



**George E. Pataki**  
Governor

**NEW YORK STATE**  
**OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE**  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

**Robert Doar**  
Commissioner

## Local Commissioners Memorandum

### Section 1

<b>Transmittal:</b>	04-LCM-09
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	July 20, 2004
<b>Subject:</b>	Development of the 2004-2005 NYS HEAP State Plan
<b>Contact Person(s):</b>	Western Regional Team at 1-800-343-8859, extension 8-3350
<b>Attachments:</b>	Notice of Public Hearing Registration Form Draft State Plan Draft State Plan Attachment
<b>Attachment Available On – Line:</b>	All

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 393	SSL 97	HEAP Manual	

### Section 2

#### I. Purpose

The New York State Office of Temporary and Disability Assistance will conduct two needs assessment public hearings to provide for public input on the development of the 2004-2005 New York State Plan for the Home Energy Assistance Program (HEAP).

#### II. Background

The hearings will be held on the dates and locations listed below:

**New York City** - Friday, July 30, 2004 from 9:00 A.M. to 11:00 A.M.,  
105 West 125<sup>th</sup> Street, New York, New York 10027, 6th Floor, Training Center.

**Albany, New York** - Monday, August 2, 2004 from 11:00 A.M. to 1:00 P.M., 90 State Street, 6th Floor Conference Room, Cornell University Suite, Albany, New York 12207.

If you or a member of your staff is interested in testifying, please refer to the enclosed notice and registration form for details.

Written, faxed or e-mailed comments must be submitted by close of business, August 6, 2004.

Written comments may be mailed to:

Kathleen McMahon  
NYS Office of Temporary and Disability Assistance  
Division of Temporary Assistance  
Western Regional Team  
40 North Pearl Street (Section 11A)  
Albany, NY 12243

Faxed comments may be sent to:

Kathleen McMahon  
Division of Temporary Assistance  
(518) 474-9347  
or  
(518) 474-5281

E-mailed comments may be sent to:

NYSHEAP@dfa.state.ny.us

If you have any questions about the hearings please call Kathleen McMahon at (518) 408-3350.

### **III. Program Implications**

None

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**Issued By**

Name: Richard McElroy

Title: Acting Deputy Commissioner

Division/Office: Division of Temporary Assistance

**THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
NOTICE OF PUBLIC HEARING  
TO PROVIDE FOR PUBLIC INPUT ON THE DEVELOPMENT OF THE  
NEW YORK STATE PLAN  
FOR THE 2004-2005 HOME ENERGY ASSISTANCE PROGRAM (HEAP)**

In accordance with the Low Income Home Energy Assistance Act of 1981, as amended, the State of New York provides for input on the development of the 2004-2005 New York State Plan for the Home Energy Assistance Program (HEAP).

**PUBLIC HEARINGS:** Public hearings will be conducted at the following locations:

- **New York City**, Friday, July 30, 2004, from 9:00 A.M. to 11:00 A.M.,  
105 West 125<sup>th</sup> Street, New York, New York 10027, 6th Floor, Training Center.
- **Albany, New York**, Monday, August 2, 2004, from 11:00 A.M. to 1:00 P.M.,  
90 State Street, 6th Floor Conference Room, Cornell University Suite,  
Albany, N.Y. 12207.

Individuals/organizations wishing to present their views at these hearings should register by calling 1 (800) 343-8859, extension 3-0332. Persons who have pre-registered will be called upon to speak first. Others will be called in the order in which they register.

Speakers must limit their testimony to five minutes and submit three (3) written copies of their statements.

**COMMENTS:**

Written, faxed or E-Mailed comments on the development of the 2004-2005 New York State Plan for the Home Energy Assistance Program, will be accepted no later than close of business, August 6, 2004.

Written comments should addressed to:

Kathleen McMahan  
NYS Office of Temporary and Disability Assistance  
Division of Temporary Assistance, Western Regional Team  
40 North Pearl Street - 11A  
Albany, New York 12243

Faxed comments should be sent to:

Kathleen McMahan  
(518) 474-9347 or  
(518) 474-5281

E-mailed comments should be sent to: [NYSHEAP@dfa.state.ny.us](mailto:NYSHEAP@dfa.state.ny.us)



**THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
PUBLIC HEARING REGISTRATION FORM  
TO PROVIDE FOR PUBLIC INPUT ON THE DEVELOPMENT OF THE  
NEW YORK STATE PLAN  
FOR THE 2004-2005 HOME ENERGY ASSISTANCE PROGRAM (HEAP)**

**New York City**, Friday, July 30 from 9:00 AM. to 11:00 A.M.  
105 West 125<sup>th</sup> Street, New York, New York 10027, 6th Floor, Training Center.

**Albany, New York**, Monday, August 2, 2004, from 11:00 A.M. to 1:00 P.M.,  
90 State Street, 6th Floor Conference Room, Cornell University Suite,  
Albany, New York 12207.

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Persons wishing to present their views at any of these hearings are requested to complete this registration form as soon as possible and mail to:

Kathleen McMahan  
New York State Office of  
Temporary and Disability Assistance  
Western Regional Team  
40 North Pearl Street, Section 11A  
Albany, New York 12243

Telephone: 1 (800) 343-8859  
Extension 3-0332

The reply form may also be faxed to (518) 474-9347 or to (518) 474-5281.

To assure your pre-registration, please respond three days prior to the scheduled hearing date, or call the above number if you have any questions.

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I plan to attend the public hearing in (please check):

\_\_\_\_\_ New York City, New York (July 30, 2004)

\_\_\_\_\_ Albany, New York (August 2, 2004)

I plan to make a public statement at the hearing. I will limit my statement to a maximum of five minutes and I will provide three copies of my prepared statement.

**STATEMENTS SHOULD BE LIMITED TO COMMENTS ON THE DEVELOPMENT OF THE  
NEW YORK STATE PLAN FOR THE 2004-2005 HOME ENERGY ASSISTANCE PROGRAM  
(HEAP).**

**NOTE:** There will not be any photocopying facilities available at the hearing.

NAME \_\_\_\_\_

TELEPHONE \_\_\_\_\_

TITLE \_\_\_\_\_

AFFILIATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

2605(a) & 2605(b) (1)

During FFY 2000, FFY 2001 and FFY 2003 *contingency* funds were released to New York State and other states for heating or cooling purposes. In order to obtain public input, the New York State Plan is including Regular and Crisis HEAP program changes which New York State would consider making if additional funds were to become available. The selection of any of the listed program changes is dependent upon several factors including, but not limited to:

1) the amount of *additional* funding; 2) parameters or conditions attached to the funds; and 3) if the funds become available during the heating season or cooling season *and can be utilized in a timely and effective manner.*

If funds became available during the heating season, OTDA would consider the following modifications to the HEAP State Plan:

- The issuance of additional regular and/or emergency benefits;
- An increase in the regular and/or emergency benefit amounts;
- Providing a supplemental benefit to any household receiving a regular HEAP benefit during the most recent/current program year;
- Additional outreach *and referral* activities.

If funds became available during the cooling season, OTDA would consider modifying the State Plan in order to operate a cooling program in the following manner:

- Provide a supplemental benefit for utility costs to eligible households.
- Purchase and installation of cooling equipment for HEAP eligible, medically needy households.
- Energy conservation measures as approved by HHS and/or DOE.
- Additional outreach and referral activities.

Assurance 5 requires that the highest benefits be paid to those households with the lowest incomes and the highest energy costs in relation to income taking into account family size. In implementing its Home Energy Assistance Program (HEAP), New York State (NYS) operates three direct benefit components: Regular-Heating, Regular-Non-Heating and Crisis.

The NYS HEAP program is structured to accommodate two basic household types:

- Heaters: Those households responsible for payment of their primary heating costs. For example, a household whose main heating source is an oil-fired boiler/furnace would have fuel oil as a primary heating fuel. If a HEAP applicant in such a circumstance is responsible for paying for the household's fuel oil supply, the applicant would be considered a "heater" household.
- Non-heaters: Those non-subsidized households which are not directly responsible for their primary heating costs but which pay for heat through an undesignated portion of their monthly rent or mortgage payment.

Benefits will be targeted, through outreach activities, to households with a vulnerable member. Vulnerable is defined as an elderly person(s) (age 60 or older), a disabled individual(s), or a child less than 6 years of age.

In order to target assistance to those households with the highest home energy burden, NYS has opted to develop a benefit structure that directs the higher benefits to "heater" households. While certain non-heater households will continue to be excluded from program participation because of their low or negligible home energy burden, the traditional NYS "non-heater" eligible household will continue to participate.

2065(c)(1)(c)

In addition to the standard funding percentage estimates (see page 7 of the NYS 2004-2005 State Plan), the following percentage estimates for Heating and Crisis assistance have been tentatively established.

The final funding allocated for Heating & Crisis will ultimately be dependent on several factors currently beyond NYS's control including, but not limited to:

- The final New York State LIHEAP allocation for FFY 2005;
- The number of households submitting applications in each program component;
- Weather conditions during the upcoming winter season; and
- The final carry forward identified for FFY 2004 and utilized during the FFY 2005 program year.

<b>NATIONAL APPROPRIATION</b>	<b>\$1.8B</b>
<b>HEATING ASSISTANCE</b>	<b>54.92%</b>
<b>CRISIS ASSISTANCE</b>	<b>20%</b>



REGULAR-HEATING COMPONENT

Benefits to heater households will take into account several criteria:

- o Income Tier
- o Existence of a vulnerable population member;
- o The applicant household's energy burden ratio; and
- o Household size (in determining Income Tier and Statewide Energy Cost Proxy)

A point value will be assigned to each of the following criteria:

- \*o Tier I household.....2 points
- \*\*o Tier II household.....1 point
- \*\*\*o One or more vulnerable population member(s)..1 point
- \*\*\*\*o Energy Burden ratio:
  - oo Up to 8.49%.....2 points
  - oo 8.50% to 15.49%.....3 points
  - oo 15.50% and above.....5 points

NOTE: Households with "0" income are automatically eligible for 5 points.

- \* Tier I households have gross monthly income at or below 130% of the OMB poverty level.
- \*\* Tier II households have gross monthly income between 130% of the OMB poverty level and 60% of the State Median Income (SMI) up to and including 10 person households. For 11 person households and higher, the gross monthly income is at or below 150% of the OMB poverty level.
- \*\*\* Vulnerable population includes children less than 6 years of age, individuals with disabilities and individual's age 60 or older.
- \*\*\*\* Energy burden is defined as a household's energy expenditures divided by the income of the household. A Statewide Energy Costs Proxy has been established (SEE ATTACHMENT V). In establishing a household's energy burden ratio, the statewide energy costs proxy (which varies by fuel type and household size) will be utilized. Households that could possibly fall into a higher energy burden ratio category, if actual costs were used, will be given the opportunity to document actual costs for inclusion in the ratio determination.

Using the above point structure, the least total points a household could accumulate would be:

- o Tier II household 1 point
  - o Energy Burden ratio less than 8.50% 2 points
- 3 total points

The largest possible point value would be eight (8):

- o Tier I household 2 points
  - o One or more vulnerable household member 1 point
  - o Energy burden ratio greater than 15.49% 5 points
- 8 total points

A standard statewide point value will be set depending on the funding ultimately authorized for FFY 2005 and a household benefit will be established by multiplying the household's total points by the standard point dollar value. For example:

Ms. B, a Family Assistance recipient, and her two young children (ages 2 and 4) rent an apartment and are responsible for payment of a natural gas primary heating bill. Ms. B's energy burden ratio is determined to be 13%. Ms. B's total point value is six (6).

- 2 points - Tier I household
- 1 point - *One or more vulnerable household member*
- 3 points - energy burden ratio between 8.50% - 15.49%

6 total points

If the statewide per point dollar value was set at \$50, Ms. B's HEAP benefit would be \$300 (6 points x \$50 = \$300).

New York State intends to set the point value of Regular HEAP at \$50 per point, assuming a national appropriation of at least \$1.8 Billion.

## REGULAR-NON-HEATING COMPONENT

Non-excluded households which are not directly responsible for primary heating costs but which pay for heat through an undesignated portion of their rent or mortgage payment will receive a benefit based on a two-tier payment structure. A household's tier grouping is dependent on the household's gross monthly income taking into account household size.

Tier I households (below 130% of the OMB poverty level), the lowest income grouping, will receive a non-heating benefit of \$50. Tier II households (between 130% of the OMB poverty level and 60% of the State Median Income) will receive a benefit equal to \$40. In this manner, non-heater households in the lowest income grouping, which generally pay a higher percentage of their income for indirect heating costs, will receive a higher benefit than those non-heater households in the higher income grouping (Tier II).

## CRISIS COMPONENT

The crisis component will utilize a benefit matrix varied by fuel type with add on benefit supplements for lower income households (Tier I), households containing at least one vulnerable household member and households with more than four household members.

Historical typical billing and pricing data for New York State residents with various fuel types will be utilized to establish the base crisis benefit amounts.

In this manner, a crisis structure was developed to provide a benefit to effectively alleviate an eligible household's heat-related energy crisis while assuring that the highest benefit will be paid to those households with the highest energy costs in relation to income taking into account family size.

Section 2605(b)(6) and 2605(b)(15)

As with other income-tested assistance programs administered by the NYS OTDA, HEAP is state supervised/locally administered with 58 local departments of social services (LDSS) designated as the lead local agencies, for outreach, certification and payment. Prior to program start-up, each LDSS must establish a local certification network that provides for an alternative non-LDSS site(s) for a reasonable share of outreach and intake for regular and emergency HEAP assistance. LDSS may contract with other State or local government entities or community-based organizations to fulfill this mandate. Examples of community-based organizations include not-for-profit neighborhood-based organizations, local offices for the aging and community action agencies. In local districts where such organizations do not administer these

functions as of September 30, 1991, an open solicitation process must be initiated to attempt to establish an alternate intake site. Where multiple bids are submitted, which are equal in all other respects, contracts must be awarded to the local agency that administers the low-income weatherization or energy crisis intervention program, if such agency is one of the submitting entities. If no alternatives are found in a local district after engaging in an open solicitation process, no further attempts need to be made to secure an alternate intake site. NYSOTDA will enter into an interagency agreement with the NYS Office for the Aging to provide outreach certification for the elderly disabled.

In regard to weatherization services, NYSOTDA will enter into an interagency agreement with the NYS Division of Housing and Community Renewal (DHCR) and NYS Office for Aging (SOFA). DHCR will utilize their existing sub-grantee network of community action agencies and community-based organizations to provide such services at the local level. SOFA will utilize its local Office for the Aging network. NYSOTDA may also provide weatherization packaging funding directly to local social services districts.

#### Section 2605(b)(8)(A)

New York State has adopted maximum income guidelines equal to the greater of 150% of the OMB poverty level or 60% of the State Median Income (see Attachment for maximum income guidelines.) No household at or below 110% of the OMB poverty level will be denied access to any program component solely on the basis of income.

Non-income related eligibility criteria for each program component would be applied uniformly to all applicant households.

#### Section 2605(b)(9)

NYS OTDA will limit use of funds for planning and administering HEAP to no more than 10% of the combined total of New York State's FFY 2005 allocation plus any LIHEAP leveraging funds awarded to the State.

### **ATTACHMENT I**

#### Section 2605(c)(1)(A)

The following criteria will be utilized to determine eligibility for HEAP benefits.

A) Household Definition

A household is defined as any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who makes undesignated payments for energy in the form of rent and such individual or group of individuals occupying a housing unit. Any individual residing in a housing unit who is related by blood, marriage or adoption to any other household member shall be presumed to be a household member in determining HEAP eligibility unless he/she supplies reasonable evidence to rebut this presumption.

Relationship by blood, marriage or adoption shall be deemed to include the following:

- Father, mother, son, daughter, brother, sister;
- Stepfather, stepmother, stepbrother, stepsister.
- Grandparent, grandchild.

NOTE: For a residential dwelling unit in a multiple family dwelling, all persons related by definition and residing in any one unit are part of a single household for HEAP purposes.

B) Categorically Eligible Households

Households in which one or more household members are in receipt of Safety Net Assistance, Family Assistance or SSI (categorized as Code A "living alone") or food stamps shall be categorically income eligible.

Such households with the following living arrangements will not be eligible:

- Tenants of government-subsidized housing unless such household directly pays an energy supplier for heating except that such households are not excluded from receiving emergency benefits if otherwise eligible.
- Individual(s) paying room only or room and board and not residing in a commercial enterprise.

**ATTACHMENT I**

- Individual(s) temporarily housed in a hotel/motel.
- Residents of congregate care facilities, including Title XIX facilities, dormitories and unlicensed congregate care facilities.
- Persons living temporarily in cars, vans or recreational vehicles.

- Individuals who live on military bases in government-provided housing with no utility or heating bills in their names.
- Individuals who have no responsibility for any heating costs and do not make undesignated payments for heat in the form of rent.
- Individuals who are migrant or seasonal farm workers with no heating or heat-related expenses.
- Children residing in agency boarding homes, group homes, or institutions who are in receipt of payments pursuant to Title IV-E of the Social Security Act or Article 6 of the Social Services Law.

C) Income Tested Households

For income tested households, the maximum income eligibility limit will be set at the greater of 150% of the OBM poverty level or 60% of the State Median Income. (See Attachment III, page 1)

Such households with the following living arrangements will not be eligible:

- Tenants of government-subsidized housing unless such household directly pays an energy supplier for heating except that such households are not excluded from receiving emergency benefits if otherwise eligible.
- Individual(s) paying room only or room and board and not residing in a commercial enterprise.
- Individual(s) temporarily housed in a hotel/motel.

**ATTACHMENT I**

- Residents of congregate care facilities, including Title XIX facilities, dormitories, and unlicensed congregate care facilities.
- Persons living temporarily in cars, vans, or recreational vehicles.
- Individuals who live on military bases in government-provided housing with no utility or heating bills in their names.

- Individuals who have no responsibility for any heating costs and do not make undesignated payments for heat in the form of rent.
  - Individuals who are migrant or seasonal farm workers with no heating or heat-related expenses.
  - Children residing in agency boarding homes, group homes or institutions who are in receipt of payments pursuant to Title IV-E of the Social Security Act of Article 6 of the Social Services Law.
- D) In addition to the above criteria in A-C, an individual is not eligible for HEAP unless he or she is a United States citizen or a qualified alien as defined by the federal government. The federal government considers the following to be qualified aliens:
- An alien granted Permanent Resident Alien Status under the Immigration and Nationality Act;
  - An alien granted asylum under Section 208 of the Immigration and Nationality Act;
  - A refugee admitted to the United States under Section 212(d)(5) of the Immigration and Nationality Act;
  - An alien paroled into the United States under Section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year;
  - An alien whose deportation is being withheld under Section 243(h) of the Immigration and Nationality Act as in effect prior to April 1, 1997, or whose removal is being withheld under Section 241(b)(3) of the Immigration and Nationality Act;

#### **ATTACHMENT I**

- An alien granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act prior to April 1, 1980;
- An alien who is a Cuban/Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;
- An alien who (or whose child parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C 1641<sup>©</sup>;
- A Native North American Indian born in Canada or a member of a federally recognized Indian tribe born

outside of the United States who is residing in the United States.

E) Emergency Benefits

The emergency benefits component has been designed to resolve energy crisis situations including weather-related and supply shortage emergencies and other household energy emergencies. A variety of potential emergency benefits, when used in conjunction with each other and/or the household's regular benefit will effectively alleviate utility termination threats; the lack of non-utility heating fuel, essential applicant owned heating equipment repairs, temporary emergency shelter/relocation needs, propane installations and reconnections and supply shortages.

To be eligible for an emergency benefit, the applicant household must:

- Meet HEAP eligibility criteria (NOTE: Households with at least one PA recipient, Code A SSI recipient, and/or active food stamp recipient are considered categorically income eligible). Except a tenant of record and/or customer of record who is ineligible for regular HEAP benefits because they are not a United States citizen or a qualified alien may receive emergency HEAP benefits on behalf of members of the household who are United States citizens or qualified aliens.

AND

**ATTACHMENT I**

- Be currently without heat fuel or have a heating fuel supply that will last less than 7 calendar days.

OR

- Have heat-related utility service (primary heating source or electricity essential to operate the heating equipment) currently disconnected or scheduled for disconnection.

OR

- Have essential heating equipment that is inoperable or unsafe and is in need of repair.

OR



- Be in an emergency home heating situation that is deemed by the local social services department to be detrimental to the health or safety of household members if temporary emergency shelter or relocation is not provided.

AND

- Other housing accommodations appropriate for the household's best interests are not available, alternative payment arrangements cannot be made, and the household does not have liquid resources sufficient to ameliorate the energy emergency.

An emergency HEAP benefit may only be issued when it is determined that a regular HEAP benefit is either not available, has been previously exhausted, or is insufficient to ameliorate the household's emergency.

All emergency applications with the exception of certain public assistance and food stamp recipients must be made in person. Mail-in applications are not permitted for the emergency component. Authorized representatives may apply on behalf of disabled/ill individuals when there is no other adult household member available.

A signed, dated note from the applicant authorizing the representative to apply on his/her behalf is required and the authorized representative must verify his/her own identity.

#### **ATTACHMENT I**

Each local district, in designing its local certification network, must provide the means by which a disabled/ill and homebound individual, who has no one to act as an authorized representative, can apply for a HEAP emergency benefit. This may be accomplished, at the discretion of the local district, by a home visit or, if the applicant is physically able, by arranging transportation for the applicant to a site where emergency HEAP applications are taken.

To be eligible for a HEAP emergency benefit, the applicant must document that he/she is the tenant of record with primary responsibility for the payment of his/her residential energy bill. A tenant of record is a person who has or persons who have primary responsibility for payment of the rent/mortgage for their dwelling unit. Individuals who contribute a portion of the monthly rent/mortgage to a person responsible for the payment of the monthly rent/mortgage will not be considered a tenant of record. To have primary responsibility for the payment of residential energy costs, the applicant must be the

customer of record with a home energy vendor. The term customer of record means a person or persons who have an account, in their name with a home energy vendor.

Essential heating equipment repair/replacement is limited to applicant-owned heating equipment. Applicants must reside full time in the dwelling for which assistance is being requested and the dwelling must be the applicant's primary residence.

NOTE: The emergency energy crisis of an eligible household must be resolved within 18 hours of application if the applicant's residence is without power or a fuel for heating supply. Imminent loss of heat-related service or fuel supply for all other eligible households must be resolved within 48 hours of application. In some instances, provision of assistance in resolving the immediate energy need may include temporary relocation, obtaining an extension of service from the household's utility company, or other appropriate temporary remedies in order to fully evaluate the scope of the emergency or the applicant household's eligibility. However, the primary objective shall be to continue/restore heat to an eligible applicant's residence.

NYS intends to continue the furnace repair and replacement component after closing the emergency component if funds remain available. Furnaces being repaired or replaced after the emergency component has closed (for example, with weatherization funds) may not be subject to crisis processing timeframes.

To maximize HEAP accessibility and/or target benefits to the lowest income, households that contain a vulnerable member(s), along with limiting administrative costs, the following outreach and certification components will be utilized.

**A) Temporary Assistance Automatic Benefit Component**

Temporary Assistance (TA) automatic benefits will be provided based upon the following: active case status at the time of the TA pull-down for FFY 2005 and HEAP eligibility criteria are met. Such automatic payments will be made by the LDSS.

**B) Supplemental Security Income (SSI) Outside New York City**

SSI Code A recipients listed on the 2004 SDX and who are not in active receipt of Food Stamps (FS) will automatically be sent an application that will be processed by the local certifying agency. See (Paragraph D) for treatment of SSI/FS recipients in rest of state (ROS).

**New York City**

The New York City Human Resources Administration will be responsible for providing automatic benefits to the eligible New York City Code A SSI households in active payment status during 2004. Such households will receive the "Heat Included in Rent" benefit and may apply for a supplemental benefit if they pay for heat directly. HEAP eligible Code A SSI recipients in receipt of food stamps will be paid through the Food Stamp Automatic Benefit component (See Paragraph D).

**C) Mail-In Applications**

Mail-in certification will be permitted for regular HEAP benefits when the head of household received a benefit during the proceeding program year; or is age 60 and above; or is a categorically eligible Code A SSI recipient; or is in receipt of, or has been determined eligible for Retirement, Survivors or Disability Insurance Benefits under Title II of the Social Security Act as a result of disability.

**D) Food Stamp Automatic Benefit Component**

Food Stamp (FS) automatic benefits will be provided based upon the following: active case status at the time of the FS pull-down for FFY 2005, and other HEAP eligibility criteria are met. Such automatic payments will be made by LDSS.

**E) Optional Telephone Recertification of the Elderly**

Local districts are given the option to conduct a telephone recertification interview for regular HEAP benefits. This process may be used for households that received regular HEAP in the preceding program year and the head of household is age 60 or older.

Local districts choosing to implement this option must notify OTDA that they are participating. This option replaces the traditional mail-in process for all households meeting the above criteria.

**F) Electronic filing**

Local districts may opt to participate in a pilot allowing electronic filing of HEAP applications. E-filed applications from applicants who are permitted mail-in access will be treated in the same manner as mail-in applications. Electronic applications from all other applicants will not be accepted via the internet. These applicants will require an in-person interview and must provide full documentation.

**Regular HEAP Income Eligibility Guidelines**

<u>Household Size</u>	<u>Tier I*</u>	<u>Tier II**</u>
1	0 - \$ 1,009	1,010- 1,702
2	0 - 1,353	1,354- 2,226
3	0 - 1,698	1,699- 2,749
4	0 - 2,042	2,043- 3,273
5	0 - 2,387	2,388- 3,797
6	0 - 2,731	2,732- 4,320
7	0 - 3,076	3,077- 4,419
8	0 - 3,420	3,421- 4,517
9	0 - 3,765	3,766- 4,615
10	0 - 4,110	4,111- 4,742
10+	+345	+398

\*Tier I figures represent 130% of federal Poverty Levels and were derived by utilizing the new 100% Poverty Level data from the 2004 HHS poverty guidelines.

\*\*New York State has determined to use the maximum benefit level allowable for each household. Therefore, Tier II figures for households up to and including 10 members are based on 60% of the State Median Income derived from the State Median Estimates for use in FY 2004.

Figures for households of 11 members and above are based on 150% of the federal Poverty Level (Derived from the 2004 HHS poverty guidelines).

**Emergency HEAP Income Guidelines**

<u>Household Size</u>	<u>Maximum Income</u>
1	0 - \$1,702
2	0 - 2,226
3	0 - 2,749
4	0 - 3,273
5	0 - 3,797
6	0 - 4,320
7	0 - 4,419
8	0 - 4,517
9	0 - 4,615
10	0 - 4,742
10+	+398

**HEAP CRISIS COMPONENT**

The HEAP crisis component consists of a variety of benefit types designed to address the heat-related emergency needs of eligible households. For the purposes of the 2004-2005 plan, they have been grouped in the following manner:

**Fuel/Utility Supply Related**

Fuel/utility supply related benefits will consist of a base benefit determined by primary fuel type and supplemental add-ons depending upon an eligible household's individual characteristics.

A base emergency payment will be determined as follows:

**A) Heat-Related Domestic Electric**

When an eligible household's domestic utility service is necessary to operate the primary heating equipment, a base emergency benefit of \$100 is designated.

**B) Natural Gas Heat Only**

When an eligible household's primary heating source is natural gas, a base emergency benefit of \$235 is designated.

**C) Electric Heat Only**

When an eligible household's primary heating source is electricity provided by a NYS Public Service Commission regulated utility company and the household is billed separately for domestic utility service, a base emergency benefit of \$385 is designated.

When an eligible household's primary heating source is electricity provided by a municipal utility company and the household is billed separately for domestic utility service, a base emergency benefit of \$235 is designated.

**D) Combined Bills**

When an eligible household's primary heating utility service (natural gas or electric) and domestic electric utility service necessary to operate primary heating equipment are provided and billed by a single utility company on a combined bill, a Type A and the

appropriate Type B or C benefit will be combined creating the household's designated emergency base benefit.

**E) Non-Utility Heating Fuel**

When an eligible household's primary heating fuel is a non-utility fuel, a base benefit of \$400 will be designated.

**F) Add-on Supplemental Benefit(s)**

The following amounts should be added to an eligible household's emergency base benefit if the appropriate household characteristics are present:

- 1) +\$25 Tier I household
- 2) +\$50 Household with at least one vulnerable member
- 3) +\$50 Household with 5 or more

NOTE: Eligible households may potentially receive one type A and one Type B, C or E base benefit; or one Type D base (combined) benefit each program year.

**Other Heat-Related Emergencies**

**G) Repair/Replacement of Essential Heating Equipment**

The maximum total benefit provided for repair/replacement of essential heating equipment during the HEAP season may not exceed \$2,500 unless approved by OTDA.

\*Replacement of inoperable applicant owned heating equipment will be funded out of New York State's weatherization set aside.

**H) Temporary Emergency Shelter or Relocation**

The maximum total benefit may not exceed \$500 during the HEAP season.

**I) Propane Installation/Reconnection**

The maximum total benefit may not exceed \$500 during the HEAP season.

**ATTACHMENT III**

**J) Weather-Related and Supply Shortage**

In the event of weather-related emergencies and/or a temporary fuel shortage, the local department of social

services is authorized to purchase an appropriate supply of safe supplemental heating devices which meet local building codes and which can be loaned to eligible households until such time as a delivery of the household's primary heating fuel can be obtained. Provision of emergency shelter or temporary relocation is also an acceptable form of assistance, which is appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of fuel is obtained.



### Leveraged Resources

New York State has developed a variety of leveraged resources, which it believes meet the basic criteria of the LIHEAP leveraging incentive program. The following resources as identified and described, while not provided to low-income households as part of (through or within) New York State's HEAP program, are distributed to HEAP eligible households in coordination, cooperation, and conjunction with 2003-04 (FFY 2004) HEAP.

1. New York State (NYS) Public Service Commission (PSC) regulations and/or State law prohibit collection by regulated utilities of security deposits and, in some cases, reconnect fees from any person known to be a recipient of public assistance, supplemental security income (SSI), or additional state payments. This population is categorically income-eligible for HEAP under the New York State HEAP State Plan and the resulting leveraged benefit to the household is readily quantifiable.
2. Each year, part of NYS's LIHEAP appropriation is utilized by the New York State Division of Housing and Community Renewal (DHCR) to provide weatherization services to HEAP-eligible households through the Weatherization Assistance Program (WAP). The WAP program is able to leverage additional weatherization services for each eligible household as a result of mandated landlord contributions above and beyond LIHEAP funding earmarked for the household. This additional private funding, which allows the purchase, delivery and/or installation of weatherization material, is a countable leveraged resource. This resource should be countable under either criterion ii or iii as specified in 45 CFR 96.87(d) (2).
3. Federal guidelines provide that state cash resources that are used in any base period for cash benefits to or on behalf of HEAP benefit recipients for heating, cooking, energy crisis, weatherization assistance including payment towards recipient household's home energy costs, are countable as leveraged resources. New York State, as part of its fully stated, locally funded Safety Net Assistance (SNA) Program, provides households responsible for paying heating costs directly with a basic fuel allowance each month. In addition, all SNA recipient households are given a home energy allowance and supplemental home energy allowance which, by definition, are provided to eligible households to cover increases in the cost of energy. Although all Safety Net Assistance Program (SNA) recipients are categorically eligible for LIHEAP, New York gives a targeted priority for receipt of a LIHEAP benefit to those households which

contain a vulnerable household member (over 60, disabled or under 6 years of age).

In addition, New York State Law requires the payment of up to four months of utility arrearages to eligible households in order to prevent termination of utility service. Two State/locally funded programs of financial assistance, SNA and Emergency Assistance to Adults (EAA), are utilized to make such payments on behalf of applicants. Ineligibility for New York's LIHEAP program or denial of LIHEAP assistance in the base period because of LIHEAP's funds unavailability is necessary to receive assistance from this resource (45 CFR 96.87(d)(2)(iii)(C). To the extent that these SNA and EAA payments are made on behalf of HEAP eligible households, NYS intends to consider them as leveraged resources.

This resource is provided to SNA/LIHEAP-eligible households and is a supplement and/or alternative to the benefits provided by or through New York's LIHEAP program, and is provided outside the LIHEAP program. The resource is integrated and coordinated with New York's LIHEAP program in the following way:

- New York State has developed a wholly interactive process to assure that the energy-related needs of SNA recipients are met. During the period when New York's LIHEAP program is operational, local staff responsible for coordinating the provision of LIHEAP benefits to SNA recipients and for authorizing this resource or benefit are one and the same. The local social services district case worker(s) assigned to each individual SNA recipient are responsible for addressing the individual household's home energy needs. Through access to New York's Welfare Management System (WMS), all case workers are able to determine, at any point in time, all LIHEAP and non-LIHEAP benefit payments issued to each individual case. In addition, the WMS computer system that is used to authorize and track payments contains case specific historical and demographic, and income information, all of which is readily available to the caseworker by simple system inquiry. Because of this comprehensive system access capability, the documentation of LIHEAP eligibility and the amount of assistance received or to be received by the individual/case is always known and is a system-documented fact before, during and after assistance is provided to each household to be served by the resource.
4. All Public Service Commission (PSC) regulated utilities in NYS operate non-public funded fuel funds to assist their service territory population with payment of energy bills.

**ATTACHMENT IV**

These resources are targeted to HEAP-eligible households that have exhausted their HEAP eligibility or are ineligible because of the unavailability of LIHEAP funding. As such, this resource meets the integration/coordination requirement as contained in 45 CFR 96.87(d)(2)(iii)(C).

5. New York has exempted the collection of sales taxes from Public Assistance recipients whose ongoing utility/fuel bills are restricted and paid by the local department of social services. The NYS OTDA, Division of Temporary Assistance (DTA) coordinates the State's HEAP program and was instrumental in pursuing and obtaining this exemption several years ago. The purchasing power of these TA recipients is materially enhanced by the fact that they do not have to pay any sales tax. This resource meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).
  
6. New York State intends to pursue a sales tax exemption for recipients of HEAP emergency benefits. If this effort is successful, the purchasing power of these HEAP recipients will be materially enhanced. As in Activity #5, such an exemption would be, in effect, a discounted price available for HEAP eligible households. This resource meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).
  
7. Several New York utility companies have recently implemented low-income customer assistance plans. The plans consist of two components: rate moderation and uncollectable initiatives will be undertaken, including a negotiated percentage of income plan coupled with an arrearage forgiveness arrangement. The plan is a product of extensive discussions among PSC staff, utility companies, the NYS Consumer Protection Board, this Office (HEAP program staff), the Public Utility Law Project, and Multiple Intervenors. To the extent that these leveraged resources are quantifiable, NYS intends to include them in our application for Leveraging Incentive Funds. Where New York's LIHEAP program had an active substantive role in developing and/or acquiring the resource/benefits from home energy vendors, an effort will also be made to quantify and submit any such activity as leveraged resources for New York State HEAP-eligible households. This resource is a direct result of HEAP staff involvement in negotiations and regulation development and meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

8. New York State (NYS) LIHEAP officials, in conjunction with various local social services districts, the NYS Public Service Commission and the National Fuel Gas Distribution Corporation have established the Public Assistance Cooperative for Energy (PACE) program. PACE is a natural gas aggregation program for certain public assistance recipients in Erie, Chautauqua and Niagara Counties in New York State. The program's objective is to provide the benefits of competition to low-income, payment-troubled customers by offering the opportunity to reduce energy costs through aggregation. Other utilities/geographical areas may be added over the course of FFY 2004. This Resource(s) meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).
  
9. New York State (NYS) LIHEAP officials, in partnership with several local social services districts and a sister agency (New York State Energy Research and Development Authority-NYSERDA) have established an oil buying program in New York State. The purpose of this program is to expand the buying power of LIHEAP dollars by getting a better price for commodity through negotiation with vendors using the large amount of LIHEAP funds authorized to oil vendors as leverage. This discounted price will materially enhance the purchasing power of LIHEAP eligible households. This resource meets the countable resource criteria as outlined In 45 CFR 96.87(d)(2)(i).

## STATEWIDE ENERGY COSTS PROXY DEVELOPMENT PROCESS

An essential factor in the 2004-2005 HEAP regular heating benefit determination process is the identification of a HEAP eligible households' energy burden ratio. Energy burden ratio has been defined as a household's energy expenditures divided by the income of the household. In an effort to retain its ability to serve a higher percentage of its potentially eligible population, New York State has developed a mechanism to allow the automatic determination of a household's energy burden ratio by utilizing an energy costs proxy for each household that varies by fuel type and household size. While the statewide energy costs proxy will be routinely utilized, provision has been made for a household to document actual costs in situations where those costs exceed the standard proxy amount and the household would qualify for a larger benefit because of a resulting higher energy burden ratio.

The proxy is developed by through the following methodology:

**All fuels except electric heat provided by a municipal utility**

- I. Using state-level energy data available from the Census-Public Use Microdata Sanoke (PUMS), calculate for household sizes from one to eight, the average energy usage and average cost for each fuel type and update costs to 1999 prices.
- II. Multiply the average annual usage for each household size by the average cost in order to provide the average annual energy cost.
- III. Establish an energy cost amount for the statewide energy cost proxy chart that, at a minimum, exceeds the average costs for the type of fuel used as the primary source of heat for seventy-five percent of all households expected to apply for HEAP.

**Electric heat provided by a Municipal utility**

- I. Using state-level energy data available from a one percent sample from the 2000 PUMS heating costs for electric heat, total energy costs were calculated for household sizes from one to eight.
  
- II. Establish energy cost amount by household size, for the statewide energy cost proxy chart that, at a minimum, exceeds the average costs for electric heat provided by a municipal company as the primary source of heat for seventy-five percent of all households expected to apply for HEAP.

STATEWIDE ANNUAL ENERGY COST STANDARD

	<u>HOUSEHOLD SIZE</u>							
<u>Fuel Type</u>	1	2	3	4	5	6	7	8+
Oil, kerosene Propane	2389	2600	2811	3022	3233	3444	3655	3866
Natural Gas Coal, wood	2135	2311	2487	2663	2839	3015	3191	3367
Municipal Electric	509	567	625	683	741	799	857	915
PSC regulated Electric & the Village of Greenport	1981	2154	2316	2576	2852	3134	3416	3698

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2005

GRANTEE NYS Office of Temporary & Disability Assistance

EIN: 1-14-601-3200-K1

ADDRESS 40 North Pearl Street

Albany, New York 12243

EMAIL: \_\_\_\_\_

TELEPHONE: (518) 473-0332 FAX: (518) 474-9347

PLEASE CHECK ONE: TRIBE \_\_\_\_\_ STATE XX INSULAR AREA

Department of Health and Human Services  
Administration for Children and Families  
Office of Community Services  
Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

Expiration Date: 02/28/2005

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The     NYS OTDA     agrees to:  
                    (grantee name)

- (1) use the funds available under this title to--
  - (A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);
  - (B) intervene in energy crisis situations;
  - (C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and
  - (D) plan, develop, and administer the State's program under this title including leveraging programs, and the State agrees not to use such funds for any purposes other than those specified in this title;
- (2) make payments under this title only with respect to--
  - (A) households in which one or more individuals are receiving--
    - (i) assistance under the State program funded under part A of title IV of the Social Security Act;
    - (ii) supplemental security income payments under title XVI of the Social Security Act;
    - (iii) food stamps under the Food Stamp Act of 1977; or
    - (iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or
  - (B) households with incomes which do not exceed the greater of--
    - (i) an amount equal to 150 percent of the poverty level for such State; or



- (ii) an amount equal to 60 percent of the State median income; except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that--

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15)\* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

**\* This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.\* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.\*\*

Signature:

Title: Governor

Date: \_\_\_\_\_

**\* Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**\*\* If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

**\*\*\* HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.



statutory  
references

2605(c)(1)(C) (alternate use of crisis assistance funds) →The funds reserved for winter crisis assistance which have not been expended by March 15 will be reprogrammed to:

- heating assistance
- cooling assistance
- weatherization assistance

Other(specify): Funds not expended by 3/15 will remain available in the crisis component until 2004-2005 crisis component is closed.

→Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes  No

2605(b)(2) →What are your maximum eligibility limits?  
2605(c)(1)(A) (Please check the components to which they apply)  
**Current year guidelines must be used.**

(eligibility)

150% of the poverty guidelines:  
heating  cooling  crisis  wx

125% of the poverty guidelines:  
heating  cooling  crisis  wx

110% of the poverty guidelines:  
heating  cooling  crisis  wx

60% of the State's median income:  
heating  cooling  crisis  wx

Other (specify for each component)

x\* Households automatically eligible if one person is receiving  TANF,  SSI,  Food Stamps,  Certain means-tested veterans programs (heating  cooling  crisis  wx )

- See Attachment I, Page 8, B

statutory  
references

2605(c)(1)(A) →Do you have additional eligibility requirements  
2605(b)(2) for: **HEATING ASSISTANCE** x yes \_\_\_\_\_ no)  
(eligibility)

\*See Attachment I

→Do you use: Yes No

Assets test? \_\_\_\_\_ x

→Do you give priority in eligibility to:

Elderly? (Age 60 and above) x

Disabled? x

Young children? x

Other: x  
(If yes, please describe)

An eligible household must directly pay an energy supplier for heat or pay rent which includes heat:

NOTE: Elderly households in receipt of a Senior Citizen Rent Increase Exemption (SCRIE) are not considered subsidized tenants.

statutory  
references

2605 (c) (1) (A)  
2605 (b) (2)

→Do you have additional eligibility requirements  
for: **COOLING ASSISTANCE** (\_\_\_ yes \_\_\_ no   x   n/a)

(eligibility)

→Do you use: Yes    No

Assets test?

→Do you give priority in eligibility to:

Elderly?

Disabled?

Young children?

Other:  
(If yes, please describe)



statutory  
references

2604(c)

2605(c)(1)(A) →Do you have additional eligibility requirements  
for: **CRISIS ASSISTANCE** (  x   yes        no)

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use:		
Assets test?	<u>  x  </u>	
Must the household have received a shut-off notice or have an empty tank?	<u>  x  </u>	
Must the household have exhausted regular benefit?	<u>  *  </u>	<u>  *  </u>
Must the household have received a rent eviction notice?	<u>      </u>	<u>  x  </u>
Must heating/cooling be medically necessary?	<u>      </u>	<u>  x  </u>
Other (Please explain):	<u>  *  </u>	

\*An emergency benefit may only be issued when it is determined that a regular HEAP benefit is either not available, has been previously exhausted, or is insufficient to ameliorate the household's emergency.

→What constitutes a crisis? (Please describe)

\*(See Attachment "I", pg. 10, E for the description of a crisis).

statutory  
references

2605(c)(1)(A) →Do you have additional eligibility requirements  
for: **WEATHERIZATION** (\_\_\_\_ yes   x   no)

(eligibility)

→Do you use: Yes    No

Assets test? \_\_\_\_\_   x  

Priority groups? (Please list)   x  

- Households with elderly members
- Households with young children
- Households with disabled members

→Are you using Department of  
Energy (DOE) Low Income  
Weatherization Assistance Program  
(LIWAP) rules to establish  
eligibility or to establish  
priority eligibility for households  
with certain characteristics?

  x  

→If yes, are there exceptions?  
Please list below. \_\_\_\_\_   x

statutory  
references

2605 (b) (3)           ➔ Please check the outreach activities that you  
2605 (c) (3) (A)   conduct that are designed to assure that eligible  
                          households are made aware of all LIHEAP assistance  
                          available:  
  
(outreach)

  x   provide intake service through home visits or  
by telephone for the physically infirm (i.e.  
elderly or disabled).

  x   place posters/flyers in local and county  
social service offices, offices of aging, Social  
Security offices, VA, etc.

  x   publish articles in local newspapers or  
broadcast media announcements.

  x   include inserts in energy vendor billings to  
inform individuals of the availability of all  
types of LIHEAP assistance.

  x   make mass mailing to past recipients of  
LIHEAP.

  x   inform low income applicants of the  
availability of all types of LIHEAP assistance at  
application intake for other low-income programs.

  x   execute interagency agreements with other  
low-income program offices to perform outreach to  
target groups.

  x   other (Please specify):

- Toll free information hotlines operated by the NYS Office of  
Temporary and Disability Assistance and the NYS Office for the  
Aging.
- Information about the program and a HEAP Application (when the  
program is open) is available on the OTDA web page.
- Identification of households potentially eligible for LIHEAP  
funded weatherization services and assessing the scope of need  
for identified households.
- State/local resources dedicated to implementing mandated  
outreach plans and program information dissemination  
activities.

- Targeting efforts to provide program information and access to "vulnerable households".

statutory  
references

2605 (b) (4) → Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

HEAP activities will be coordinated with other low-income programs administered by other state and local agencies. A HEAP Interagency Task Force composed of the State Agencies (NYS Office of Temporary & Disability Assistance, NYS Public Service Commission, NYS Energy Research and Development Authority, NYS Office for the Aging, NYS Division of Housing & Community Renewal, Governor's Office, NYS Division of the Budget, NYS Office of Advocate for the Disabled, the NYS Consumer Protection Board and NYS Department of Labor) provides a forum for developing the HEAP State Plan and coordinating energy-related programs.

In addition, NYS OTDA's HEAP Block Grant Advisory Council composed of representatives from state and local government, energy suppliers, and low-income advocates is consulted in the development of the HEAP State Plan and coordination of energy-related programs.

2605 (b) (5)  
2605 (b) (2)  
2605 (b) (8A) → The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

(benefit  
levels)

See Attachment I and III

statutory  
references

**HEATING COMPONENT**

2605 (b) (5)           → Please check the variables you use to determine your benefit levels (check all that apply):

(determination  
of benefits)

- income
- family (household) size
- home energy cost or need
- fuel type
- climate/region
- individual bill
- dwelling type
- energy burden  
        (% of income spent on home energy)
- energy need
- other (describe)

2605 (b) (5)           → Describe how you will assure that the highest  
2605 (c) (1) (B) benefits go to households with the lowest incomes  
(benefit levels) and the highest energy costs or needs in relation  
                  to income, taking into account family size.  
                  Please describe benefit levels or attach a copy of  
                  your payment matrix.

See Attachments I, III and V.

→ Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

Yes    No   If yes, please describe.

In the event of weather-related emergencies and/or a temporary fuel shortage, the local Department of Social Services is authorized to purchase an appropriate supply of safe supplemental heating devices that meet local building codes and can be loaned to eligible households until such time as a delivery of the household's primary heating fuel can be obtained. Provision of emergency shelter or temporary relocation is also an acceptable form of assistance, which is appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of fuel is obtained.

statutory  
references

2605 (b) (5)  
2605 (c) (1) (B)

**COOLING COMPONENT**

➔Please check the variables you use to determine your benefit levels (check all that apply):

(benefit  
determination)

- income
- family (household) size
- home energy cost or need
  - fuel type
  - climate/region
  - individual bill
  - dwelling type
  - energy burden  
(% of income spent on home energy)
  - energy need
  - other (describe)

2605 (b) (5)  
2605 (c) (1) (B)

➔Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

(benefit  
levels)

➔Do you provide in-kind (e.g. fans) and/or other forms of benefits?

Yes  No If yes, please describe.

statutory  
references

2605 (b) (5)  
2605 (c) (1) (B)  
(benefit  
determination

**CRISIS COMPONENT**

➔How do you handle crisis situations?

  x   separate component        other (please explain)

➔If you have a separate component, how do you determine crisis assistance benefits?

  x   amount to resolve crisis, up to maximum

  x  \* other (please describe)

\*See Attachment I, page 10, E.

(benefit  
levels)

➔Please indicate the maximum benefit for each type of crisis assistance offered.

heating                    \$   x\*   maximum benefit

cooling                    \$        maximum benefit

year-round                \$        maximum benefit

\*See Attachment III

➔Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

  x   Yes        No If yes, please describe.

In the event of weather-related emergencies and/or a temporary fuel shortage, the local Department of Social Services is authorized to purchase an appropriate supply of safe supplemental heating devices that meet local building codes and can be loaned to eligible households until such time as a delivery of the household's primary heating fuel can be obtained. Provision of emergency shelter or temporary relocation is also an acceptable form of assistance, which is appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of fuel is obtained.



statutory references

2605 (b) (5)  
2605 (c) (1)  
(B) & (D)

**WEATHERIZATION &  
OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS**

➔What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)

(types of assistance)

- Weatherization needs assessments/audits.
- Caulking, insulation, storm windows, etc.
- Furnace/heating system modifications/repairs
- Furnace replacement
- Cooling efficiency mods/repairs/replacement
- Other (Please describe)

- Weatherization where necessary
- Energy related repairs not included in DOE LIWRAP regulations.

(benefit levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure per household? \_\_\_ Yes  no

If yes, what is the maximum amount? \$ \_\_\_\_\_

➔Under what rules do you administer LIHEAP weatherization? (Check only one.)

(types of rules)

- \_\_\_\_\_ Entirely under LIHEAP (not DOE) rules
- \_\_\_\_\_ Entirely under DOE LIWAP rules
- \_\_\_\_\_ Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):

\_\_\_\_\_ Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days

\_\_\_\_\_ Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).

\_\_\_\_\_ Other (Please describe)

Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)

Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.

\_\_\_\_\_ Other (Please describe.)

2605(b)(6)       The state administers LIHEAP through the following local agencies:

- county welfare offices
- community action agencies (weatherization component only)
- community action agencies (heating, cooling or crisis)
- charitable organizations
- not applicable (i.e. state energy office)
- other, describe:

→Have you changed local administering agencies from last year?  Yes  No  
If yes, please describe how you selected them.

(agency designation)

→What components are affected by the change?

2605(c)(1)(E)   →Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

statutory  
references

2605 (b) (7)      ➔Do you make payments directly to home energy suppliers?  
(energy suppliers) Heating     x  yes    \_\_\_\_\_ no  
Cooling     n/a  yes    \_\_\_\_\_ no  
Crisis       x  yes    \_\_\_\_\_ no  
If yes, are there exceptions?  x  yes    \_\_\_\_\_ no  
If yes, please describe.

Vendor payments are required when applicant pays a vendor directly for their own heating costs.

2605 (b) (7) (A)   ➔If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

For both regular and crisis assistance benefits the applicant is provided a notice advising of their eligibility and the amount of assistance paid on their behalf.

2605 (b) (7)  
(B) & (C)

➔How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

Each energy supplier receiving a direct benefit must sign a vendor agreement form. This applies to both regular and crisis payments. A direct benefit is defined as a one party check payable to the energy vendor on behalf of the eligible household or a line of credit payable by a local district on behalf of an eligible household upon receipt of a valid bill from the energy vendor. In the event that an energy supplier refuses to sign a vendor agreement, a local district may opt to issue a regular or crisis benefit in the form of a two-party check payable to the eligible household and payment to a home energy supplier and, as such, does not require a signed vendor agreement.

statutory  
references

2605(b)(8)(B) → Is there any difference in the way owners and  
renters are treated? If yes, please describe.

(owners  
and  
renters)

**HEATING ASSISTANCE**

\_\_\_\_\_ yes      x   no

**COOLING ASSISTANCE**

\_\_\_\_\_ yes    \_\_\_\_\_ no

**CRISIS ASSISTANCE**

\_\_\_\_\_ yes      x   no

**WEATHERIZATION**

\_\_\_\_\_ yes      x   no

statutory  
references

2605(b)(10)

➔How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

NYSOTDA will utilize fiscal and fund accounting procedures similar to those utilized by NYSOTDA and LDSS in the administration of other income-tested assistance programs.

The NYSOTDA Welfare Management System (WMS) will be utilized to monitor application activity and benefits authorized. Since New York City does not utilize WMS for HEAP, New York City will provide manual reports of its activity from its own computer system.

(program, ;  
fiscal  
monitoring,  
and audit)

➔How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

At a minimum, NYSOTDA will conduct on-site monitoring reviews in the ten local districts with the largest number of application approvals during the immediately preceding HEAP program year.

In monitoring other state agencies, NYSOTDA will require regular program and fiscal reports and may review program operations as needed.

➔How is your LIHEAP program audited?

Under the Single Audit Act?  x  yes      no  
If not, please describe:

For States and Territories:

➔Is there an annual audit of local administering agencies?  x  Yes      No  
If not, please explain.

statutory  
references

2605(b)(12)      ➔How did you get timely and meaningful public participation in the development of the plan?  
(Please describe)

(timely and  
meaningful  
public  
participation)

-  
Beginning in February 2004, a series of five regional meetings with our fifty-eight county HEAP Coordinators was conducted around the State to solicit input regarding next year's program. In addition, one central meeting with our Public Service Commission(PSC)regulated utilities will be scheduled shortly.

In order to solicit input into the development of the proposed 2004-2005 HEAP State Plan, needs assessment hearings were conducted in Albany, NY on February 24, 2004 and in NYC on February 27, 2004. In addition, written comments were solicited and received through March 5, 2004.

Public notice of the needs assessment was published in the New York State Register and in the State's major newspapers.

2605(a)(2)      ➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?  
  x  Yes          No      When and where?  
**(Not required for Tribes and tribal organizations)**

(public  
hearings)

A public notice, advising of the availability of the proposed State Plan for public inspection and the public hearing will appear in the newspapers in July,2004. Hearings will be held in New York City on July 30, 2004 and in Albany, NY on August 2, 2004. Written comments will be accepted through August 6, 2004.

The NYSOTDA HEAP Block Grant Advisory Council and Inter-Agency Task Force have been consulted in the development of the HEAP State Plan. The HEAP State Plan will be submitted to the New York State Legislature prior to the submission of the plan to the Secretary of the U.S. Department of Health and Human Services.

statutory  
references

2605(b)(13)

→ Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair  
hearings)

→ Denials

Individuals whose applications for HEAP benefits are denied are afforded an opportunity for a fair hearing conducted by NYSOTDA. For the Division of Housing and Community Renewal (DHCR) weatherization component, households have an opportunity for appeal before the DHCR.

→ Applications Not Acted On In a Timely Manner

Individuals whose application for HEAP Benefits are not acted upon with reasonable promptness are afforded an opportunity for a Fair Hearing conducted by NYSOTDA.

Applicants are advised of fair hearing rights on the timeliness of the eligibility decision at the time of application by the provision of the "Application Rights" notice. Additionally, the "Notice of Eligibility Decision" provided to all applicants, both approved and denied, contains fair hearing rights language.

statutory  
references

2605(b)(15)      **For States and Puerto Rico only** (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are \$200,000 or less):

➔ Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate  
outreach  
and intake)

**HEATING ASSISTANCE**

Yes       No

If yes, describe alternate process for outreach and intake:

See Attachment I and II

**COOLING ASSISTANCE**

Yes       No

If yes, describe alternate process for outreach and intake:

**CRISIS ASSISTANCE**

Yes       No

If yes, describe alternate process for outreach and intake:

See Attachment I and II



statutory  
references

2605(b)(16)

➔Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

  x   Yes                 no

If yes, please describe these activities.

Outreach and referrals.

If yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

Outreach activities include identification of households potentially eligible for LIHEAP funded weatherization services and assessing the scope of need for identified households.

This outreach activity is funded through the New York 15% weatherization set aside.

Less than 1/5 of New York's 15% weatherization set aside will be used for this purpose.

statutory  
references

2607A

(leveraging)

➔ Please describe leveraging activities planned for the fiscal year. **(This entry is optional.)\*** Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

- (1) Identify and described each resource/benefit;
- (2) Identify the source(s) of each resource; and
- (3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

- Leveraged resources/benefits that are counted under criterion (iii) in 45 CFR 96.87(d)(2) must be identified and described in the grantee's LIHEAP plan and distributed as indicated in the plan. In addition, leveraging resources/benefits that are counted under criterion (ii) must be carried out under one or more components of the grantee's regular LIHEAP program.

See Attachment IV

statutory  
references

2605 (b)           ➔ Please describe performance goals and measures  
planned for the fiscal year. **(This entry is  
optional.)**

(performance)  
goals and  
measures)

Primary Goal

Primary Goal

Additional Goal

Program Measures

## ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- \* **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. (**Tribes and tribal organizations are EXEMPT**)
- \* **Debarment and suspension certification**, which must be filed by all grantees.
- \* **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here:  

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- \* One of the new requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

**All Tribes and those territories with allotments of less than \$200,000** need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060. This approval number expires June 30, 2000.

- \* Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106. This approval number expires November 30, 2004.