



OFFICE OF POLICY, PROCEDURES, AND TRAINING

James K. Whelan, Executive Deputy Commissioner

Adam Waitzman, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #21-08-OPE

REMINDERS ABOUT UTILITY AND SHELTER ARREARS DURING COVID-19

<p>Date: February 18, 2021</p>	<p>Subtopic(s): Cash Assistance, Shelter Arrears, Utility Arrears, One-Shot Deals</p>
<p>Refer to PD #15-21-ELI for the policy on Shelter Arrears</p> <p>Refer to PB #19-16-OPE for information on when to refer a case to RAU</p>	<p>The purpose of this policy bulletin is to remind Job Center, HIV/AIDS Services Administration (HASA) Center, and Rental Assistance Unit (RAU) staff that despite moratoriums and other various protections on evictions and utility shutoffs, requests for assistance must still be processed, and if eligible, benefits issued. This policy bulletin is informational for all other staff.</p> <p><u>Shelter Arrears (With or Without Legal Proceeding)</u></p> <p>During the COVID-19 pandemic, administrative action has been taken at the federal and state levels to prevent evictions for those experiencing hardships due to the public health crisis.</p> <p>However, staff are reminded that Cash Assistance (CA), including emergency assistance, must continue to be utilized to pay rent arrears for those determined eligible for assistance. It is not necessary for a legal proceeding to have been started or to wait for the moratorium on evictions to be lifted before evaluating an applicant/participant's eligibility for the arrears payment.</p> <p>If it is determined that an arrears payment is appropriate, staff must explore an applicant/participant's eligibility. For all case types except Emergency Assistance for Adults (EAA), a total period of six months of arrears can be paid once every five years, unless staff determines that additional shelter arrears payments are necessary based on the individual case circumstances. For EAA, a total of four months of rent arrears may be paid. There is no five-year limitation with EAA as there are with the other case types.</p> <p>As a reminder, prior to making any arrears payments, staff must review the case circumstances to ensure that the applicant/participant can demonstrate an ability to pay the expense in the future. Staff must also explore any other available resources that</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

may be used to assist with the arrears payment, including funds from local non-profits.

Utility Shutoffs

Despite legislation instituting a moratorium on utility shutoffs during the COVID-19 state of emergency, applicants/participants may still receive bills indicating a turn-off. A turn-off notice, or indication on the bill threatening a turn-off, is required to receive assistance for utility arrears.

The legislation prohibits utility corporations or municipalities from terminating or disconnecting services to any residential customer for the nonpayment of an overdue charge for the duration of the COVID-19 state of emergency. If service has been terminated, utility corporations or municipalities must restore service to any customer within 48 hours.

It is important to note that although an applicant/participant may not be at immediate risk of having their utilities turned off, staff must continue to process requests and issue payments as appropriate. A moratorium on terminations or disconnections of residential utility services does not affect whether an applicant/participant may receive emergency energy assistance.

Staff must not deny any application for emergency payment related to a utility termination or disconnection solely based on a current moratorium. Termination and disconnection notices are still being issued by utility providers. Therefore, applicants/participants may still be eligible for emergency energy assistance if there is a threat of a utility termination or disconnection. Applicants/participants must still pursue, accept and use any available resource such as:

- Available cash on hand,
- Home Energy Assistance Program (HEAP),
- Negotiation of a deferred payment agreement (DPA), or
- Relocation to viable housing to resolve a utility energy emergency.

The New York State Department of Public Service has issued a COVID-19 Utility Shut off Guidelines Fact Sheet. Staff may share this document with applicants/participants as the information might be helpful with providing guidance to those economically affected by the COVID-19 pandemic.

Refer to [PD #17-24-ELI](#) for the Utility Process

For additional information on utility shutoffs and the options available to applicants/participants, please refer to the [COVID-19 Utility Shut off Guidelines Fact Sheet](#)

Effective Immediately

Reference:

[GIS 20 TA/DC100](#)

Related Items:

[PD #15-21-ELI](#)

[PD #17-24-ELI](#)

[PB #19-16-OPE](#)

Attachment:

Attachment A COVID-19 Utility Shut off Guidelines Fact Sheet



Spotlight On: **COVID-19 Moratorium on Utility and Municipal Shutoffs**

New York State Public Service Law* provides temporary protections for essential utility and municipal services during the COVID-19 pandemic. If you experienced a change of financial circumstances due to the COVID-19 pandemic, utilities and municipalities may not shut off your service for nonpayment, must reconnect your service within 48 hours, and must offer you a deferred payment agreement to pay any balance due.

There are immediate steps you can take to protect your utility service:

- ❑ **Contact your service provider:**
Your first step is always to contact your utility or municipality. Some utilities and municipalities may require you to self-certify that you've experienced a change in financial circumstances during the COVID-19 pandemic to protect your account from shutoff.

- ❑ **Ask for a deferred payment agreement:**
A deferred payment agreement allows you to pay your balance due in affordable, installment payments. Until March 31, 2021, utilities and municipalities are required to offer deferred payment agreements with no money down, late fees or penalties. You may be required to submit a financial statement documentation to your service provider. You are still responsible for your utility or municipality bill during and after the moratorium period.

- ❑ **Pay what you can:**
While your account may be protected from shutoff, you will still be responsible for the charges for service. Paying what you can now will help you avoid a larger bill later.

- ❖ **Don't wait until it's too late.**
These temporary protections are only available until March 31, 2021. The sooner you contact your utility, the sooner your account will be protected from shutoff.

*Public Service Law §§32, 89-b, 89-l and 91 (Chapter 108 and 126 of the Laws of 2020).

Frequently Asked Questions

Q: Who is eligible for these protections?

A: Residential customers.

Q: What about small business and commercial customers?

A: The new law does not cover small businesses and commercial customers. However, many utilities are offering assistance to their small businesses and other commercial customers. Contact your utility to inquire.

Q: What utility and municipal services are covered?

A: Electricity, natural gas, steam, landline telephone, and water.

Q: Which water systems are covered?

A: These protections are available to residential customers of private water companies and municipal (water districts, city, town, village) water systems.

Q: What about cable, internet, and cell phone service?

A: These services are not covered by the law. However, your provider may be offering other, similar protections. Contact your provider to inquire.

Q: How do I certify to my utility or municipality that I've been financially impacted by COVID?

A: Contact your utility or municipality and explain that you've experienced a change in financial circumstances since March 7, 2020 due to COVID-19. Your utility or municipality must accept your self-certification and **cannot** require you document a job loss, pay cut, unemployment filing or other change in your finances as part of the self-certification.

Q: What can I do if my service was shutoff for nonpayment?

A: Contact your utility or municipality and ask for your service to be turned on. By law, utilities and municipalities **must** reconnect you within 48 hours until the moratorium expires on March 31, 2021. You can also ask for a deferred payment agreement to help you keep current on your bills.

Q: I need help paying my heating bill this winter.

A: Eligible customers should apply to the Home Energy Assistance Program (HEAP) for help paying their winter heating bills. HEAP opens in November and covers utility and municipal electric and heating services as well as heating oil, propane, and wood. Contact your local Department of Social Services or otda.ny.gov/programs/heap/ for more info.

Q: What can I do if my utility does not protect my account?

A: Your first step is always to contact your utility and try to work it out with them. If you still need help after speaking with your utility, contact the Department of Public Service Helpline at 1-800-342-3377 (Monday-Friday, 8:30 am – 4:00 pm) or www.dps.ny.gov/complaints.