Office of Administrative Hearings (OAH)	Transmittal Number: 95-50
Procedures Transmittal	Date: December 20, 1995
Distribution:	
ALB OAH Staff [X] UPS ALJs/ [ ] SUP ALJs [ ] Upstate LDSS [ ]	Subject: Temporary Housing for the Homeless (Use of Issue 949)
NYC OAH Staff [X] NYC ALJs/ [X] SUP ALJs [X] NYC Agencies [X] (HRA/NDHS Only)	

A new issue code for New York City Fair Hearing requests has been designated for use when the issue involves an action taken pursuant to 18 NYCRR 352.35 which provides standards of eligibility for homeless persons seeking temporary housing assistance. The court has issued a temporary restraining order prohibiting implementation of Section 352.35 in New York City (McCain v. Giuliani).

NYC notices that reference Section 352.35 or mention temporary housing for the homeless should be coded as follows:

Agency: N0__ or NIM or NDHS
Category: EA or ADC or HR
Issue: 949 (Temporary Housing for the Homeless pursuant to Section 352.35)
Action: DEN, DISC

New York City ALJs should be aware of the issue and note that any such cases may not have been pre-identified with the issue code 949 in which case 949 should be added to the Fair Hearings Data Sheet (FH019) to allow appropriate tracking.

Any questions can be referred to your supervisor or to Sue Fiehl at 518-473-4779 or via e-mail 90J029.

Mark Lacivita, Director of Administration
Office of Administrative Hearings