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TO: Commissioners; TA & FS Directors; WMS Coordinators; CAP Coordinators; TOP Coordinators, Medical Assistance Directors, HEAP Liaisons

FROM: Russell Sykes, Deputy Commissioner, Division of Employment and Transitional Supports

SUBJECT: Temporary Assistance Payments to Meet Utility and Non-Utility Emergencies

EFFECTIVE DATE: Immediately

CONTACT PERSON: TA Questions-Temporary Assistance Bureau (518) 474-9344

In recognition of the anticipated increase in both utility (electricity and natural gas) **and** non-utility (other than electricity or natural gas) heating costs during the upcoming winter months, the Division of Employment and Transitional Supports reminds districts of their obligation to authorize temporary assistance (TA) funds to meet energy emergencies. Such use of TA funds is necessary when the emergency still cannot be averted after preferred alternative means, including using alternative resources, a negotiated deferred payment agreement for utilities, funds available under the Home Energy Assistance Program (HEAP), or relocation to alternative viable housing, have been fully explored.

Districts are also reminded that Social Services Law §131-s places specific obligations upon them for individuals and families facing utility energy emergencies. If the individual or family is facing shut-off or has already been shut-off and has no alternative means of preventing the shut-off or restoring service, the individual or family may be eligible for a payment under Social Services Law §131-s. It is then up to the district to determine which category of assistance the payment can be made under.

For applicants facing non-utility heating emergencies (oil, kerosene, wood, propane) who have no alternative means of meeting their energy emergency, including HEAP, or when alternative housing is not available, the energy emergency must be met by a TA payment to secure a fuel delivery.

As always, prior to issuing emergency energy payments under TA, the availability of HEAP must be considered and documented.

A household determined ineligible for emergency HEAP, must be advised that they can apply for emergency TA to meet their energy emergency. Applications for emergency TA must be processed in accordance with 02 ADM-2, "Meeting the Emergency/Immediate Needs of Temporary Assistance (TA) Applicants/Recipients", procedures regarding energy emergencies outlined in the Energy Manual, and statutory and regulatory authority granted under Social Services Law §131-s and 18 NYCRR 352.5(c)-(e).

Energy emergencies under TA may be met through relocation into viable alternative housing. Viable alternative housing means safe, permanent and more affordable housing, including housing with more affordable energy costs or housing where the rent includes heat. It also means

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that this housing must be actually available for the individual or family to move into in order to meet the emergency need.

Certain households with a utility related emergency are required to sign a repayment agreement as a condition of eligibility for the emergency energy payment. To receive subsequent utility arrears payments, the household must have repaid the previous agreement or be current on that repayment agreement.

In recognition of the anticipated severity of the upcoming winter and the high costs of heating fuel, districts may elect to suspend enforcement of previous and new repayment agreements until April 15, 2006. This could mean that some applicants could have more than one repayment agreement in effect. The terms of new repayment agreements signed during this period would begin on April 16, 2006 and run for 12 months forward from that date, regardless of when the assistance was granted. For any previous repayment agreements, the terms of the repayment agreement would resume on April 16, 2006.

If a district chooses to suspend enforcement of repayment agreements during this coming heating season, suspension of these agreements must be uniformly applied for all applicants for emergency energy assistance under TA programs. This policy does not affect a district's ability to secure a lien for emergency energy assistance as granted under Family Assistance, Safety Net Assistance, Emergency Safety Net Assistance or Emergency Assistance to Families.

Applicants facing non-utility heating emergencies are not required to sign repayment agreements.

For those districts choosing to suspend enforcement of the terms of the utility related repayment agreements, please notify this Division of your decision. You may send the information in writing to:

Office of Temporary and Disability Assistance
Division of Employment and Transitional Supports
Temporary Assistance Bureau
40 North Pearl Street
Albany, New York 12243

Or by e-mail to maureen.kennedy-ragule@otda.state.ny.us

Attached is a chart that summarizes how energy emergencies must be handled for different categories of individuals and families and different types of fuel.

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TA Energy Emergencies Comparison Table

Temporary Assistance Households	Non-Temporary Assistance Households	Supplemental Security Income Households
<p>The customer of record is in active receipt of TA, or The customer of record is a grantee in receipt of TA for children, case budgeted with a heating allowance, or The legal Spouse of the NTA customer of record is in receipt of TA, or The customer of record is sanctioned; the spouse and/or children remain active on TA The customer of record must also be the tenant of record (or spouse) in all cases.</p>	<p>The customer of record is not in active receipt of SSI or TA, or The customer of record is a grantee in receipt of TA for children; case <u>not</u> budgeted with a heating allowance, or The customer of record is on a TA sanction, and the TA case is closed as a result of the sanction The customer of record must also be the tenant of record (or spouse) in all cases.</p>	<p>The customer of record is in active receipt of SSI or additional State payments for SSI The customer of record must also be the tenant of record (or spouse) in all cases.</p>
<p><u>Utility (Natural Gas and Electricity) (SSL§131-s, 18 NYCRR 352.5)</u> Payment limit is the lesser of the cost of utilities for the most recent 4 billing periods for service rendered in the previous 10 months immediately preceding the request for assistance, or The balance due on the account Sanction policy does not apply</p>	<p><u>Utility (Natural Gas and Electricity) (SSL-§131-s, 18 NYCRR 352.5)</u> Payment limit is the lesser of the cost of utilities for the most recent 4 monthly billing periods, or 2 bi-monthly billing periods for service rendered immediately preceding the request for assistance, or The balance due on the account Sanction policy does not apply</p>	<p><u>Utility (Natural Gas and Electricity) (SSL §131-s, 18 NYCRR 352.5)</u> Payment limit is the lesser of the cost of utilities for the most recent 4 billing periods for service rendered in the previous 10 months immediately preceding the request for assistance, or The balance due on the account Sanction policy does not apply</p>
<p>Optional Deferred Payment Referral Requirement</p>	<p>Mandatory Deferred Payment Referral Requirement</p>	<p>Optional Deferred Payment Referral Requirement</p>

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Temporary Assistance Households	Non-Temporary Assistance Households	Supplemental Security Income Households
<p><u>To calculate the utility arrears payment:</u> Evaluate shared meter situation Determine cost of service (Payment Limits) Deduct payments (not HEAP) made during this period for which the HH was in receipt of TA Apply liquid Resources Determine the balance due Determine other applicable charges Authorize lesser calculated payment or balance due Provide Utility with "Notice of Utility Related Action, recipient with LDSS-4002 Consider re-housing before authorizing emergency payment Authorize payment through category of assistance, or refer to HEAP if available Six Month Guarantee</p>	<p><u>To calculate the utility arrears payment:</u> Evaluate shared meter situation Determine cost of service (Payment Limits) Do NOT deduct personal payments or HEAP payments made during this period Apply liquid Resources Determine the balance due Determine other applicable charges Authorize lesser calculated payment or balance due Provide Utility with "Notice of Utility Related Action, recipient with LDSS-4002 Consider re-housing before authorizing emergency payment Authorize payment through EAF*, ESNA, or refer to HEAP if available No ESNA 125% Income Standards No period of guarantee</p>	<p><u>To calculate the utility arrears payment:</u> Evaluate shared meter situation Determine cost of service (Payment Limits) Do NOT deduct personal payments or HEAP made during this period Apply liquid Resources (NOT if payment is authorized under EAA) Determine the balance due Determine other applicable charges Authorize lesser calculated payment or balance due Provide Utility with "Notice of Utility Related Action, recipient with LDSS-4002 Consider re-housing before authorizing emergency payment Authorize payment through EAF* (children in HH) or EAA, or refer to HEAP if available Six Month Guarantee under EAF/EAA</p>
<p>Management Test applied If the recipient fails the Management Test, advance allowance is recouped Recipients must request the advance in writing and agree to the recoupment to be eligible for the payment</p>	<p>No Management Test applied Applicants must sign a Utility Repayment Agreement if The household's gross monthly income on the date of application exceeds the TA standard for that HH size</p>	<p>No Management Test applied No Recoupment or Utility Repayment Agreement required</p>
<p><u>Non-Utility</u> (Other than Natural Gas or Electricity) Heat only emergencies** Payment limited to the costs for energy to meet emergency-Sanctions apply Recoupable, no management test</p>	<p><u>Non-Utility</u> (Other than Natural Gas or Electricity) Heat only emergencies** Payment limited to the costs for energy to meet emergency-Sanctions apply Non-utility-No repayment agreement</p>	<p><u>Non-Utility</u> (Other than Natural Gas or Electricity) Heat only emergencies** Payment limited to the costs for energy to meet emergency-Sanctions apply Non-utility-No repayment agreement</p>

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*EAF sudden/unforeseen policy does not apply to utility emergencies, does apply to non-utility emergencies, frequent re-application policy for EAF and ESNA does not apply to utility and non-utility emergencies **Only during periods of “cold weather”-Not subject to SSL §131-s requirements.

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