

Chapter 272. Basic Needs Assistance Program Policy¹

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272.001 Program Administration²

- (a) Authority. Travis County (“County” or “Travis County”) is authorized to provide the services referenced in this Chapter 272 Basic Needs Assistance Program Policy (“Policy”) under Texas Local Government Code, Section 81.027, and other applicable statutes.
- (b) Provision of Services
- (1) The Travis County Health and Human Services Department (“Department”) through the Family Support Services Division (“Division”) (or such successor division as designated by Department) will provide safety-net services (ongoing) and/or emergency assistance (short-term) for Travis County community members experiencing severe long-term and/or situational poverty.
 - (2) Implementation of this Policy will be done without regard to race, color, age, religion, sex, national origin, disability, veteran status or sexual orientation.
- (c) Purpose. The purpose of this Policy is to establish standards in administering the Basic Needs Assistance Program (“Program”) as set forth in the following sections:
- 272.001 Program Administration
 - 272.002 Eligibility Criteria
 - 272.003 Verifying Documentation
 - 272.004 Application Process
 - 272.005 Benefits Limit / Interpretive Guidelines and Standards

¹ Chapter 272 was replaced and retitled by Travis County Commissioners Court August 28, 2018, Item 11. Section 272.002(d)(2)(A) was corrected by nunc pro tunc on December 18, 2018, Item 9. Sections 272.002 and 272.005 were amended February 8, 2022, item 10. Chapter 272 was amended 11-24-2020, Item 8, with an effective date of November 24, 2020. Chapter 272 was amended 2-8-2022, Item 10, and 11-15-2022, Item 10.

² 272.001(f) Definitions was amended 11-24-2020, Item 8, by the addition of 272.001(f)(1) Calendar Year.

272.006 Case Management Services

272.007 Appeals Process

This Policy only serves to provide guidelines for the provision of services as determined to be available by the Travis County Commissioners Court ("Commissioners Court") and the Department, and does not create any entitlement to any of the services referenced herein.

- (d) Statutory Guidelines. Travis County will provide all services in accordance with all applicable federal, state and local laws, rules and regulations.
- (e) Limitations
 - (1) General Revenue Funds. County general revenue fund monies and other funds legally available to Travis County for these purposes may be used, as determined by the Commissioners Court and directed by the Department, to provide assistance under this Policy when the Department determines that no other appropriate source of funding is readily or reasonably available to meet the identified need(s).
 - (2) Changes. Travis County reserves the right to change any provision of this Policy unilaterally by written amendment approved by the Commissioners Court without specific notice (other than that provided through the Commissioners Court posting procedures, as required by law) to any recipient of services or potential recipient of services. No employee, official, supervisor, or other individual has any authority to change any provision of this Policy without the express and specific authority to do so as set forth in this Policy or granted by the Commissioners Court.
 - (3) Availability of Services
 - (A) This Policy sets forth the general guidelines under which certain benefits may be provided by Travis County to eligible recipients and are provided for informational purposes only. The services described herein may be limited by availability of County funds or other factors, and the provisions of this Policy are not intended to create any entitlement or interest or right in property.
 - (B) This Policy does not create any guarantee of the provision or continuation of services for any individual, even if that individual meets the stated criteria, nor does it guarantee the availability of services or funds for such services at any given time.
 - (C) Application of this Policy will be as determined by the Commissioners Court and the Department.
 - (D) If funding is available and services are provided, services will be provided according to the terms of this Policy for so long as the County continues to provide for such services.
 - (E) At the discretion of the Commissioners Court, services may be decreased, interrupted or discontinued at any time.

- (4) Acceptance of Services. Prior to receipt of services provided under this Policy, each recipient will sign a statement evidencing their awareness of the above limitations.
- (f) Definitions. In this Policy, the following terms will have the meaning set forth herein:
- (1) "Calendar Year" means that time period beginning on January 1 and ending on December 31 of the applicable year.
- (1.5) "Common-Law Marriage" means a legal marriage in the State of Texas wherein both parties are free to marry, live together, and hold out to the public that they are married to each other.
- (2) "County Executive" means the County Executive of the Travis County Health and Human Services Department, or their designee.
- (3) "Disabled" and "Disability" means an adult who has been unable to work or to obtain or maintain employment due to a health condition; or a minor who is disabled due to a health condition. At the time of the request for assistance, written verification signed by a Licensed Health Professional is required, stating that the individual was unable to work (or to obtain or maintain employment) the thirty (30) calendar days prior to application/verification. Such written verification must be dated within the last twelve (12) months.
- OR
- A Household member is receiving SSI (Supplemental Security Income), SSD (Social Security Disability) or RSDI (Retirement Survivors Disability Insurance), or VA (Veteran's Administration) disability benefits due to a Disability. Department requires written or verbal verification.
- (4) "Elderly" means an individual who is sixty (60) years or older.
- (5) "Emancipated Minor" means a person under eighteen (18) years of age who either:
- (i) has been legally declared as an emancipated minor by the court; or
 - (ii) is married (with "marriage" including Common-Law marriage).
- (6) "Household" means an applicant and those individuals who reside in the applicant's housing unit and whose financial assets and obligations are held in common.
- (7) "Immediate Family" means a family member defined pursuant to the Travis County Code, Chapter 110, Travis County Personnel Benefits Guidelines and Procedures Manual for All Travis County Employees, Section 110.076(a)(7) to include a spouse, parents, children, grandchildren, sister, brother, grandparents, mother-in-law, father-in-

law, sister-in-law, brother-in-law, daughter-in-law, son-in-law or person(s) within the same household with whom the applicant shares a significant relationship of mutual caring.

- (8) "Income" means cash receipts earned and/or received by the Household (as defined in Section 272.001(f)(6) of this Policy) before taxes, but not the excluded income as defined by the Texas Department of Housing and Community Affairs ("TDHCA") as set forth in Texas Administrative Code, Title 10, Part 1, Chapter 6, (and according to any future amendments thereto).
- (9) "Licensed Health Professional" includes a Physician, Nurse Practitioner, Registered Nurse, Social Worker, Occupational or Professional Physical Therapist (or other professional as determined by Department).
- (10) "Residency" means one's home and fixed place of habitation to which one intends to return after any temporary absences, as set forth in Texas Election Code, Section 1.015.
- (11) "Third Party" means a recognized authority that has no potential for personal gain as a result of receipt of benefits and no personal relationship to the applicant or any member of the applicant's Household, who is qualified (as determined by Department) to verify the needed information. Examples of a Third Party include employers, schools, social services agency representatives, medical personnel, etc.
- (12) "Thirty (30) Day Period" means the previous thirty (30) calendar days from and including the Date of Application.
- (13) "Twelve (12) Month Period" means that time period beginning with the date of payment approval and ending on the same date of the next calendar year.
- (14) "Twenty-four (24) Month Period" means that time period beginning with the date of payment approval and ending on the same date of the two calendar years following.

272.002 Eligibility Criteria^{3, 4, 5, 6}

- (a) Purpose. The purpose of this section 272.002 is to establish unified criteria for identification of Households which meet the minimum Policy eligibility requirements.

³ 272.002(d)(2)(A) corrected by nunc pro tunc 12-18-2018, Item 9. 272.002(d)(2)(E) amended 11-24-2020, Item 8.

⁴ 272.002(c)(1) and (c)(5) were amended 11-24-20, Item 8. 272.002(c)(6) was added 11-24-2020, Item 8.

⁵ 272.002(c)(6) was amended 2-8-2022, Item 10, with effective date of 2-8-2022.

⁶ 272.002(c)(6) and (d) were amended 11-15-2022, Item 10.

(b) Waiver or Adjustment

- (1) Eligibility criteria may be waived when the County Executive identifies that an immediate response is required to a disaster which affects the health and safety of the community or in specific instances of households with current life-threatening situations that have been verified by a Third Party. In such cases, the Division (or appropriate Department group), with the written approval of the County Executive, may waive or adjust certain provisions of this Policy where, as determined by the County Executive, such waiver or adjustment will continue to promote the general purpose and intent of this Policy within the limits of applicable laws. At any time that such waiver or adjustment is requested or suggested, the County Executive may make such decision or, where time allows, refer such decision to the Commissioners Court.
- (2) Upon granting of any such waiver or adjustment, the County Executive will provide written notice to the Commissioners Court of such waiver or adjustment and the circumstances leading to the granting of the waiver/adjustment at the earliest possible date.

(c) General Criteria

- (1) Income. Effective January 1, 2021, and until further action by the Commissioners Court, Household gross Income must be at or below 250% of the Federal Poverty Income Guidelines for the past Thirty (30) Day Period, described in the Comprehensive Energy Assistance Program ("CEAP") Program Guidance, published by TDHCA, as income limits for the applicable program year. Pursuant to Section 272.001(e)(2), Commissioners Court reserves the right to change the Household gross Income to be at or below 150% of the Federal Poverty Income Guidelines for the past Thirty (30) Day Period described in the aforementioned CEAP Program Guidance, as income limits for the applicable program year.
- (2) Identification. Applicant must present acceptable identification, as determined to be satisfactory by Department staff, when applying for assistance.
- (3) Residency. Applicant and Household members receiving the benefit of assistance must be able to show proof, as determined to be satisfactory by Department staff, of Travis County Residency. Lack of a fixed address would not necessarily be reason for denial of assistance.
- (4) Age. Applicant must be at least eighteen (18) years of age or an Emancipated Minor.
- (5) Frequency of Assistance for Utilities. Households will be assisted within the set benefit limit referenced in Section 272.005 of this Policy for Utility Assistance only once in a Calendar Year, with the following exception: A Household that includes at least one Elderly, and/or

Disabled person, and/or child age five (5) or under may be assisted twice in a Calendar Year.

- (6) Frequency of Assistance for Rent/Mortgage
 - (A) Households will be assisted within the set benefit limit referenced in Section 272.005 of this Policy for Rent/Mortgage Assistance, a maximum of six (6) times in a Calendar Year.
 - (B) Pursuant to Section 272.001(e)(2), Commissioners Court reserves the right to decrease, interrupt, discontinue, or change assistance, including but not limited to, changing the frequency of assistance to once in a Calendar year or twice in a Calendar Year for a Household that includes at least one Elderly, and/or Disabled person, and/or child age five (5) or under.

(d) Specific Service Category Criteria

- (1) Food Pantry Assistance. Households may receive Food Pantry Assistance once every thirty (30) calendar days.
- (2) Rent/Mortgage Assistance
 - (A) In order to receive rent/mortgage assistance, clients must:
 - (i) be actively participating in supportive or comprehensive case management services with a Travis County Family Support Services supportive case manager or social worker; and
 - (ii) rent/mortgage assistance must be part of the client's individualized service plan, including a goal of the client achieving self-sufficiency.
 - (B) Applicant may not apply before thirty (30) calendar days prior to the due date for rent, mortgage, or mobile home lot payment assistance. The assistance awarded does not have to be for the current month for which payment is due, but landlord must agree in writing to not proceed with eviction for thirty (30) calendar days from the date of acceptance of payment from County. Should applicant owe rent or mortgage and mobile home lot rent, County may split the payment between two vendors.
 - (C) If applicable, County will make mortgage payments in applicant's name.
 - (D) If applicable, County will make payments only to the owner of the property, or owner's legal agent with whom owner has a property management agreement.
 - (E) County will not pay deposits.
 - (F) County will not make rent payment or mortgage payments to Immediate Family (as defined in Section 272.001(f)(7) of this Policy) or to applicants' roommates.

- (3) Utility Assistance
 - (A) Utilities include electricity, water, natural gas, butane, propane, firewood, and garbage collection.
 - (B) Utility bills do not have to be past due to be eligible for utility assistance.
 - (C) If applicable, County may make payment for utility services fees, charges, as long as the total does not exceed the benefit limit described in Section 272.005 of this Policy.
 - (D) County will not pay deposits.

272.003 Verifying Documentation

- (a) Purpose. The purpose of this Section 272.003 is to establish standard documentation requirements and verification procedures to support all eligibility or ineligibility decisions related to applications for basic needs assistance services under this Policy.
- (b) Income. Applicant must provide acceptable proof of income, as determined by Department. In the exceptional case where proof of income is unavailable, an applicant must sign a Declaration of Income Affidavit, as provided by Department. Department will verify and document income.

272.004 Application Process

- (a) Purpose. The purpose of this Policy and the procedures utilized by the Department to implement this Policy is to provide all Travis County residents equal access to basic needs assistance services. All individuals involved in the provision of basic needs assistance services under this Policy will follow Department-approved application/intake procedures. Department will serve applicants with confidentiality, dignity, and respect.
- (b) County Executive Discretion. The Division of the Department, and others, as designated by Department, will create, adjust and amend internal Division-specific procedures to implement the Policy with the written approval of the County Executive. Department will maintain internal procedures in writing within the Department.

272.005 Benefit Limit/Interpretive Guidelines and Standards^{7, 8, 9}

- (a) Purpose. The purpose of this Section 272.005 is to establish specific benefit amount limits for eligible recipients of basic needs assistance services under this Policy.

⁷ 275.005(c)(1) amended 11-24-2020, Item 8.

⁸ 272.005(c) was amended 2-8-2022, Item 10, with effective date of 2-8-2022.

⁹ 272.005(c) was amended 11-15-2022, item 10.

- (b) Utilities Assistance Benefit Limit. Utilities assistance will be limited as follows:
 - (1) A maximum benefit amount of \$235.00 will be allowed per Household, not per utility provider.
 - (2) In no event shall the assistance awarded exceed the amount indicated on the unpaid bill.
 - (3) In no event shall the assistance awarded exceed the amount necessary to resolve a crisis the applicant is experiencing.
 - (4) When the amount needed to restore or continue service exceeds the allowable benefit amount of \$235.00, County may award assistance if a Department believes that a reasonable expectation exists that the balance needed can be obtained by the applicant.
- (c) Rent/Mortgage Assistance Benefit Limit
 - (1) Assistance Benefits awarded under this policy will be limited to 100% of Average Austin Rents as of January 1 of the applicable year.
 - (2) In no event shall the assistance awarded exceed the amount indicated on the landlord/lienholder statement.
 - (3) In no event shall the assistance awarded exceed the amount necessary to resolve a crisis the applicant is experiencing.
 - (4) When the amount needed to prevent homelessness or secure housing exceeds the allowable benefit amount, County may award assistance if Department believes that a reasonable expectation exists that the balance needed can be obtained by the applicant.

272.006 Case Management Services

- (a) Services. The following policy revisions are meant to capitalize on the success of the Pilot Project known as the Best Single Source, implemented beginning on or about Tuesday, March 8, 2005. Case management services combine basic needs assistance services with either supportive case management, supporting individuals or families to meet clear goals and/or to connect with other social service providers, or comprehensive case management, working with a professional social worker who may provide counseling services, help identify goals, and work on complex, longer-term needs. The maximum amount of time clients may participate in supportive case management is twelve (12) months; the maximum amount of time clients may participate in comprehensive case management is twenty-four (24) months.
- (b) Applicants. Applicants may qualify for both basic needs assistance and for case management services. Department screens applicants for case management services for acuity and, depending on specified conditions, direct applicants into either supportive case management or comprehensive

case management. Clients may move between the two models of case management, depending on changes in conditions or other factors.

- (c) Participation. Clients participating in case management services will work with Travis County staff to develop individualized plans toward meeting specific goals; outcomes toward meeting said goals will be measured.
- (d) For case management services only, the policy provision will be changed by replacing Section 272.002(c)(5) of this Policy with the language set forth below:

272.002(c)(5) Frequency of Assistance

- (1) County may provide Households with basic needs assistance more than two (2) times per year while enrolled in case management services. Case Management Financial Assistance (“CFMA”) must be part of the individualized service plan and include self-sufficiency as a goal. Rent/mortgage assistance frequency is described in Section 272.002(c)(6) of this Policy, and rent/mortgage benefit amounts are described in Section 272.002(d)(2) of this Policy.
 - (2) The cap on funding per calendar year for CFMA for support other than rent/mortgage is \$1,000 for each Household enrolled in supportive case management or comprehensive case management.
 - (3) Utility assistance may not duplicate any other utility assistance provided by the County. A Household may be enrolled in supportive case management for up to twelve (12) months or enrolled in comprehensive case management services for up to twenty-four (24) months.
 - (4) A Household may not receive case management services again for twelve (12) months for all the service categories described in Section 272.002(d) of this Policy. A Household may not receive case management services again for a Twelve (12) Month Period after the completion of all requirements connected to supportive or comprehensive management services, as applicable.
- (e) Current Policy Provisions. Unless described in Section 272.006(d) of this Policy as a change, all remaining provisions of this Policy shall apply to services provided for case management services.

272.007 Appeals Process

- (a) Purpose. The purpose of this Section 272.007 is to provide all Travis County residents a right to appeal eligibility determination decisions related to the provision of basic needs assistance services under this Policy. All persons involved in the provision of basic needs assistance will follow Department-approved appeals procedures. Department will serve applicants with confidentiality, dignity and respect.

- (b) Any applicant may appeal the eligibility determination decisions. Such appeals must be made in writing within ten (10) business days of the rendered decision.
- (c) Appeals will be handled through County Executive-approved written procedures that will ensure that any person denied any basic needs assistance service is given a written notice of the denial and appeals process.
- (d) All appeals will be handled through the Division organizational structure and the appeal decision will not be made by the staff member making the original denial decision. A written decision will be rendered and provided to the applicant within ten (10) business days of the written appeal request. Documentation of the appeals process will be kept with the applicant file.