, electricity, water, or sewer is or is likely to be an immediate threat to the health or safety of any member of the EA Group (see [2.6.5.2](#)); and
4. The energy crisis must be a result of a financial crisis due to reasons beyond the control of the caretaker relative(s), or that constitute good cause as determined by the **W-2** agency (see [2.6.5.3](#)).

2.6.5.1 Exhausting Available Resources

The EA Group may only receive an EA payment for energy crisis if there is an unmet energy crisis after exhausting all available resources for energy assistance. The EA Group has exhausted available resources if the group has been denied services from other sources, or other funding sources do not cover the full cost of the group's energy crisis. If the EA Group has not already pursued other appropriate payment options, the W-2 agency must assist the EA Group to do so during the five working days timeframe.

The EA Group must first pursue alternative services and assistance from:

1. The Low Income Home Energy Assistance Program (LIHEAP) known in Wisconsin as the Wisconsin Home Energy Assistance Program (WHEAP);
2. The local utility company as required by state regulations (see Energy Crisis Resources appendix); and
3. Any other available program.

2.6.5.2 Immediate Threat to Health and Safety

The energy crisis must be or is likely to be an immediate threat to health or safety of any member of the EA Group from the lack of or imminent loss of utility services. The W-2 agency shall consider all situations which may be an immediate threat to health or

safety. While the W-2 agency determination must be based on the circumstances of the specific situation, the following are examples of when this may occur:

- The home includes a person who requires utility service to operate essential medical equipment; or
- The home includes a person whose health would be affected by the loss of utility services; or
- The expected high temperatures for the next 72 hours will be below freezing (32° F).

2.6.5.3 Financial Crisis due to Reasons Beyond the Control of the Caretaker Relative(s)

The energy crisis must be a result of a financial crisis due to reasons beyond the control of the caretaker relative(s), or that constitute good cause as determined by the W-2 agency. The financial crisis and the energy crisis do not need to occur in the same month. However, the emergency must be a result of the financial crisis.

The financial crisis must be caused by one of the following:

- a. Loss of employment that does not include voluntarily leaving employment without good cause;
- b. Substantial loss of wages due to illness or injury of an EA 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 EA 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 out-of-pocket medical expenses required to be paid;
- e. Loss of W-2 benefits due to a sanction that is subsequently overturned through the Fact Finding process; or
- f. Other reasonable circumstances that constitute good cause as determined by the W-2 agency, including but not limited to:
 - The substantial depletion/loss of child support payments;
 - Loss of support from another caretaker relative, other adult household member, relative or other person outside the home who provided financial support to the EA Group;
 - Loss of Unemployment Insurance (UI);
 - Loss of student financial aid for housing;
 - The substantial depletion/loss of an income tax refund; or

- Decrease in a W-2 payment due to a sanction for which the W-2 participant is subsequently found to have good cause.

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03 Financial Eligibility

3.1 Financial Eligibility Overview

3.1.1 Financial Eligibility Overview

In addition to meeting the nonfinancial eligibility criteria, applicants must also meet financial eligibility criteria for *EA*.

Financial eligibility for EA is determined by both a gross income and an asset test. (See [3.2](#) and [3.3](#))

Applicants who are open for *W-2* or other programs do not automatically meet EA financial eligibility.

See [Chapter 4](#) for information about verifying financial eligibility.

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3.2 Income

3.2.1 115% Gross Income Test

The total countable income of the **EA** group must be less than or equal to 115% of the **FPL** to meet the gross income test for EA financial eligibility.

The FPL changes in February of each year. See W-2 Manual 3.2.1 for current figures.

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3.2.2 Counting Income

Actual earned and unearned income received in the 30 days prior to and including the **EA** application date is considered for EA eligibility.

Use **W-2** policy for the following:

- Income Availability (see W-2 Manual 3.2.4);
- Qualified Alien Deeming (see W-2 Manual 3.2.8.1);
- Farm & Self-Employment Income (see W-2 Manual 3.2.8.2);
- Child Support Income (see W-2 Manual 3.2.8.3);
- Supplemental Security Income (SSI) and Caretaker Supplement Income (see W-2 Manual 3.2.8.4); and
- Census Employment and Other Temporary Employment Income (see W-2 Manual 3.2.8.5).

EXAMPLE 1: Anita applied for EA on January 14. She has one child. Anita is employed but was off work from December 21 to January 4 due to an employer shutdown over the holidays. Her rent is past due, and she has received an eviction notice. Anita has returned to work but has not received another paycheck yet. Anita submitted the following check stubs to verify her employment in the 30 days prior to the EA application date:

Check stub dated 12/20	\$255.00
Check stub dated 12/27	\$274.13

The W-2 agency calculates that Anita's income in the 30 days prior to the EA application date was \$529.13. Based on the EA group of two people, Anita meets financial eligibility as she has income less than 115% of the FPL.

EXAMPLE 2: Porter applied for EA on August 7. He has one child. Porter is residing with friends temporarily but looking for a new place to live. Porter was employed but was laid off and is now receiving unemployment. Porter submitted the following check stubs to verify his employment income in the 30 days prior to the EA application date, and the W-2 agency uses CARES to verify the unemployment income.

Check stub dated 7/11	\$616.26
Unemployment income 7/25	\$200.00
Unemployment income 8/1	\$200.00

The W-2 agency calculates that Porter's income in the 30 days prior to the EA application date was \$1,016.26. Based on the EA group of two people, Porter meets financial eligibility as the EA group's income is less than 115% of the FPL.

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3.2.3 Disregarded Income

The income from household members who are not included in the **EA** group is not included in determining financial eligibility. For more information on who is included in the **EA Group**, see [2.4.1](#).

Use **W-2** policy for the following:

- Disregarded Income types (see W-2 Manual 3.2.9.1); and
- Income with Limited Disregards (see W-2 Manual 3.2.9.2).

In addition to the W-2 disregarded income types, disregard the following income types for EA:

- Kinship Care payments; and
- Foster Care payments if the payment is on behalf of a child who is a relative.

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3.3 Assets

3.3.1 \$2,500 Gross Asset Test

The total countable assets of the **EA** Group at application must be equal to or less than \$2,500 in combined equity value to meet the asset test of EA financial eligibility. The assets from household members who are not included in the **EA Group** are not included in determining financial eligibility. For more information on who is included in the EA Group, see [2.4.1](#).

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3.3.2 Counting Assets

Use *W-2* policy for:

- Asset Availability (see W-2 Manual 3.3.2);
- Joint Accounts and Property (see W-2 Manual 3.3.2.1);
- Counting Assets (see W-2 Manual 3.3.4);
- Homestead (see W-2 Manual 3.3.4.1);
- Vehicles (see W-2 Manual 3.3.4.2);
- Other Assets (see W-2 Manual 3.3.4.3);
- Individual Development Accounts (see W-2 Manual 3.3.4.4); and
- Federal Income Tax Refunds (see W-2 Manual 3.3.4.5).

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04 Case Processing Requirements

4.1 Verification Overview

4.1.1 Introduction

As part of determining eligibility for **EA**, the **W-2** agency must attempt to verify, within five working days after receipt of the application date, the following items:

1. The **EA Group** information (see [2.4](#));
2. That the applicant has not received EA in the past 12 months (see [2.5](#));
3. The qualifying emergency (see [2.6](#));
4. Financial eligibility (see [Chapter 3](#));
5. For energy crisis and impending homelessness/financial crisis only: That there is a financial crisis beyond the control of the applicant (see [2.6.4.4](#) and [2.6.5.3](#)).

The W-2 agency must request any required verification from the applicant as soon as possible in order to allow the applicant sufficient time to obtain and provide the verification, while still allowing the agency to determine eligibility within the five working days timeframe. (See [1.3.1](#))

If information that would typically be required for verification cannot be provided by the applicant or cannot be obtained with the assistance of the W-2 agency (see [4.1.3](#)) within the five working days timeframe, an eligibility determination must be made based upon available information. Verification of eligibility must not delay the provision of assistance.

Verification documents date stamped as received within the five working days timeframe but discovered after a decision was made must be used to determine if a change in the initial eligibility decision is needed. If an eligibility change is needed based on the verification documents, **WWP** must be updated to reflect this change.

Applications changing to an “Approved” status must make a payment as soon as possible, but no later than within 5 working days of the discovery of the document.

Comments regarding verification must be entered in EA comments in WWP within 24 hours after the action or contact with the applicant.

4.1.2 General Verification Guidelines

For applicants already known to **CWW**, the worker must attempt to verify available eligibility information via CWW and **ECF**. If valid verification documentation already exists in one of these systems, do not request additional verification. The worker must view either the document in ECF or the data exchange verification in CWW and enter **EA** comments in **WWP** documenting the item that was viewed and the eligibility criterion the item was used to verify.

For eligibility items that cannot be verified via CWW or ECF, the worker must make a photocopy of the verification documentation, mark with the date the document was obtained along with the initials of the staff person who obtained the document, scan it into ECF, and enter EA comments in WWP documenting the verification item. See W-2 Manual 4.3.2 for additional guidance on vital records.

EA comments in WWP must include an explanation of factors leading to any eligibility determination that cannot be understood using paper documentation. If a worker obtains verification via a conversation with the applicant or a third party, the worker must enter EA comments in WWP describing the evidence and how he or she obtained the information.

For applicants not known to CWW, the worker will not be able to verify any eligibility information via CWW or ECF. Place all documentation in the paper file and enter EA comments in WWP documenting the verification.

See W-2 Manual 4.4.3 for record retention requirements.

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4.1.3 Assistance with Verification

The **W-2** agency must assist the applicant in obtaining required verification if:

1. The applicant has made a reasonable effort and cannot obtain required verification;
2. The applicant does not have the power to obtain required verification;
3. The applicant requires assistance to obtain required verification; or
4. Extenuating circumstances exist that prevent the applicant from obtaining the required verification.

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4.1.4 Verifying Questionable or Inconsistent Information

In some cases, information provided by an applicant may appear questionable or inconsistent, such as:

- The applicant or a member of the **EA** Group is a relative of the landlord;
- The applicant lists a child as a dependent child, but the child is also listed on another application;
- An applicant with more than one child does not list all of the children on the application;
- Documents received for verification appear to have been altered; or
- Other inconsistencies in or between the application, information given by the applicant, or verification documents.

When verification documents or other information appear questionable or inconsistent, the **W-2** agency must attempt to verify the authenticity of the documents and information with the issuing entity and document in EA comments in **WWP** the actions that were taken. If the W-2 agency has attempted to verify the questionable or inconsistent information but has been unable to do so within the five working days timeline, the W-2 agency must deny the application and inform the applicant that he or she may apply again at any time.

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4.2 Verification of Eligibility Criteria

4.2.1 Verification of Eligibility Criteria Overview

To verify eligibility for Emergency Assistance, use the verification sources listed in sections [4.2](#) and [4.3](#). All verification used must be current. The list of sources to verify an eligibility item is not exhaustive but provides a sampling of the possible sources. Written verification is preferable to oral verification and should consist of a reliable report from an independent source (i.e. third-party) whenever possible.

If the applicant is experiencing more than one type of emergency and is requesting an **EA** payment for more than one type of emergency at the time of application, the **W-2** agency must request verification related to all emergency types.

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4.2.2 Verification of Eligibility Criteria for All EA Groups

Eligibility Criteria	Sources of Verification
Identity	See W-2 Manual 4.1.2
Birth Date	See W-2 Manual 4.1.2
Wisconsin Residency (See 2.1.1)	See W-2 Manual 4.1.2
U.S. Citizenship (See 2.2.1)	See W-2 Manual 4.1.2
Qualifying Non-Citizen Status (See 2.2.1)	See W-2 Manual 4.1.2
Social Security Number (See 2.3.1)	See W-2 Manual 4.1.2
SSN Application Date (See 2.3.1)	See W-2 Manual 4.1.2
Previous EA Payments (See 2.5)	EA application history in WWP
Earned and Unearned Income (See 3.2.2)	See W-2 Manual 4.1.2*
Assets (See 3.3.2)	See W-2 Manual 4.1.2

*Documentation must include income received in the prior 30 days (See [3.2.2](#))

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4.2.3 Verification of Qualified Caretaker Relative

Agencies must verify that an adult included on an [EA](#) application is a qualified caretaker relative if the relationship is anything other than parental, or if it is questionable (see [4.1.4](#)) that the adult meets the definition of a qualified caretaker relative. (See [2.4.3](#)) Depending on the situation, the agency may need to verify one or more of the eligibility criteria listed in the table below.

Eligibility Criteria	Sources of Verification
Relationship to dependent child	Birth certificate or CWW birth query KIDS child support disbursement query CARES/CWW Assistance Group history Government documents confirming relationship to dependent child; for example, Kinship Care documentation Signed statement from third party with knowledge of the situation Signed statement from applicant
Currently living with dependent child or lived with dependent child within six months prior to the emergency AND anticipated to live with the dependent child in the month following the date of the EA application	CARES/CWW Assistance Group history Government documents confirming placement time for the child(ren) in the home; for example, child support or child welfare School record KIDS query or child support agency contact Signed statement from third party with knowledge of the situation Signed statement from applicant
Exercising care and control for the dependent child	CARES/CWW Assistance Group history Receipt of child support for the care of the child School or day care record listing the Caretaker Relative as responsible party Government documents confirming the adult exercises care and control for the dependent child; for example, Kinship Care documentation

	Signed statement or verbal statement from parent who has authorized the applicant to exercise care and control Signed statement from third party with knowledge of the situation Signed statement from applicant
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4.2.4 Verification of Eligibility for Fire, Flood, or Natural Disaster

Agencies must verify that the emergency is due to fire, flood, or natural disaster.

Eligibility Criteria	Sources of Verification
Occurrence of fire, flood, or natural disaster (See 2.6.2)	Media article (newspaper article, online news article, or similar article) or photographs Written or verbal statement from county emergency management agency or disaster relief agency Reliable report from a neutral third party Site visit completed by agency Photographs of the damaged property Signed statement from applicant

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4.2.5 Verification of Eligibility for Homelessness

Agencies must verify that the emergency is due to homelessness. To be eligible for Emergency Assistance due to homelessness (see [2.6.3](#)), the EA Group must meet only one of the situations of the eligibility criteria listed in the table below.

Eligibility Criteria	Sources of Verification
Living in a place not designed for, or ordinarily used as, a regular sleeping accommodation	Written or verbal statement submitted by third party with knowledge of the situation Signed statement from applicant
Living in a temporary accommodation	Written or verbal statement from staff of the shelter, hotel/motel, or other facility where the applicant is living to confirm the family does not have a monthly or long-term lease Rental lease or mortgage document for the residence where the EA Group is residing that does not list the EA Group members included on the EA application Written or verbal statement submitted by third party with knowledge of the situation specifying the applicant's living situation, including duration of stay Signed statement from applicant
Lacking a fixed, regular, and adequate nighttime residence	Written or verbal statement submitted by third party with knowledge of the situation Signed statement from applicant
Uninhabitable Housing	Written or verbal statement from local government agency responsible for building inspection Written or verbal statement from local health department Written or verbal statement from other appropriate local authority

Victim of domestic abuse	Third party records regarding domestic abuse such as court, medical, law enforcement, or social services records Written or verbal statement submitted by third party with knowledge of the situation Signed statement from applicant
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4.2.6 Verification of Eligibility for Impending Homelessness

Agencies must verify that the emergency is due to impending homelessness. To be eligible for Emergency Assistance due to impending homelessness (see [2.6.4](#)), the **EA** Group must meet only one of the eligibility criteria listed in the table below.

Eligibility Criteria	Sources of Verification
Uninhabitable Housing	Written or verbal statement from local government agency responsible for building inspection Written or verbal statement from local health department Written or verbal statement from other appropriate local authority
Victim of domestic abuse	Third party records regarding domestic abuse such as court, medical, law enforcement, or social services records Written or verbal statement submitted by third party with knowledge of the situation Signed statement from applicant
Foreclosure of Rental Housing	Written notice of removal from rental housing due to a foreclosure action against the owner. The written notice must specify a removal date that is within the next 30 days of the current date. Foreclosure notice that specifies inhabitants must vacate the property by a date that is within the next 30 days of the current date Signed statement from applicant attesting that: 1) He or she received an oral notice of removal from rental housing due to a foreclosure action against the owner; and 2) He or she must leave the housing by a date that is within the next 30 days of the current date. Verify that a foreclosure action has been filed with the court in the name of the landlord by searching for a foreclosure notice filed with the court on the Wisconsin Circuit Court Access website at: http://wcca.wicourts.gov/index.xsl
Financial Crisis and	A notice terminating tenancy for failure to pay rent that meets the

Notice to Terminate Tenancy – Nonpayment of Rent See 4.2.8 for verification of the financial crisis. See the Eviction and Foreclosure Resources Appendix for more information.	minimum requirements of Sections 704.17 Wis. Stats. The type and contents of the notice may differ depending on the type and length of rental lease, but for the purposes of EA, this means the notice must: 1. Be in writing and be dated; and 2. Indicate that the “tenancy is terminated” and the eviction is due to failure to pay rent. The eviction notice may also list additional grounds for eviction. As long as the eviction notice lists failure to pay rent as one of the grounds, it meets the EA eligibility requirements A summons and complaint for an eviction action based on failure to pay rent
Financial Crisis and Notice to Terminate Tenancy – Nonpayment of Mortgage or Property Taxes See 4.2.8 for verification of the financial crisis. See the Eviction and Foreclosure Resources Appendix for more information.	A notice of foreclosure for failure to pay property taxes or a mortgage A summons and complaint for a foreclosure action based on failure to pay property taxes or a mortgage A writ of assistance, notice of sale, or other verifiable documentation that a foreclosure judgement has been entered against a member of the EA Group and the Group will be required to vacate the premises imminently

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4.2.7 Verification of Eligibility for Energy Crisis

Agencies must verify that the emergency is due to an energy crisis. To be eligible for Emergency Assistance due to an energy crisis (see [2.6.5](#)), the **EA** Group must meet both of the eligibility criteria listed in the table below.

Eligibility Criteria	Sources of Verification
Needs financial assistance to obtain or maintain utility service	Utility disconnection notice or other documentation of loss of or imminent loss of utility service. Utility account must be in the name of the applicant or other EA group member. Written or verbal statement from utility company that service has been or will be disconnected.
Financial Crisis Due to Reasons Beyond the Control of the Caretaker Relative(s)	See 4.2.8

Agencies must verify the eligibility criteria in the following table only when questionable. (See [4.1.4](#))

Eligibility Criteria	Sources of Verification
Exhausted available resources to address the energy crisis	Written or verbal statement from local WHEAP agency indicating the household has either: 1. Received crisis assistance but the assistance does not meet the total current need; or 2. Is not eligible for crisis assistance at this time. Written or verbal statement from applicant regarding resources he or she has pursued

Lack of, or imminent lack of, utility service is likely to be an immediate threat to the health or safety of any member of the EA Group	Written or verbal statement from applicant attesting that the lack of or imminent lack of utility service is likely to be an immediate threat to the health or safety of a member of the EA Group.
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4.2.8 Verification of Financial Crisis

Agencies must verify the financial crisis if an individual is applying for Emergency Assistance due to:

1. Impending homelessness due to a notice to terminate tenancy (see [2.6.4.4](#)); and
2. An energy crisis (see [2.6.5.3](#)).

Eligibility Criteria	Sources of Verification
Financial Crisis	Employer's documentation of reduced paid hours or employment termination Pay stubs over a period of time that demonstrate a reduction in, or elimination of, work hours or pay Documentation by a third party of income reduction for self-employment or independent contract employment Evidence (possibly in KIDS) of a reduction in or loss of child support payments Documentation or signed statement of a reduction in or loss of support from another caretaker relative or other adult household member, a relative, or other person outside the home who provided financial support to the EA Group Documentation of a reduction in or loss of student financial aid Documentation of a reduction in or loss of an income tax refund Layoff notice Documentation of a reduction in or loss of unemployment insurance payments Receipts from a medical facility showing medical expenses 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

Financial Crisis (Continued)	Copies of relevant CARES screens documenting good cause for sanction or Fact Finding decision Other documentation of a reduction in or loss of income
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4.3 Verification of Housing Prior to Payment Issuance

4.3.1 Verification of Housing Prior to Payment Issuance

Agencies must verify the applicant's housing prior to payment in certain situations. (See [5.3.2](#) and [5.3.3](#))

Item to Verify	Sources of Verification
New Permanent Housing (See 5.3.3)	Lease agreement for the new housing Mortgage records, title records, or other documentation verifying purchase of the new housing Written or verbal statement by landlord, lending institution, or other third party responsible for the housing transaction
Verification that Eviction or Foreclosure Will Not Proceed (See 5.3.2)	Written or verbal statement by landlord, lending institution, or other third party responsible for the housing transaction. When the agreement is verbal, the agency must document this conversation in EA comments in WWP and must follow up by sending a cover letter enclosed with the EA payment to the landlord, bank, or local government agency, which states: • For eviction: "You already agreed to not proceed with the eviction. Your acceptance and retention of this payment further ratifies this agreement and constitutes a stipulation to dismiss the eviction." • For foreclosure: "You already agreed to not proceed with the foreclosure for non-payment of mortgage. Your acceptance and retention of this payment further ratifies this agreement." This cover letter language means the landlord, bank, or local government agency agrees to end any pending eviction action or stop any pending foreclosure action.

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4.4 EA Documentation

4.4.1 Wisconsin Work Programs (WWP) Overview

The Wisconsin Work Programs System is a web-based computer program for use by *W-2* agencies to:

- Search and verify history of any EA applications;
- Record application data for all EA applications;
- Determine EA eligibility;
- Document application notes;
- Issue notices of eligibility; and
- Reconcile EA payment amounts with the agency's accounting system/check register.

Agencies can access WWP through the following web address:

<https://wwp.wisconsin.gov/login>

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4.4.2 WWP Entry Requirements

The data agencies enter in **WWP** comes from the **EA** application, verification documents, and the agency's fiscal records. Entering information into WWP is mandatory. **W-2** agencies must:

1. Complete searches for caretaker relatives to prevent issuance of EA payments to caretaker relatives who have received EA in the previous 12-month period.
2. Enter information in all fields required by WWP.
3. Enter information within five working days of the application date for an EA denial, including using the most appropriate denial reason.
4. Enter information within five working days of the application date for EA approvals. Information must be entered in WWP prior to issuing an EA payment. The Voucher/Check Date must be within five working days of the EA application date, unless extended when a Payment Delay applies. (See [5.4.2](#) and [5.4.3](#))
5. Record application information in EA comments.
6. In the case of a Payment Delay, all information on the EA application except the payment information must be entered into WWP upon making the eligibility decision, within five working days.

Information supporting the rationale for Payment Delay must be recorded in EA comments. The application must be in "Pending" status in WWP. Once the application can be approved and payment issued, the application status must be changed to "Approved" and payment information must be entered into WWP. If the application cannot be approved, an update must be made in WWP to change the application status to "Denied" and EA comments must be added to explain the situation.

7. A voucher/check number must be entered, along with the Voucher/Check Date and the Voucher/Check Amount for the respective EA payment. Information must be entered within 10 calendar days of the Voucher/Check Date.

In addition to the required WWP fields, W-2 agencies are strongly encouraged to utilize optional WWP fields. These fields facilitate reconciliation of EA Voucher/Check Amounts in WWP with the agency's accounting records. If an application is approved but the payment is returned for any reason, an update must be made in the EA Payments section to zero out the payment amount. The application status must also be updated to "Withdrawn" with a "EA payment returned to agency" withdrawal reason, and the Approved Payment Amount must be updated to zero. EA comments must be added to explain the situation.

8. Monitor EA payment information reported in WWP to ensure accuracy and completeness.
9. On a monthly basis, reconcile EA payments in WWP with EA payment amounts submitted to DCF in SPARC. (See [4.6.1](#))

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4.4.3 EA Documentation in Electronic Case File (ECF)

For applicants known to **CWW**, applications, verification documents, and any other document relevant to the application must be scanned and stored in **ECF**. For all other applicants, all documents must be retained in a paper file. The **W-2** agency must not create a Request for Assistance (RFA) in CWW for the purpose of storing **EA** application materials in ECF.

Documents must be scanned into ECF according to policy in W-2 Manual 4.4.2, with the exception of confidential information. (See [4.5](#)) Information received as verification for an EA application is considered a part of the EA application and should be attached to and scanned with the application in the ECF with the Document Code APP (Applications-non CAF).” EA notices generated in **WWP** will be automatically saved in CWW correspondence history and do not need to also be scanned into ECF.

If the EA application is completed in ACCESS, it is automatically saved in ECF under the ACCESS tracking number. W-2 agencies will still be responsible for scanning and storing remaining application documents and notices as described in this section.

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4.5 Working with Confidential Information

4.5.1 Protecting Applicant Information

[4.5.1.1 Storing Confidential Information](#)

Information concerning applicants generally must not be disclosed for any reason except when it is necessary for the administration of the program or, under certain circumstances, unless requested by law enforcement officers. (See W-2 Manual 4.2.3) If the information requested is not directly related to program administration, it must not be provided.

See W-2 Manual 4.2.2.1 for information on what is considered confidential, who should have access to the information, and in which circumstances the information may be disclosed.

Note: An **EA** application shall be considered a confidential document if applicants indicate they are applying based on a domestic abuse situation or have any other information related to domestic abuse.

4.5.1.1 Storing Confidential Information

If a case contains confidential documents or meets the criteria of a confidential case, but **ECF** is not available, confidential documents must be stored in a sealed envelope in a paper file under lock and key.

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4.5.2 Confidential Cases and Confidential Documents in ECF

See W-2 Manual 4.5.1 and 4.5.2 for instances when cases are marked confidential.

Only the worker assigned to the confidential case and their assigned supervisor can access a case in **CWW**, access the corresponding participant data in **WWP** and the CARES Work Programs screens, and access the case's documents in **ECF**.

If the applicant is enrolled in CWW for another assistance program (i.e., **W-2**, FoodShare, BadgerCare, or Wisconsin Shares) and the case is already marked confidential, elevated access can be requested in WWP to access a PIN and process an **EA** application. The worker must contact the appropriate agency and assigned worker to gain access to the case to review potential existing verification items. Any additional documents obtained for the EA application must be stored in a sealed envelope in the paper file under lock and key.

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4.6 EA Expense Reporting

4.6.1 EA Payments in SPARC

W-2 agencies must utilize the state System for Payments and Reports of Contracts (SPARC) to submit *EA* expenses to *DCF*. SPARC instructions, account information and reports can be found at SPARC Homepage.

Emergency Assistance payments for applicants that are determined eligible must be issued by the W-2 agency. (See [Chapter 5](#)) DCF will process EA reimbursement requests according to the schedule outlined in the W-2 contract.

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05 Processing EA Payment

5.1 Payment Processing

5.1.1 Payment Processing Overview

An **EA** Group that meets all financial and nonfinancial requirements is eligible to receive a payment. Agencies must complete multiple steps to properly issue a timely payment, including determining the payment amount, how and where to send the payment, and establishing if a payment delay is necessary.

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5.2 Payment Amount

5.2.1 Determining the Payment Amount

An emergency assistance payment for impending homelessness, homelessness, fire, flood, or natural disaster shall be the lowest of the following:

1. The maximum payment amount per emergency assistance group size.
 - \$516 for an **EA** Group with 2, 3, or 4 members;
 - \$645 for an EA Group with 5 members;
 - \$110 per group member for an EA Group with 6 or more members.
2. The financial need resulting from the emergency. (See [5.2.2](#))

EXAMPLE 1: John and Susan applied for EA as they were being evicted due to non-payment of rent. They were determined eligible due to impending homelessness with past-due rent of \$1,400. John and Susan have four children. Therefore, this would be an EA Group of six people. John and Susan will receive the maximum payment amount of \$660 (\$110 x 6 group members).

EXAMPLE 2: Marlise applied for EA as she received an eviction notice. Marlise has two children. Marlise provided a copy of the eviction notice that indicated that the past due rent was \$400. The **W-2** agency completed the payment calculation for Impending Homelessness, including Marlise's past due rent of \$400 and the EA Group size of three. The payment amount was calculated in the amount of \$400 because this is the lesser amount (comparing actual financial need to the maximum payment amount for a household of 3 at \$516).

An emergency assistance payment for energy crisis shall be the lowest of the following:

1. \$500 regardless of group size; or
2. The amount needed to obtain or maintain essential utility service.

5.2.2 Financial Need Calculation

The chart below lists the expenses to include in the financial need calculation for each emergency type. Include only these expenses when determining the financial need, but do not include expenses that are covered by another resource, such as insurance, *FoodShare (FS) Low Income Home Energy Assistance Program (LIHEAP)* or a charitable organization. This chart also lists the allowable uses for each emergency type.

Emergency	Allowable Uses	Expenses to Include in the Financial Need Calculation
Fire, Flood, Natural Disaster	• Obtain Temporary housing • Retain current housing • Obtain new housing • Other household costs	• Temporary housing • First month's rent • Security deposit • Clothing • Food • Medical care • Transportation • Necessary appliances and household items • Necessary home repairs
Energy Crisis	• Maintain essential utility service • Obtain essential utility service	• Amount needed to obtain or maintain essential heat, electricity, water, or sewer service provided by a utility company
Homelessness	• Obtain new housing • Other household costs	• First month's rent • Security deposit • Necessary household items

Impending Homelessness: • Domestic Abuse • Financial Crisis and Notice to Terminate Tenancy	• Retain current housing • Obtain new housing	• Unpaid rent/mortgage • Late fees for past rent/mortgage • First month's rent • Security deposit • Court costs for eviction proceedings
Impending Homelessness: • Uninhabitable Housing • Foreclosure of rental housing	• Obtain new housing	• First month's rent • Security deposit

When the **EA** Group is experiencing more than one emergency type, list the expenses for all emergency types. See [5.2.3](#) for information about issuing multiple payments to address multiple emergencies.

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5.2.3 Multiple Payments

[5.2.3.1 Multiple Payments to Address Multiple Emergencies](#)

[5.2.3.2 Multiple Payments to Address Additional Expenses](#)

The **W-2** agency may issue more than one payment only in the following situations:

1. When the **EA** Group is experiencing multiple emergencies (see [5.2.3.1](#)); or
2. When the EA Group discovers additional eligible expenses after the first payment is issued (see [5.2.3.2](#)).

Agencies must issue all payments within 30 calendar days of the application date.

5.2.3.1 Multiple Payments to Address Multiple Emergencies

When the applicant lists more than one emergency type on the application, the worker must identify the maximum payment amount for each emergency type and use the higher amount as the maximum payment amount for the EA Group. The total amount of payments cannot exceed the maximum payment amount.

EXAMPLE: An EA Group with three members is experiencing an energy crisis and impending homelessness. The agency has determined the group is eligible for EA under both emergency types. The maximum payment amount for an energy crisis is \$500. The maximum payment amount for impending homelessness for an EA Group with three members is \$516. Therefore, the maximum payment amount for the EA group is \$516. In this situation, the W-2 agency may issue one payment to the utility company (up to \$500) and one payment to the landlord as long as the total amount of the payments does not exceed \$516.

5.2.3.2 Multiple Payments to Address Additional Expenses

When an EA group receives a payment and later discovers additional eligible expenses related to the same emergency type, the agency may issue an additional payment(s) as long as the total amount of the payments do not exceed the maximum payment amount for the emergency type.

EXAMPLE: Anna and Peter have two children. After a fire in their home, they applied for EA on September 9 and received a payment of \$400 on September 13. On September 20, Anna and Peter discovered additional eligible expenses

totaling \$100 that resulted from the fire. Because they had not already received the maximum payment amount of \$516 for a household of 4, Anna and Peter may receive an additional payment to cover the additional expenses.

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5.3 Issuing the Payment

5.3.1 Determining How and Where to Send the Payment

The [W-2](#) agency may issue the payment:

1. By check to the applicant, landlord, or vendor; or
2. By voucher to the landlord or vendor.

The W-2 agency will determine whether to send the payment to the applicant, landlord, or vendor based on the type of emergency and/or the planned living arrangement.

See [5.3.2](#) and [5.3.3](#) for required steps prior to payment for homeless and impending homelessness emergencies.

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5.3.2 Verification that Eviction or Foreclosure Will Not Proceed

If an **EA** Group is experiencing impending homelessness due to financial crisis and notice to terminate tenancy and plans to remain in its current housing, the **W-2** agency must verify that the landlord, bank, or local government agency that issued the notice agrees not to proceed with the eviction or foreclosure if the payment is issued. See [4.3.1](#) for sources of verification. The worker must obtain this verification prior to issuing the payment. For information on the timeframes for issuing payments, see [5.4](#).

If the landlord, bank, or local government agency is unwilling to stop the eviction or foreclosure process, the W-2 agency must inform the applicant of the option to move to new housing and provide referral information and case management services to assist the EA Group in obtaining permanent housing. (See [1.4](#))

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5.3.3 Verification of New Permanent Housing

If an **EA** Group is moving to new permanent housing, the **W-2** agency must verify with the landlord that the EA Group has secured housing with that landlord. See [4.3.1](#) for sources of verification. The worker must obtain this verification prior to issuing the payment. For information on the timeframes for issuing payments, see [5.4](#).

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5.4 Timeframe for Issuing Payment

5.4.1 Timeframe for Issuing Payment

The payment must be made within 5 working days after the application date unless a payment delay is necessary in the following situations:

1. The **EA** Group is moving to new permanent housing but has not yet obtained new housing. (See [5.4.2](#))
2. The EA Group plans to remain in its current housing, but the **W-** agency has not yet verified that the landlord, bank, or local government agency agrees not to proceed with the eviction or foreclosure if the payment is issued. ([5.4.3](#))

Information regarding the rationale for a payment delay must be recorded in EA comments in **WWP**. (See [4.4.2](#))

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5.4.2 Payment Delay due to New Housing Not Yet Obtained

When an **EA** Group qualifies for a payment delay because the group is moving to new permanent housing but has not yet obtained new housing, the group has 30 calendar days from the date the W-2 agency determines the group is eligible for a payment delay to find new housing. If the group is not able to find housing within the 30 calendar days timeframe, the group can request an additional 30 calendar days to find housing.

If the applicant contacts the **W-2** agency to request an additional 30-day delay, the W-2 agency must update the application status reason in **WWP** to generate a new notice with the new payment delay timeframe.

When the applicant notifies the W-2 agency that he or she has found new permanent housing after qualifying for a payment delay, the W-2 agency must update the application status in WWP to “Approved” and include the amount of the approved payment amount.

The agency must issue a payment within 5 working days of the date the EA Group notifies the W-2 agency that a permanent living arrangement has been obtained.

If the applicant did not find housing within the 30 calendar day timeframe or the additional 30 calendar days, the W-2 agency must update the application status to “Denied”.

EXAMPLE 1: Harriet applied for EA on November 5th. Within five working days of her application, the W-2 agency verified nonfinancial and financial eligibility criteria and determined that Harriet was eligible for EA due to impending homelessness. At the time of application, Harriet informed the W-2 agency that she had not yet found new permanent housing. Harriet qualifies for a payment delay and has 30 days to find housing and inform the agency. On November 20th, Harriet contacted the W-2 agency to give them the name and address of her new housing. The W-2 agency verified the housing arrangement with the landlord and a payment was issued to the landlord on November 22nd.

EXAMPLE 2: James applied for EA on May 15th. Within five working days of his application, the W-2 agency verified nonfinancial and financial eligibility and James was found eligible for EA due to homelessness. When James applied for EA, he provided the W-2 agency with the name and address of his new landlord. As James was able to provide the name and address of his landlord at the time of application, a payment delay does not apply. The W-2 agency verified the housing arrangement with the landlord and a payment in the form of a check was sent to the landlord on May 22nd, within five working days of the application date.

5.4.3 Payment Delay due to Lack of Verification that Eviction or Foreclosure Will Not Proceed

An **EA** Group qualifies for a payment delay when the group:

1. Is facing impending homelessness due to a financial crisis and has received a notice to terminate tenancy; and
2. The agency has not verified that the landlord, bank, or local government that issued the notice agrees not to proceed with the eviction or foreclosure if the payment is issued.

Within five working days after verifying that the landlord, bank, or local government agency that issued the notice agrees not to proceed with the eviction or foreclosure if the payment is issued, the **W-2** agency must issue the payment and update the application status to “Approved” in **WWP**. The W-2 agency may receive the confirmation verbally or in writing. (See [4.3.1](#))

If the landlord, bank, or local government is unresponsive or unwilling to stop the eviction or foreclosure process, the W-2 agency must inform the applicant of the option to move to new permanent housing. If the applicant chooses to pursue new housing, then a new payment delay to search for permanent housing would apply. (See [5.4.2](#))

EXAMPLE 1: Mary applied for EA on October 8th as she had received an eviction notice from her landlord for non-payment of rent. Within five working days of her application, the W-2 agency verified nonfinancial and financial eligibility and Mary was found eligible for EA due to impending homelessness. The W-2 agency requested that Mary inform her landlord that a payment was available if the landlord agreed not to proceed with the eviction. Mary’s landlord called the W-2 agency and verbally confirmed that he would not proceed with the eviction. The W-2 agency then issued the payment to Mary’s landlord. The W-2 agency mailed a cover letter to Mary’s landlord to confirm that upon receipt of the payment, the landlord would not proceed with evicting Mary.

EXAMPLE 2: Joe applied for EA on January 20th after receiving an eviction notice from his landlord for non-payment of rent. Within five working days of his application, the W-2 agency found him eligible for EA due to impending homelessness but was unable to confirm with his landlord that they agree not to proceed with the eviction. The EA worker submitted his application in “Pending – No Confirmation from Current Landlord” status. After multiple attempts of contacting an unresponsive landlord, the EA worker advised Joe of his option to move to new permanent housing, which he agreed he was going to proceed with. The EA worker changed the application status to “Pending – No New Housing Initial 30 days” to generate a new notice and start the 30-day timeframe for Joe to search for new housing.

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06 Dispute Resolution

6.1 Introduction

6.1.1 Introduction

There are two levels of review under the *EA* Dispute Resolution process: 1) a Fact Finding Review; and 2) a Departmental Review.

The purpose of the Fact Finding Review is to resolve disputes for applicants who disagree with a *W-2* agency's decision. A Departmental Review may be requested if an individual disagrees with a Fact Finding decision.

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6.2 Fact Finding Review (First Level Review)

6.2.1 Request for Fact Finding Review

All applicants and recipients have the right to request a Fact Finding Review. The Fact Finding Review is completed by the **W-2** agency's Fact Finder. It is the first level of the dispute resolution process an applicant or recipient can petition if one of the following occurs or the individual believes occurred:

- The agency did not act upon the **EA** application within five working days after receiving the completed application;
- The EA application was denied;
- The EA Payment amount was modified or canceled; or
- The EA Payment amount was calculated incorrectly.

An applicant or recipient who requests a Fact Finding Review should be encouraged to use the form *Request for Wisconsin Works (W-2) Fact Finding Review (10783)*. However, the Petitioner may use other documentation containing the same information found in the form. A W-2 agency must also accept phone requests for Fact Finding Reviews and must document the phone request using the form *Request for Wisconsin Works (W-2) Fact Finding Review (10783)*.

If an applicant or recipient requests a Fact Finding Review for a complaint not related to any of the above reasons, the W-2 agency must provide the petitioner with a completed *Fact Finding Review Denial Notice (2686)* form.

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6.2.2 Timeframe for Requesting a Fact Finding Review

The Fact Finding Review request must be made within 45 days of the mailing date for *EA* notices.

If the 45th day falls on a weekend or holiday, the calculated date will be the next working day. If the request is received within the 45-day timeframe, the *W-2* agency must schedule a Fact Finding Review.

Fact Finding Reviews are not available if the agency action being contested occurred more than 45 days prior to the Review request. If the request for a Fact Finding Review is received beyond the 45-day timeframe, the *W-2* agency must provide the petitioner with a completed *Fact Finding Review Denial Notice (2686)*.

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6.2.3 Fact Finding Review Process

See W-2 Manual 12.2.4 through 12.2.13 for information on the Fact Finding Review Process and requirements.

In addition to the items listed in W-2 Manual 12.2.7, **W-2** agencies must ensure the **EA** application case record is complete and all necessary documents are present, as well as be prepared with EA Manual citations.

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6.2.4 Fact Finding Results

If the Fact Finding decision overturns the agency's denial or improper calculation of Emergency Assistance (EA) due to an error in financial or nonfinancial eligibility determination, the agency must issue the EA payment or an additional EA payment amount based on the new information.

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6.3 Departmental Review (Second Level Review)

6.3.1 Requesting a Departmental Review

If an individual disagrees with the final Fact Finding decision, they may appeal the decision by requesting a Departmental Review. The **W-2** agency cannot appeal an **EA** Fact Finding decision, only the individual. The Department of Administration, Division of Hearings and Appeals (DHA) will complete the Departmental Review. This Review is a limited review of the record and the decision of the Fact Finder.

The request for a Departmental Review of an EA decision must be received by DHA within 14 calendar days after the date on which the certified copy of the W-2 Fact Finding decision is mailed (the same date as the Fact Finding decision).

DHA must date stamp requests for a Departmental Review. DHA will promptly notify the W-2 agency of receipt of a request for a Departmental Review. The W-2 agency must submit the Fact Finding file to DHA within 5 working days after receipt of the request.

DHA will fully review the W-2 agency's Fact Finding decision by completing a desk review.

If after reviewing the Fact Finding file, DHA determines that the file is inadequate, DHA may do any of the following:

- Remand the file to the W-2 agency to provide additional information;
- Hold a teleconference interview with the Petitioner and W-2 agency representative; or
- Request written supplementation from the Petitioner or W-2 representative.

DHA may grant a postponement of a telephone conference if the petitioner is not available due to a good cause reason. DHA may grant an extension of the decision.

DHA must complete its Review within 10 working days of the receipt of the Fact Finding file, unless DHA determines the file is inadequate.

The Department must deny a request or must refuse to grant relief if the applicant or participant withdraws the request for a Departmental Review in writing.

6.3.2 Departmental Review Process

See W-2 Manual 12.3.2 through 12.3.4 for information on the Departmental Review process.

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07 Overpayment Recoupment

7.1 Overpayment Recoupment

7.1.1 EA Overpayment Recoupment

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

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

Although agencies cannot recoup EA overpayments from other program payments, agencies may elect to recover EA overpayments 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 or forms to insert in the EA overpayment letter. The agency must customize the letter to the specific EA overpayment situation.

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08 Intentional Program Violation (IPV)

8.1 Intentional Program Violation (IPV)

8.1.1 Intentional Program Violation (IPV) Overview

An *Intentional Program Violation (IPV)* means that an individual did any of the following for the purpose of establishing, using, maintaining, increasing, receiving, transferring, or trafficking Emergency Assistance (EA) benefits:

1. Intentionally made a false or misleading statement;
2. Intentionally misrepresented or withheld facts; or
3. Intentionally committed any act that constitutes a violation of state or federal law.

To determine whether to impose an IPV penalty, the IPV must have been committed on or after November 1, 2012. An applicant does not have to receive payments or services prior to the agency imposing an IPV penalty.

The following are examples of IPVs:

- Concealing or intentionally not reporting unearned income or assets;
- Failing to report employment;
- Failing to disclose/report non-Wisconsin residency;
- Submitting documentation that has been forged or tampered with; or
- Submitting false information.

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8.2 IPV Determination and Process

8.2.1 Fraud Investigation

The primary goal of a fraud investigation is to determine the accuracy of an allegation that an applicant or recipient of *EA* intended to misrepresent his or her eligibility criteria or committed any act that constitutes an *IPV*.

In most suspected fraud cases referred to an investigator by the *W-2* agency:

- A benefit overpayment is suspected, and the agency has reason to believe the overpayment is the result of intentional misrepresentation of program eligibility requirements. The misrepresentation of program eligibility or fraudulent activity may be the result of:
 - o False or misleading statements of circumstances,
 - o Concealed or withheld facts, or
 - o Violation of a program regulation or State statute relating to program benefits.
- The benefit(s) would not have been provided, but for the false representation.
- The conduct of the applicant or recipient indicates the misrepresentation or fraudulent use of the benefit was done with knowledge and intent.

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8.2.2 IPV Determination

If the outcome of the investigation confirms that an individual committed a fraudulent act, the **W-2** agency must ensure that the fraudulent act meets the definition of an Intentional Program Violation (IPV). (See [8.1.1](#)) A W-2 supervisor or a supervisor's designee must review and approve all IPV determinations to ensure uniform application of IPV policy.

Within seven working days of receiving a fraud investigation report, the W-2 agency must:

1. Determine if an IPV has occurred;
2. Determine whether an IPV penalty can be applied based on the November 1, 2012 effective date of ss. 49.151 (2) Stats; and
3. Notify the individual that he or she committed an IPV.

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8.2.3 IPV Notification

If the **W-2** agency determines that an applicant or recipient has committed an **EA IPV**, the W-2 agency must enter the IPV in **WWP** which will generate a notice to the individual.

NOTE: Unlike W-2 IPVs, W-2 agencies are not required to allow the individual seven working days to rectify the IPV.

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8.3 IPV Penalties

8.3.1 IPV Penalties Overview

If the **W-2** agency determines that an individual has committed an **IPV**, the W-2 agency must impose an IPV penalty denying **EA** payments to the individual for the following timeframes:

1. Six months for the first IPV;
2. One year for the second IPV; and
3. Permanently for the third IPV.

If the IPV was the result of a denied EA application, the penalty period begins the first day of the month following the IPV determination.

If the applicant already received an EA payment, an IPV may still be determined and a penalty applied. Since all individuals who receive an EA payment are not eligible to receive EA for 12 months following the EA application date, if the EA IPV was the result of an approved EA application, the penalty period begins the day following the end of this 12-month timeframe.

If the W-2 agency suspects that fraud may have occurred in more than one public assistance program, the W-2 agency should communicate with other affected programs so they can conduct an investigation as well. (See W-2 Manual 13.6.1)

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8.3.2 IPVs and Two Caretaker Relatives

More than one adult in the **EA** Group may be determined to have committed an **IPV** and can be subject to the penalty. For a household with two **Caretaker Relatives**, only the individual(s) determined to have committed an IPV must receive the penalty.

If one caretaker relative is determined not to have been involved in the IPV activity, he or she may apply for and may be eligible for EA during the other individual's IPV penalty period. The eligible caretaker relative and the dependent children would be included in an EA Group and may receive an EA payment based on that group size. The ineligible individual must not be included in the EA Group, and their income and assets must not be included when calculating financial eligibility for EA.

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8.3.3 Multiple Acts of Fraud

If the **W-2** agency discovers that more than one act of fraud occurs at the same time, i.e. on one **EA** application, then the W-2 agency must impose only one **IPV**. The agency can only impose subsequent IPV penalties after the individual has completed an IPV penalty period, reapplied for EA, and committed another fraudulent act. For example, after an individual has completed a 6-month penalty period for a first IPV, reapplies for EA, and commits another fraudulent act, the agency can consider imposing a second IPV penalty. The same is true for imposing a third IPV penalty; an individual has to serve the 12-month penalty period for the second IPV, reapply for EA, and commit another fraudulent act.

EXAMPLE 1: Lori applies for EA in February. She is determined eligible based on the information on her application. A month later, the agency discovers that Lori did not report her part-time employment and a savings account with a balance of \$5000. The agency must impose only one IPV disqualification period even though Lori made two false statements on her EA application in February.

EXAMPLE 2: Seth commits his first EA IPV and is disqualified from EA for six months. During this IPV penalty period, Seth submits a new EA application and on the application, Seth reports that he is unemployed and currently has no income. However, the W-2 agency discovers that Seth has income from part-time employment. Although the agency believes that Seth intentionally withheld his income information on the EA application, the agency may not impose a second IPV because the 1st IPV penalty period has not ended. Seth would need to apply for EA again once the 1st IPV penalty period has expired, and the W-2 agency would need to determine that he had committed a fraudulent act on that new EA application in order to impose a 2nd IPV.

8.3.4 IPV Penalties in Other Programs

IPV for *EA*, *W-2* (including *JALs*), and *Wisconsin Shares* (childcare) are independent of each other. If an individual commits an EA IPV, the penalty applies only to EA eligibility. If an individual is determined to have committed a W-2, JAL or Childcare IPV, the penalty does not apply to EA.

EXAMPLE: Cathy applied for W-2 in January. During the W-2 application process, Cathy stated that she and her two children reside in her home and that her husband James moved out two months ago. Cathy stated she is unsure where James is living, and she has not talked to him since he moved out. The FEP completed the W-2 intake and confirmed eligibility. After the appointment, the FEP learns that James is living in the home and never left. After speaking with Cathy, who admitted that she did provide false information, it was determined that Cathy committed a W-2 IPV. The following month, Cathy is not able to pay her rent. She applies for EA and lists herself, her husband, and two children on the EA application. The W-2 IPV does not prevent Cathy from being determined eligible for EA. She may be eligible for EA if she meets all of the nonfinancial and financial eligibility.

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8.4 IPV Documentation

8.4.1 IPV Documentation

When the **W-2** agency determines that an applicant has committed an **IPV**, the W-2 agency must enter the IPV in **WWP**. WWP will calculate the IPV penalty period. W-2 agency workers with supervisor access must enter IPVs. A W-2 agency supervisor may also update an IPV. When an IPV is deleted, the W-2 agency must edit other IPVs so the penalty period for any remaining IPVs can be recalculated. W-2 agency workers can find instructions for entering **EA** IPVs into WWP in the Emergency Assistance IPV Desk Aid.

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8.5 Additional IPV Enforcement Actions

8.5.1 Overpayment Recoupment for EA IPVs

State law does not authorize the recoupment of *EA* overpayments from other benefit payments, i.e., *W-2* payments. The W-2 agency may elect to recover EA overpayments on a manual and voluntary basis. See [7.1.1](#) for additional information.

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8.5.2 Additional IPV Enforcement Actions

After the *W-2* agency determines that an *IPV* has occurred, the agency may decide to take additional enforcement action(s). The additional enforcement action(s) include:

A. Refer for possible criminal prosecution. The W-2 agency must communicate with its Corporation Counsel to discuss and establish thresholds and criteria regarding when to refer individuals to local law enforcement or the district attorney for consideration of possible criminal prosecution.

B. Obtain a Disqualification Consent Agreement. If the W-2 agency decides to refer an individual to the District Attorney for prosecution for civil or criminal misrepresentation or fraud, the agency may offer the individual the option to sign a consent agreement with the agency to defer the referral for prosecution. Individuals who choose to sign this waiver still receive an IPV penalty.

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8.6 Dispute Resolution Process

8.6.1 Dispute Resolution Process

Individuals may appeal an *IPV* determination by requesting a Fact Finding Review. (See [Chapter 6](#))

An IPV determination and the establishment of an IPV-related overpayment are considered two separate actions. The individual must appeal each action separately.

Once a *W-2* agency imposes an IPV penalty, the penalty continues uninterrupted for the duration of the ineligibility period unless reversed under the W-2 dispute resolution process. All IPV determinations are subject to the dispute resolution process, but the duration of the ineligibility period is never subject to review.

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Appendix

Appendix - Energy Crisis Resources

Local electric, natural 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, upon request by the customer, to maintain a customer's utility service when there is a serious illness of an **EA** Group member.
- Reasonable Payment Plan: Local utility companies are required to provide a payment plan based on the customer's ability to pay upon request by the customer. Even if the customer previously may have been denied a payment plan, once a customer's utility service has been disconnected, the customer has a new right to a payment plan based on ability to pay.
- "Winter Moratorium" plus additional Regional Days: Local utility companies are not permitted to 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 the National Weather Service issues a heat advisory.

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 State of Wisconsin Public Service Commission (PSC) at (800) 225-7729 or <http://psc.wi.gov/>. The PSC regulates local electric, natural gas and water utility companies.

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

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Appendix - Eviction and Foreclosure Resources

For detailed information regarding eviction notices, refer to Sections 704.17 and 704.19 Wis. Stats.

An information sheet on eviction, including eviction notices, may be accessed at the following web address: <http://tenantresourcecenter.org>

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

- Contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at (800) 422-7128;
- Contact the Wisconsin Tenant Resource Center at (608) 257-0143 or toll-free outside Dane County at (877) 238-7368;
- Search for an eviction notice filed with the court on the Wisconsin Circuit Court Access website at: <http://wcca.wicourts.gov/index.xsl>; or
- For additional information about notices related to subsidized housing, contact the subsidized housing program that issued the notice.

For additional information about property ownership and foreclosure notices, agencies may:

- Contact the agency's legal counsel;
- Search for a foreclosure notice filed with the court on the Wisconsin Circuit Court Access website at: <http://wcca.wicourts.gov/index.xsl>; or
- Contact the city or county real estate assessor's office to verify property ownership (homeowner or rental property).

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Glossary

A

ACCESS: A client facing web portal that provides self-service, case specific information regarding an individual's FoodShare, Medicaid, Wisconsin Shares, Wisconsin Works (W-2), and Job Access Loan benefits, including program eligibility information.

Address: Address refers to the actual place where the household resides. • Applicants and participants must provide an address unless they are homeless, migrant workers, or newly arrived in Wisconsin. Verification of address is not required. • A household does not have to reside in a permanent dwelling. • A household may use a general delivery or PO box address. "Address" is different than "residence."

Applicant: An individual who applies for Emergency Assistance (EA).

C

CARES Worker Web (CWW): The web based computer program used in Wisconsin for the W-2, JAL, FoodShare, Badger Care, and Wisconsin Shares programs. Used for the W-2 program in client registration, eligibility determination, placement, and Learnfare.

Caretaker Relative: An adult in the EA Group who has a qualifying relationship to a dependent child, resides with and anticipates to live with the dependent child and provides care and control for the dependent child.

Caretaker Supplement Program (CTS): A monthly cash benefit for an eligible child(ren) living with his/her Supplemental Security Income (SSI) parent. Caretaker Supplement benefits are administered by the county/tribal human social services agency.

Case Management: The family-centered and goal-oriented process for assessing the needs of a family for financial resources, employment, training and supportive services and assisting the family in obtaining the resources and services.

Client Assistance for Reemployment and Economic Support (CARES): Mainframe system used in Wisconsin for the W-2, JAL, TMJ/TJ, FoodShare, Badger Care, and Wisconsin Shares programs. Used for the W-2 program in case management, benefit issuance, Performance Outcome Payment claims, participation tracking, and JAL loan information and budgeting.

Community Action Program: Non-profit, community based agencies that administer various social programs.

Custodial Parent (CP): With respect to a dependent child, a parent who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child.

D

Department of Children and Families: The Wisconsin Department that oversees the W-2, JAL, EA, RCA and RMA programs.

Dependent Child: A person who currently resides and is anticipated to reside with a parent or other related adult, and who is under the age of 18 or, if the person 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, is under the age of 19.

Disregard: Do not count, exempt, or exclude

Doubled-Up: Term used to describe a family that is residing in a home where they are not on the lease/mortgage and are using it as a short-term housing solution and would otherwise be homeless.

E

EA: Emergency Assistance

EA Group: The primary person and any individuals living in his or her household whose income and/or needs are considered when determining eligibility for benefits.

Electronic Case File (ECF): A paperless case file system used by W-2, EA, and income maintenance agencies in Wisconsin. The system uses document imaging (scanning) to store case file materials in an electronic format. The ECF Handbook, including information on software and hardware requirements can be found at: <http://www.emhandbooks.wisconsin.gov/ecf/ecf.htm>

Emergency Assistance Tracking System (EATS): Internet based tracking system formally used by W-2 agencies to track and store information regarding EA applications and payments.

Emergency Management: Assists with coordination of emergency services and resources in disaster situations.

F

Federal Poverty Level (FPL): A minimum amount of income that is needed for food, clothing, transportation, shelter and other necessities, as determined annually by the Department of Health and Human Services.

Financial and Employment Planner (FEP): A staff person within a W-2 agency who provides individualized case management and supportive services for a person in a W-2 employment position.

FoodShare (FS): Government funded program to help low-income individuals and families to purchase food.

G

Good cause: Determination of the W-2 agency regarding whether there is a valid reason.

I

Intentional Program Violation (IPV): Intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or intentionally committing any act that constitutes a violation of state or federal law for the purpose of receiving EA benefits.

K

KIDS Information Data System (KIDS): A system which supports child support agencies and county clerks of court with child support and paternity information. The system also supports the automatic creation of IV-D cases through interfaces with the CARES and HSRS state systems.

Kinship Care: A cash assistance program in Wisconsin designed to support children who reside with caretaker relatives instead of their parents.

L

Legal Custody: Regarding the definition of a custodial parent, any person granted legal custody of a child, other than a county agency or licensed child welfare agency, who has the right and responsibility to make major decisions concerning the child, except with respect to specified decisions as set forth by the court or the parties in the final judgment order. Major decisions include, but are not limited to, decisions regarding consent to marry, consent to enter military service, consent to obtain a motor vehicle operator's license, authorization for non-emergency health care, and choice of school and religion.

Low Income Home Energy Assistance Program (LIHEAP): Federally funded program to provide assistance to low-income individuals for utility services. Also known in Wisconsin as the WHEAP.

M

Medical Assistance (MA): Also known as Medicaid, Title 19 or MA, a state-federal program that provides health care coverage to low-income elderly, blind, and disabled individuals. In Wisconsin, low-income individuals who do not qualify for Medical Assistance may qualify for BadgerCare Plus.

Minor Parent: A custodial parent under the age of 18.

N

Non-Citizens: All members of the EA group must be U.S. citizens or have qualified non-citizen status. For documentation verifying U.S. citizenship, refer to the W-2 Manual section 4.1.2.

Noncustodial Parent (NCP): With respect to a dependent child, a parent who is not the custodial parent.

O

Overpayment: An assistance payment received by an individual due to fraud, participant or administrative error.

P

Parent: A parent is a: (1) Biological parent; (2) Person who has consented to the artificial insemination of his wife under s.891.40, Stats.; (3) Parent by adoption; (4) Man adjudged in a judicial proceeding to be the biological father of the child if the child is a non-marital child who is not adopted or whose parents are not married to each other; or (5) Man who has signed and filed with the state registrar a statement acknowledging paternity.

Public Holiday: A holiday authorized by law and limiting work or official business.

Public Service Commission (PSC): The agency responsible for the regulation of Wisconsin public utilities, including those that are municipally-owned.

R

Residence: Residency refers to a person's true, fixed, and permanent home where a person intends to remain indefinitely and to which a person has the intention of returning, whenever absent. "Residence" is different from "address."

S

Supplemental Security Income (SSI): A federal cash assistance program designed to help low-income individuals who are aged, blind and/or disabled.

T

TANF: The Temporary Assistance for Needy Families (TANF) program is Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). TANF is the federal block grant program that provides states with the authority and funding to create programs that promote work and provide time-limited assistance to needy families with children.

U

UI: Unemployment Insurance

V

Vehicle: A passenger car or other motor vehicle used to transport persons or goods and is owned by someone in the W-2 group.

Vendor Payments: Payments made on behalf of the household by a third party to another source.

W

Wisconsin Home Energy Assistance Program (WHEAP): Federally funded program to provide assistance to low-income individuals for utility services. Also known as LIHEAP.

Wisconsin Shares: Wisconsin's Child Care Subsidy program that helps families pay for child care. If the parent is eligible, child care can be subsidized for children under the age of 13 (up to 19 if special needs).

Wisconsin Work Programs (WWP): The web based computer program used in Wisconsin for the W-2, Emergency Assistance, TMJ/TJ, and Children First programs.

Wisconsin Works (W-2): Wisconsin's TANF program, which provides cash assistance to qualifying families. The program emphasizes personal responsibility and working to the best of one's ability.

Working Day: Any day of the week except Saturday, Sunday and public holidays.