



# HEAP MANUAL

## 2010-11

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## HEAP OVERVIEW

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- D. CERTIFICATION NETWORK
- E. SOCIAL SERVICES DISTRICT RESPONSIBILITIES
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#### A. WHAT IS HEAP

##### 1. PROGRAM DEFINITION

HEAP is a federally funded Home Energy Assistance Program intended to assist low-income households in meeting their energy expenses.

HEAP is 100% federally funded. All program benefits are paid by these federal funds. In addition, 10% of the grant is allocated for administrative purposes.

##### 2. ADMINISTRATION OF HEAP

- The NYS Office of Temporary and Disability Assistance (OTDA) is the designated grantee for receipt of federal LIHEAP funds.
- NYS OTDA is also the State supervisory agency.
- Website address: <http://otda.state.nyenet/DTA/>
- HEAP is administered by the local social services district (LDSS) in each county and by the Human Resources Administration (HRA) in NYC.
- A network of community based non-profit agencies is established locally to conduct outreach, intake, and certification of applications.
- The United States Department of Health and Human Services (HHS) is the federal agency responsible for LIHEAP.

#### B. COMPONENTS OF THE PROGRAM

##### 1. COMPONENTS

In NYS, HEAP funding is allocated to the following components:

- Benefit component
- Low Income weatherization
- Outreach
- Administration

## 2. DESCRIPTION OF BENEFIT COMPONENT

- HEAP Benefits
  - This portion of the program provides benefits to eligible low income households to assist with residential energy costs.
  - The benefit component consists of three parts: Regular Benefits, Emergency Benefits and Heating Equipment Repair and Replacement.
  - A regular benefit is an annual supplement to assist eligible households in paying a portion of their energy costs. They are provided equitably to homeowners and renters.

HEAP regular benefits have been structured to insure that the highest benefits are paid to those households with the highest energy costs in relation to income taking into account family size. The benefit is determined according to the household's energy situation and income level.

- Emergency benefits are available to assist eligible low income households in meeting a heat or heat-related crisis as defined by HEAP.
  - Heating equipment repair and replacement benefits are available to provide HEAP eligible households with the cost of repair or replacement of the applicant owned dwelling's primary heating equipment when the equipment is inoperable or unsafe and is in need of repair/replacement.
- Weatherization

A portion of NYS' HEAP grant is allocated to weatherization activities. A sub-portion of these funds is allocated to NYS Housing and Community Renewal (HCR) for disbursement to the local weatherization subgrantees. In addition, a portion of these funds are utilized by LDSS and by local Offices for the Aging for referral activities.

**C. PROGRAM DATES**

**1. 2010-2011 Program**

- Early Mail Out

Mail out was conducted in late August to those households who received a benefit in the previous year and whose head of household is age 60 or older or whose household contains a vulnerable individual.

- Regular Benefit Component

Applications for Regular benefits were accepted beginning November 1, 2010.

- Emergency Benefit Component

Applications for Emergency benefits were accepted beginning November 1, 2010.

- Heating Equipment Repair/Replacement

Applications for this component were accepted beginning October 1, 2010.

**NOTE:** The 2009-10 Heating Repair/Replacement component closed on September 30, 2010.

**D. CERTIFICATION NETWORK**

**1. OVERVIEW**

- DSS as lead agency

The DSS is the lead administrative agency in each district.

- Establishment of certification network

- The DSS is responsible for establishing the certification network within the district. All administrative monies flow through the DSS.

- Each LDSS must attempt to include an alternate certifier in the network. Districts that do not have an alternate must advertise and provide proof to OTDA.

- Contracts for outreach, intake and certification

- The DSS may contract directly with local Offices for the Aging and/or other community based organizations for outreach, intake, and certification of applications. OFA and other certifiers must comply with the terms and conditions established by the DSS for outreach, intake, and certification.
- Alternate certifiers may not subcontract any HEAP activities.
- The DSS is responsible for determining each certifier's role and responsibilities within the local network.
- A written agreement is required between DSS and alternate certifiers, which includes OFA. Agreements must be approved by OTDA, unless the model agreement language produced by OTDA is used. Please refer to 80 ADM-86 for further information on contract requirements.

#### **E. SOCIAL SERVICES DISTRICT RESPONSIBILITIES**

The local DSS is responsible for the following:

- Establishment of the certification network, including any alternate sites and coordination of certification between local certifiers.
- Establish the role of local certifiers and obtain written agreements with all certifiers. All agreements should include information on fees, hours of operation, file accessibility and responsibilities, and must be approved by OTDA unless the language provided by OTDA in the model agreement is used. In this case approval is not required.
- Completion and submission of any information requests from Center for Employment and Economic Supports (CEES).
- Development, coordination, and implementation of the HEAP Outreach Plan and conducting of outreach activities for all population groups and local certifiers and submission of the plan to CEES prior to program start up of each year.
- Participate in the early mail out process.
- Requests any waivers from CEES prior to program start up.
- Track erroneous payments and submit the annual report.
- Track any denials not processed through WMS and submit the annual Applicant Report.

- Establish a 24-hour emergency number and procedures.
- Conduct a vendor meeting.
- Order all forms and notices and provide other local certifiers with HEAP forms and notices.
- Maintain an application log.
- Provide all other local certifiers with HEAP training, policy and procedures and any other information and materials.
- Retain all original applications, documentation, notices, and forms. The DSS may request a waiver to permit the alternate certifier to retain the original files. The DSS should have written assurances that the files will be accessible.
- Complete and submit the HEAP pending report to CEES on a weekly basis.
- Date stamp all applications received from other certifiers upon receipt. The date stamp is placed in the “Agency Use Only” section on page 1 of the application.
- Issue HEAP notices within the 30 business day processing time.
- The DSS is the sole certifier for applications for heating equipment repair and replacements.
- The DSS is also the sole certifier for TA and FS households.

#### **F. ALTERNATE CERTIFIER RESPONSIBILITIES**

- Local Offices for the Aging are the preferred alternate certifier for regular benefits for the elderly and disabled populations. A written contract/MOU is required.
- Provide outreach and intake sites for regular and/or emergency benefits as outlined in the agreement with the DSS.
- Provide certification services as outlined in the agreement with the DSS.
- Alternate certifiers may not subcontract any HEAP activities.
- Use sites that are open during the entire HEAP program and are open during a reasonable period of time during the day and week.

- Coordinate access or alternate hours for HEAP applicants whose employment schedule makes it difficult to apply during normal business hours.
- Conduct eligibility interviews, obtain documentation, and conduct all other certification in accordance with federal, State, and local HEAP policy and procedures.
- Maintain an application log.
- Route all applications to the DSS within 15 calendar days of the receipt of a signed and completed application. Applications may be pended for no longer than 10 business days and the pending time does not count in the 15 calendar day processing time.
- Route all original applications, documentation, and all other materials to the DSS for retention unless there is an approved waiver. In cases where the alternate certifier retains the original file, the certifier must provide file access and the certifier must retain the current plus three years' applications and documentation.
- Alternate certifiers who process applications from heads of households 60 and over and received a benefit in 2009-10, Code A SSI recipients, and/or heads of households under age 60 whose household contains a vulnerable and received a benefit in 2009-10 must agree to participate in the early mail-out process.
- Alternate certifiers must abide by the guidelines established by the OTDA and the local DSS.

**NOTE: LIABILITY:** If the non-DSS certifier has complied with the terms and conditions of the HEAP program as required under agreement and in accordance with the State Plan and State HEAP policy and procedures, the certifier will be held harmless from any or all liability that may arise by reason of such compliance. Certifiers will not be held harmless for liability arising from their own negligence or from expenses negligently or voluntarily incurred above the State authorized ceilings as stated in the local agreement.



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## **I. APPLYING FOR HEAP**

The HEAP application process may vary based on the make-up of the applying household.

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- B. APPLYING FOR REGULAR HEAP BENEFITS**
- C. APPLYING FOR HEAT AND HEAT-RELATED EMERGENCY BENEFITS**

### **A. HEAP APPLICANT REQUIREMENTS**

#### **1. APPLICANT DEFINITION**

- An applicant is an adult or emancipated minor who has directly or by representative completed a HEAP application or has submitted a request for benefits in accordance with State approved procedures.
- The Regular benefit application must be signed by the individual who:
  - has the heating bill in their name; or
  - has primary responsibility to pay the bill to the vendor; or
  - is the primary tenant if heat is included in the rent.
- The customer of record must be the applicant for Emergency HEAP benefits.
- The homeowner must be the applicant for all HEAP Repair/Replacement benefit requests.
- If an application is signed by an individual other than the required applicant, the following actions must be taken:
  - The application is pended.
  - The Request for Information/Documentation Letter must be sent along with a copy of the submitted application and a blank copy of the signature page.
  - The “other” box under the “you must send in the following” section is checked and the following language inserted: The application must be

signed by (insert name). Please sign and return the attached signature page.

- Applications may be pended for a maximum of ten business days. If the signed application page is not returned by the due date, the application must be denied.
- The denial reason is failure to submit required information.

## **2. AUTHORIZED REPRESENTATIVES**

- Use of authorized representative
  - An authorized representative may apply for all types of benefits, including heating equipment repair and replacement, on behalf of disabled/ill individuals or for individuals whose employment schedule makes it difficult or impossible to appear for an in-person interview or the applicant cannot participate in a phone interview due to reasons of health or disability when there is no other adult household member available.
- Authorization
  - A dated and signed note from the applicant authorizing the individual to apply on their behalf is required.
- Signature on Application
  - The authorized representative should sign the application with his or her own name on behalf of the applicant.
  - An authorized representative may also sign for an applicant who is physically incapable of signing or who habitually signs with an "X". Notations regarding the circumstances must be retained in the case file.

## **3. POWER OF ATTORNEY**

Individuals with power of attorney for the applicant may sign the application on the applicant's behalf. The power of attorney designation must be documented in the case record.

## **B. APPLYING FOR REGULAR HEAP BENEFITS**

HEAP applicants have several options when applying for Regular benefits.

- Households in receipt of TA or FS may have benefits authorized through the automatic payment process.
- Applicants not selected for the automatic payment process must request benefits using a State prescribed form or process. This includes applications printed from the OTDA Website, e-filed applications and phone applications.

## 1. AUTOMATIC PAYMENT COMPONENT

- Regular HEAP Autopay Eligibility:
  - During each program, OTDA identifies certain TA and FS households for automatic payment of Regular HEAP benefits through WMS. These households are not required to file a new application and benefits are calculated using information in the WMS case file for the month of application. Eligible TA and FS households who are included in the autopay process will receive regular benefits through this process.
- Regular Benefit Processing for TA and FS Cases Opened After the Autopay:
  - The “Temporary Assistance and Food Stamp Recipient Request for Regular Benefits” form has been eliminated, beginning in the 2010-11 program.
  - Applicants for and recipients of TA and FS must complete a HEAP application form in order to receive HEAP benefits. Districts must process these applications in accordance with HEAP rules. TA and FS recipients continue to have mail in access.
  - Districts may allow households who apply for FS or TA after the autopay but before program opening to complete the HEAP application at time of the TA or FS interview. No guarantee or issuance of payment is permitted prior to November 1, 2010.
  - If the HEAP application is completed as part of the TA or FS interview, a separate interview is not required. Documentation obtained during the TA/FS application process should be used whenever possible; however, HEAP documentation rules must be followed.

**Example:** Household A is applying for FS and is interviewed on November 3. The worker has the applicant complete the HEAP application during the interview process. The household has documented the address, household composition and income as part of the FS process; however, for FS purposes, no proof of vendor

relationship was required. In order to process the HEAP application, proof of vendor relationship must be obtained.

- Districts may authorize the HEAP payment as part of the opening of the TA or FS case as long as the HEAP processing deadline of 30 business days can be met.
- Regular Benefits For TA or FS Household That Become HEAP Eligible After The Autopay:
  - TA and FS recipients outside of NYC who become eligible for HEAP during the program year must complete a HEAP application form in order to receive benefits. TA and FS recipients may mail in the application. Since documentation of address and household composition has already been documented, no further documentation is needed for HEAP. Recipients of TA and FS are categorically income eligible and do not need to provide any further income information. Income from the TA or FS budget is used to calculate the HEAP benefit.
  - Districts must obtain any additional information required for determining HEAP eligibility that is not contained in the TA/FS case record.
  - TA and FS recipients on the Autopay Exclusion List must also complete a “HEAP application form in order to receive benefits.

**Example:** Household B is in receipt of TA and was residing temporarily in a motel at the time of the HEAP autopay. In December, the household moves into permanent housing and has a heating bill. The TA recipient must complete a HEAP application in order to receive a benefit.

**NOTE:** Households that receive only expedited FS or emergency TA payments are not eligible for automatic payment and are not categorically eligible.

## 2. MAIL IN APPLICATIONS

The following households have the option of applying for Regular HEAP by mail:

- Code A SSI households;
- TA and FS recipients;
- Heads of household aged 60 or older;

- Heads of household who are disabled and are in receipt of Retirement, Survivor's, or Disability Insurance under Title II of the Social Security Act;
- Heads of household under age 60 who received a benefit through the application process in the prior year and reside in same county.

### **3. PHONE APPLICATIONS**

- Districts may opt to use the phone application in lieu of the mail-in process for applicants who are age 60 or older or in receipt of code A SSI and who received a benefit in 2009-10, reside in the same county as in 2009-10, and have agreed in writing to participate in the phone application process.
- Alternate certifiers may use this process if permitted by the local DSS.
- The phone application may be used for any applicant that meets the requirements.
- In this process, applicants access benefits via a phone interview and are not required to complete a paper application form.
- This process should not replace or duplicate the mail out process, but should be used to assist those households having difficulty in applying or to outreach households who haven't returned the application in a timely manner.

### **4. ELECTRONICALLY FILED APPLICATIONS**

- Applicants who received a benefit in the previous year and are residing in districts that opt to allow electronic filing may e-file their Regular HEAP application for Regular benefits.

### **5. IN-PERSON APPLICATIONS**

- Any household that does not qualify for automatic payment, mail in or e-filing access must complete the standard 2011 HEAP application (LDSS 3421), have an interview, and provide full documentation beginning November 1, 2010. Home visits and phone interviews are considered in person interviews.

## **C. APPLYING FOR HEAT AND HEAT-RELATED EMERGENCY HEAP BENEFITS**

### **1. EMERGENCY BENEFIT PHONE APPLICATION**

- Recipients of TA and FS have phone-in privileges for emergency benefits, except for heating equipment repair/replacement.

- Applicants for heat or heat-related emergency benefits who have an APPROVED 2009-10 regular benefit or who received a benefit via the autopay and whose TA/FS case subsequently closed and are applying for emergency benefits in the same county must be permitted to apply for emergency benefits via the phone. However, applicants who want to apply in person must be permitted to do so.

**NOTE:** In situations where the applicant for regular HEAP is different than the applicant for emergency benefits, the applicant for emergency benefits may still apply via the phone as long as the applicant was part of the household for the regular benefit and is still part of the same household.

**Example:** Applicant A is the customer for the heating bill but applicant B is the customer for the electric bill. Applicant A applies for and is found eligible for a heater's benefit. Applicant B was included on the regular benefit application. Applicant B subsequently has a domestic shut off. Applicant B may apply for the heat-related domestic benefit via the phone provided that he/she still resides in the same household.

- Additionally, there may be situations where it is more expedient and in the applicant's best interest to apply in person. Districts should use judgment in advising applicants to apply in person; however, this should be the exception, not the general policy.

**Example:** Households that are in a "no heat" situation and who are not eligible for income deeming may be better served by an in-person application.

- Households whose regular benefit application was denied or who have moved to a different county since their regular benefit approval DO NOT have phone-in privileges for emergency benefits.
- Heating equipment repair and replacement applications CANNOT BE ACCEPTED OVER THE TELEPHONE. They must be in person, with full documentation.

## 2. EMERGENCY BENEFIT PHONE APPLICATION PROCEDURES

- Phone requests for emergency benefits must be logged in. At minimum, the applicant's name, date of request and type of emergency must be included. Certifiers may include other information.

**NOTE:** Districts that currently have a central log-in process for all agency phone calls may use this process for HEAP if the log contains the minimum

information required by the HEAP log. Districts must request a waiver to use a local log process. HEAP Coordinators should submit a written waiver request, specifying the information contained in the local log. E-mails will be accepted for this purpose.

- When an applicant calls in to apply for an emergency benefit, the certifier must:

- Log in the request
- Confirm that a regular benefit has been approved for the applicant and determine that the regular benefit is not available to resolve the current emergency.

**NOTE:** If the applicant received a regular benefit via the autopay and the case is now closed, the worker should complete page 1 of the Application with current address and case composition information. This can be used to open a HEAP case type 60.

- Obtain confirmation of the caller's identity by asking the caller's name, date of birth, social security number, and address. Procedures for applications made by authorized representatives/power of attorney are followed in those cases where the applicant cannot request the emergency benefit themselves.
- Obtain the regular benefit file, or TA/FS file if the applicant received the regular benefit via the autopay.
- Complete the Emergency Benefit Budget Worksheet (LDSS 3594B).
- Determine if income deeming applies. Complete the Income Deeming Applicant Attestation Worksheet during the phone interview.

**NOTE:** If the household is not eligible for income deeming or wants to provide new income documentation, the applicant must provide current income information, but may submit this via fax, mail (if time permits) or drop off. The applicant may still apply for emergency benefits by phone.

- Determine that the applicant is the customer of record. This must be confirmed via a collateral contact with the vendor, unless other acceptable documentation exists in the case record. Districts that fax emergency benefit confirmation to vendors must include a notation to request vendor feedback on incorrect information (for example, household does not appear to have an emergency, the vendor account



number is incorrect, or the applicant is not the customer of record with the vendor).

- Determine that the current dwelling is the primary residence. This is done via applicant declaration used in conjunction with information contained in the case file. Collateral contact with the vendor may also be used to substantiate this information.
- Determine that the household is in an emergency situation. This must be confirmed via collateral contact with the vendor.
- Determine the applicant household's resource by completing the Resources Checklist on the worksheet. Resource verification is declaratory unless the certifier has reason to doubt the declared amounts.

**Example:** A household claims no bank accounts yet the regular benefit application has interest income declared. Applicants may supply required documentation via fax, mail (if time allows), or collateral contact.

- Workers must complete the Emergency Resolution section of the worksheet, sign and date the worksheet, and check the appropriate box following the signature section.

### 3. IN-PERSON EMERGENCY APPLICATIONS

- Applicants not in receipt of TA or FS who are not eligible to use the phone in process must apply in person for emergency benefits and complete a 2010-2011 HEAP Application (LDSS 3421).
- Full documentation is required.
- Applicants applying for heating equipment repair and/or replacement must apply in person; including TA and FS recipients.

**NOTE:** Action must be taken to resolve the emergency for eligible households within 18 hours if the household is without heat or within 48 hours if loss of heat is imminent. Resolution may include action other than issuance of a benefit such as temporary relocation, use of space heaters, etc.

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**A. OVERVIEW**

Households must meet all of the eligibility criteria outlined in this section in order to receive HEAP benefits. Eligibility is determined based on income and household circumstances for the month of application.

In order to determine eligibility for Regular, Emergency or Repair/Replacement HEAP Benefits, all of the following factors must be considered:

- Determination of the HEAP household and establishment of the household size; and
- Review of the citizenship/alien status of household members and determination of status for each member; and
- Determination and calculation of household income (see section on Income for specific information); and
- Comparison of household income to current established income guidelines or determination that the household meets the criteria for categorical income eligibility; and
- Determination of the income tier based on household size and actual income or categorical income eligibility; and
- Review of the living situation and determination that the household does not reside in an excluded living situation.

**B. HEAP HOUSEHOLD COMPOSITION****1. HEAP 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 make undesignated payments for energy in the form of rent and such individual or group of individuals occupying a housing unit.

**2. HOUSEHOLD MEMBERS****▪ General Policy**

- All individuals residing in the housing unit and listed on the HEAP application are considered household members.

Any individual residing in a housing unit and related by blood, legal union, or adoption to any other household member is presumed to be a household member.

- Relationship by blood, legal union, or adoption includes, but is not limited to, the following:
  - ✓ Spouse;
  - ✓ Father, mother;
  - ✓ Son, daughter;
  - ✓ Brother, sister;
  - ✓ Stepmother, stepfather, stepbrother, stepsister;
  - ✓ Grandparent;
  - ✓ Grandchild.

**▪ Special Circumstances**

- Children under age 21 and spouses must be considered household members. Children under 21 are household members even if budgeted as a roomer and/or roomer/boarder for TA purposes.

- Minor children in the process of being adopted by a HEAP household member are household members.
- Students—Dependent students are included in their family's household. Independent students are included in the household where they reside.
- TA or FS recipients whose budgets or case records indicate that they share shelter and/or energy costs with the HEAP household are considered HEAP household members.

### 3. EXCEPTIONS

- Exclusion of Individuals

An applicant may refute the presumption that certain individuals age 21 or older residing in the household, even those related by blood, legal union, or adoption, are household members.

**NOTE:** However, children under 21, spouses, and dependent students must be household members

- Required Statement/Evidence

- If the applicant declares that someone living in the dwelling is not a household member, the applicant must provide a signed statement to that effect.
- The statement must include the name of the person(s) not included in the HEAP household and whether or not the individual(s) contributes to the household.
- The certifier must review the living situation in these cases. If the individual is sharing living expenses, has household bills in his/her name, or is the owner or co-owner of the dwelling, that individual must be a household member.

**NOTE:** The tenant of record request was eliminated in the 2008-2009 program, however, the applicant must still reside in the dwelling.

- In those cases where the individual is in receipt of TA or FS, the case budget must be reviewed to assist in determining the household composition.

### 4. NON HOUSEHOLD MEMBERS

The following are not considered household members:

- Individuals age 21 or over declared by the applicant as non-household members when supported by reasonable evidence.
- Roomers and/or roomer boarders in private housing.

**NOTE:** In cases where there is a minor child budgeted as a roomer and/or roomer/boarder for TA purposes, the child must still be a household member.

- Foster children or foster adults.
- Household Employees—unless they must be included based on the household definition.
- Code C SSI recipients
- Fleeing Felon are invisible to the household count but if they have earned income, their income is counted to determine eligibility for HEAP.
- Individuals who are not citizens, qualified aliens, or US Nationals or who fail to provide proof of status when required to do so.

## 5. CLARIFICATIONS

- Joint Custody of Children

When determining household composition where there is joint custody of children:

- The children are included in the HEAP household where the children reside the majority of time; or
- If they live equal time at each parent's, the school district determines the HEAP residence; or
- If the district is the same or the children are not school age, the parent that claims the children for tax purposes may claim them for HEAP.

- Students

Dependent Students

- Dependent students are claimed in their family's household even if they reside with another household while attending school. Dependent

students are those students attending post-secondary institution full time and who are still claimed as dependents for tax purposes.

#### Independent Students

- Independent students are members of the household in which they live. Independent students are students at least 18 years old, attending a post-secondary institution full time and who are not claimed as a dependent on another's tax return. Economic independence must be documented for students under age 21.
- Individuals Not Contributing
  - When an applicant provides evidence that an individual age 21 or older is not a household member and that individual is not making any contributions to the household, that individual is not included in the HEAP household count.
  - However, non-contributing individuals declared by the applicant to be household members are included in the household count.
- Temporarily Absent

HEAP household members temporarily absent due to the following reasons may be included on the application:

- Medical treatment – as long as the person intends to return home.  
**Example:** A person enters a rehabilitation facility due to a stroke. If the discharge plan indicates that the patient is awaiting permanent nursing home placement, the individual would not be included as a household member on the HEAP application. If the discharge plan is to return the individual home, he or she could be included.
- Short-term incarceration (The absence is not expected to extend beyond six months and the applicant has not or does not expect to establish residence elsewhere.)
- Military service of any duration
- Work/business absence of any duration



**C. CITIZENSHIP/ALIEN STATUS****1. GENERAL REQUIREMENTS**

- A qualified alien is a person who meets one of the following requirements:
  - An alien granted Permanent Resident Alien Status under the Immigration and Nationality Act (INA);
  - An alien granted asylum under section 208 of the INA;
  - A refugee admitted to the United States under section 207 of the INA;
  - An alien paroled into the United States under section 212(d)(5) of the INA for a period of at least one year;
  - An alien whose deportation is being withheld under section 243(h) of INA as in effect prior to April 1, 1997, or whose removal is being withheld under section 241(b)(3) of INA;
  - An alien granted conditional entry under section 203(a)(7) of INA as in effect prior to April 1, 1980;
  - An alien who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
  - A United States citizen or legal permanent resident's battered spouse, or child, or parent or child of such battered person, and otherwise satisfies the requirements of 8 USC 1641(c).
  - Native North American Indians born in Canada and possess at least 50% American Indian blood or members of a federally recognized tribe born outside of the United States.
  - Amerasian immigrants.
  - Certain Hmong or Highland Laotian tribe members.
  - Veteran, spouse, unmarried surviving spouse and unmarried dependent child of a U.S. veteran who fulfilled minimum active duty requirement (two years).
  - Active Military duty or a member of the Armed Forces on full-time duty in the Army, Navy, Air Force, Marine Corp or Coast Guard, spouses and dependent children.

- United States non-citizen national as defined by the federal government.
- Victims of human trafficking who have been certified (adults) or received an eligibility letter (children) by the Office of Refugee Resettlement (ORR)
- Special immigrant visa holders – Iraqi and Afghan
- In order to receive HEAP benefits, an individual must be a U.S. citizen or qualified alien. Citizenship is based on self-certification in most cases.
- Individuals in the U.S. on a student visa are not HEAP eligible.
- Applicants must certify, via the question on the application, that all household members are U.S. citizens or qualified aliens.
- Only citizens and qualified aliens are included in the HEAP household count.
- If a self-declared alien who is required to provide documentation fails to do so, that individual is not included in the household count. Please note that applications may be pended for a maximum of ten business days (the household count is not adjusted if the documentation is provided after the ten-day period).
- Generally, certification on the application will be sufficient to determine citizen/alien status. However, certifiers may require documentation whenever there is a question regarding an individual's status. This includes situations where the certification contradicts information on the HEAP application or file, or information from another verifiable source contradicts the person's certification.

**NOTE:** See section 2 B for more information regarding Citizenship/Alien Status Documentation Requirements

## 2. INCOME CALCULATION OF NON-QUALIFIED ALIENS

Income of non-qualified aliens is counted in determining eligibility and income tier, unless such income would normally be excluded under HEAP income calculation rules.

## 3. RESOURCES OF NON-QUALIFIED ALIENS

Resources for non-qualified aliens or household members who fail to provide required documentation are still explored and counted, unless such resources would normally be excluded under HEAP resource rules.

#### 4. BENEFIT DETERMINATION

- A benefit is not issued in those cases where all household members are non-qualified aliens or where all household members fail to provide required documentation.
- Household contains both citizens/qualified aliens and non-qualified aliens:
  - In these cases, benefits may only be issued for citizens/qualified aliens. The household size is determined counting only the citizens and others who meet the alien status requirements. The household size for income eligibility determination is based on the number of citizens and those meeting the alien status qualifications.

**NOTE:** Applications may be pended for a maximum of ten business days. If required documentation of status is not provided, the case and eligibility and benefit determinations are processed excluding the individual(s) who failed to document. The benefit is not adjusted even if the documentation is later provided.

- If the only vulnerable individual is a non-qualified alien, the add on for vulnerability is not included in the benefit calculation.
- Benefits may be issued in the name of a non-qualified alien when the only eligible household members are minor children or when the non-qualified alien is the customer of record for the energy bill.
- A household may still qualify for emergency benefits if the customer of record is a non-qualified alien and the household is otherwise eligible.

#### D. INCOME LIMITS/CATEGORICAL ELIGIBILITY

##### 1. INCOME GUIDELINES AND TIERS

- Gross income for the month of application for the applicant's household must be at or below the maximum established limit for the appropriate household size in order for the household to be income eligible for Regular and/or Emergency HEAP benefits.
- Households are placed in the appropriate income tier (I or II) based on the household's gross income and the household size for the month of application.

- Income limits and tiers for the 2010-2011 program are set as follows:

Household Size	Tier I Monthly Income	Tier II Monthly Income	Annual Income	Equivalent Poverty Levels
1	\$0 - 1,173	1,174 - 2,129	\$25,548	236%
2	0 - 1,578	1,579 - 2,784	\$33,409	229%
3	0 - 1,984	1,985 - 3,439	\$41,270	225%
4	0 - 2,389	2,390 - 4,094	\$49,130	223%
5	0 - 2,794	2,795 - 4,749	\$56,991	221%
6	0 - 3,199	3,200 - 5,404	\$64,852	220%
7	0 - 3,604	3,605 - 5,527	\$66,326	199%
8	0 - 4,009	4,010 - 5,650	\$67,800	183%
9	0 - 4,415	4,416 - 5,773	\$69,274	170%
10	0 - 4,820	4,821 - 5,896	\$70,748	159%
11	0 - 5,225	5,226 - 6,029	\$72,345	150%
11+	\$405	468	\$5,610	

- Set at the higher of 60% state median income or 150% of OMB poverty guidelines. The federal poverty levels have been frozen at 2009 levels so Tier I income guidelines remain the same. The HEAP income code values also remain the same since these are based on federal poverty level.
- Household size 1 -10 = 60% SMI
- Households 11 and above = 150%
- Same guidelines for regular and emergency

**2. CATEGORICAL ELIGIBILITY**

- Definition
  - Categorical eligibility refers to income eligibility only. A household who is categorically eligible has met the HEAP income test because they have already been income tested in the TA, FS, or Code A SSI program. These households must still meet all other applicable eligibility criteria to receive benefits.

- Categorically Eligible Households
  - A household is categorically eligible if at least one household member is in active receipt of recurring temporary assistance (Family Assistance or Safety Net), Food Stamps, or Code A SSI benefits at the time of application.
  - Categorically eligible households are placed in Tier I.
  - The household must be in receipt of recurring benefits on or before the date of the HEAP application/request for benefits in order to be categorically eligible. A household who is applying for HEAP and TA, FS, or CODE A SSI at the same time or that has not been determined eligible for ongoing benefits at the time of the HEAP application/request for benefits, is not categorically eligible.
- Exceptions
  - If the only individual in the HEAP household receiving TA, FS, or Code A SSI benefits is a roomer or roomer/boarder, the household is not categorically eligible since the benefit recipient must be a HEAP household member. When the living situation for any individual receiving TA or FS is presented differently for HEAP purposes than for TA or FS, the shelter situation budgeted in the TA or FS is used to determine the living situation.
  - In some cases, a minor child budgeted as a roomer or roomer/boarder is required to be a household member for HEAP (see Household Composition section). However, these cases are not categorically income eligible because of the roomer budgeting methodology. If there is no other TA, FS, or Code A SSI recipient in the household, the household is income tested and the total amount of the TA grant for the minor child is counted as income.
  - A household is not categorically income eligible if the only benefit received at the time of the HEAP application/request for HEAP benefits is expedited FS or emergency TA and the household has not been determined eligible for ongoing FS or TA benefits.

### 3. INCOME REQUIREMENTS FOR HEAP

- Countable Income

The following are considered income for HEAP purposes:

1. Gross wages (before deductions)\*
2. Commissions (before deductions)\*
3. Salaries (before deductions)\*
4. Net profit from self-employment\*
5. Social Security payments after deduction of Medicare premium, Part B and D, including payments paid to or on behalf of full time dependent students
6. Supplemental Security income, including payments paid to or on behalf of full time dependent students
7. Railroad Retirement benefits
8. Retroactive lump sums for Social Security, SSI, or Railroad Retirement which can be prorated over a specific period of time
9. Unemployment insurance benefits (UIB)
10. Veteran's benefits, including disability payments
11. Veteran's survivor's benefits, including payments made to or on behalf of full time dependent students
12. Pensions
13. Payments from insurance and annuities
14. Strike benefits from union funds
15. Green Thumb income
16. Worker's Compensation payments
17. Disability payments
18. Alimony
19. Child support payments, court ordered amount or actual amount received if less, even if paid to minors or full time dependent students

20. Military family allotments including those paid to or on behalf of full time dependent students
21. Housing allowance to military personnel
22. Regular cash support from absent family members or someone not living in the household
23. Dividends
24. Interest, even if not paid directly to the household
25. Royalties
26. Income from rents after allowable deductions
27. Income from estates or trusts
28. Interest portion of mortgage/land contract payments received by the household
29. Income from IRA—the amount drawn by the household during the month of application and the 11 months prior to the month of application is counted.
30. Interest accrued on mature IRA accounts
31. Payments from roomers or roomer/boarders
32. Severance pay
33. Vacation pay
34. Family Subsistence Supplemental Allowance (available only to active military personnel)
35. Oneida Indian Nation stipends
36. All other income not specifically excluded under the “excluded income” section
  - \*Earned income of minors under age 18 and of full time dependent students aged 18 or older is excluded. See section below.
37. Earned income from fleeing felons and from non-qualified aliens who reside in the household is counted when determining eligibility for HEAP.

- Excluded Income

The following sources of income are not included for income calculation purposes:

1. Reimbursement for medical and/or employment expenses

2. Loans, including student loans

3. College/post-secondary school grants and scholarships funds

**NOTE:** This would include stipends issued as part of a fellowship grant

4. Earned Income of full time dependent students aged 18 and older

**NOTE:** Social Security, SSI, Child Support, Veteran's Survivors' benefits and military family allotments are included as income.

5. Earned income of dependent minors under age 18

6. Medicare premium Part B deducted from monthly Social Security benefit and Part D Medicare premium.

7. Irregular and/or infrequent income that does not exceed \$30 over a three month period.

8. Payments for foster children

9. Code C SSI payments made to the household for care of SSI adults

10. Adoption subsidy payments

11. Tax refunds

12. EITC payments, received monthly or in a lump sum

13. Christmas bonuses

14. Non-recurring lump sum payments when such payments are not for a specific period of time, such as one time sale of real property or insurance settlements

15. Agent Orange payments, both lump sums and recurring payments



16. Federal action program payments made to participants in the retired senior volunteer program, foster grandparents, and senior companion program
17. Job Training Partnership Act (JTPA) payments
18. Reverse mortgage payments
19. Home equity payments
20. Nazi restitution payments
21. Special energy assistance payments, cash or in-kind, provided by an energy company or a non-profit agency
22. In-kind contributions
23. Income of amnesty aliens
24. Aid and attendance payments to veterans
25. Flex credit payments
26. Payments to Vietnam veterans' children with spinal bifida
27. Income committed to the payment of inpatient hospital or skilled nursing facility care
28. Income committed to home health care services which are incurred towards Medicaid/Medicare eligibility. Health care services are those services rendered by a person other than a relative who is qualified to provide such services as assistance with personal hygiene, feeding, dressing, or household tasks. Any individual who has been appropriately trained and is supervised by a registered or licensed practical nurse may provide these services.
29. Payments made by a household to housekeepers/homemakers and reimbursed under Title XX. Homemaker services include assessing the need for, arranging for, providing and evaluating the provision of personal care, home management, incidental tasks by a trained homemaker who meets department standards.
30. Allowable expenses deducted from self-employment income
31. Allowable expenses deducted from rental income

32. Interest accrued on an IRA that is not mature
33. Attica settlement payments
34. Interest accrued on 401 (K) or other retirement accounts that are not mature
35. Americorp living stipends
36. Interest accrued on individual development accounts for TA recipients
37. Interest accrued on prepaid burial accounts

- Income Calculation

- **General Policy**

HEAP income eligibility is based on the HEAP household's gross monthly income for the calendar month of application. In general, the certifier should identify all sources of income for the month of application, taking into account any known changes.

- **Rounding**

All final calculations are rounded down to the nearest dollar.

- **Change in Income**

- ✓ Although income for the past four weeks or for the past three months for self-employment is generally used to project the amount of monthly income, any known change of circumstance must be taken into consideration.
- ✓ If earned income is expected to end, change, or increase, within the month of application, the certifier must attempt to determine if this change will occur in the month of application and factor the change into the income calculation.
- ✓ In addition, changes within the month of application expected in any other type of income must be taken into consideration.

**Example:** An applicant is currently receiving UIB, but has only one benefit left for the month. If the benefit will end in the month of application, the certifier should determine how many benefits will be

received in the month and calculate the income accounting for the change.

- ✓ Anticipated increases must also be considered if expected within the month of application.

- **Weekly/Bi-Weekly Income**

- ✓ When manually calculating income, the gross weekly pay amount is multiplied by 4.333 to arrive at the monthly amount.
- ✓ When manually calculating income, the gross bi-weekly pay amount is multiplied by 2.166 to arrive at the monthly amount.
- ✓ Varied income
  - ◀ Weekly income: the four gross pay amounts are added together, divided by 4, and the result is multiplied by 4.333 to arrive at a monthly amount. If using ABEL or HBC, the averaged amount is entered.
  - ◀ Bi-weekly: the two gross pay amounts are added together, divided by 2, and the result is multiplied by 2.166 to arrive at a monthly amount. If using ABEL or HBC, the averaged amount is entered.

- **Income Received Twice Per Month**

If payment is received twice per month, but not bi-weekly, the amount is multiplied by 2 to determine the monthly amount.

- **Contract Employment**

- ✓ Applicants who are employed under a 12-month contract may have the option of receiving their salary on other than a 12-month schedule.
- ✓ If the payment schedule is 12 months, the amount received in the month of income is counted.
- ✓ If the schedule is other than 12 months, the annual salary is divided by 12 to determine the monthly income for HEAP.

- **Social Security Income**

The gross monthly benefit amount after the deduction of the Medicare Part B and Medicare Part D premiums is counted as income. Medicare

Part D premium amounts are also deducted from the gross Social Security amount if paid directly by the applicant.

○ **Dividends/Interest Income**

- ✓ Determine the interest or dividends earned for the 12 months prior to the month of application or for the time period the earnings were produced, if less than 12 months.
- ✓ Average the 12 months, or actual amount of time the earnings were produced, if the amount varies.
- ✓ Divide the average by 12, or the number of months by the interest/dividends have been earned, to determine a monthly amount.

○ **IRA Income**

The amount drawn in the most recent 12-month period, including the month of application is explored in order to determine a monthly amount. If amounts are drawn on a schedule other than monthly or the monthly amounts differ, the 12 months are averaged to arrive at a monthly amount.

**NOTE:** Any interest accrued on a mature IRA is countable income.

○ **Rental Income**

- ✓ Determine the rental income received for the 12 months prior to the month of application.
- ✓ Deduct allowable expenses.
- ✓ Divide the total net income by 12 to arrive at a monthly amount.
- ✓ The following are allowable deductions:
  - ◀ Interest paid on loans to purchase the rental property
  - ◀ Insurance premiums for the property
  - ◀ Taxes paid or incurred on the rental property
  - ◀ Advertising
  - ◀ Heat and/or utility costs paid by the owner for the rental property

- ◀ Improvements/repairs necessary to maintain the property as income producing.
  - Calculating improvement costs: A monthly amount for improvements is calculated by using the cost of the improvement, pro-rating the cost by the life expectancy of the improvement, and dividing this pro-rated amount by 12.
  - Calculating repair costs: A monthly amount for repairs is calculated by dividing the total cost of the repair by 12.
- ✓ The following are not allowable deductions:
  - ◀ Payments on loan principals
  - ◀ Depreciation
  - ◀ Net loss
  - ◀ Non-essential repairs/improvements
- ✓ Pro-rating for applicant occupied dwellings

When the applicant resides in the rental property, allowable expenses are pro-rated by the number of income producing units. Expenses for the applicant's own unit are not an allowable deduction.

- **Lump Sum Payments**

Countable lump sum payments are pro-rated over the time period that they are issued for.

- **Severance Pay/Vacation Pay**

The total amount received in the month of application is counted as income.

- **Striker's Income**

Striker's income is treated the same as other income. Prior policy required workers to determine the date of the start of the strike and to treat income differently depending on how long the person was on strike.

- **Self-Employment Income**
  - ✓ Methods of Calculation
    - ◀ Income for three months prior to application
    - ◀ Itemized filed tax return
  - ✓ Three month income calculation
  - ✓ If determining gross monthly income for the three months' prior to the month of application:
    - ◀ Deduct allowable business expenses from the gross income.
    - ◀ Average the three months' net profits and divide by 3 to calculate a monthly amount.
    - ◀ Negative income converts to "0" income for purposes of averaging.
    - ◀ Allowable business expenses:
      - Feed for livestock
      - Gasoline
      - Fuel oil
      - Veterinary fees
      - Fertilizers
      - Purchase of materials
      - Interest payments on loans
      - Other expenses essential to operate the business
    - ◀ Non-allowable expenses:
      - Depreciation
      - Personal business and entertainment expenses
      - Personal transportation

- Purchase of capital equipment
- Payments on principals of loans
- Expenses normally incurred by the household and not directly essential to the business

**Example:** Heat for a home in which a day care is operated.

- ✓ If using Income Tax--from Line 1 on Schedule C or F, take the gross receipts amount.
  - ◀ Do a quick calculation, does this amount divided by 12 and added to other household income result in total income within the Tier I guidelines?
  - ◀ If yes, no further action needed.
  - ◀ If no, begin the deduction process.
  - ◀ Take the largest allowable deductions first.
  - ◀ Do quick calculations to determine if the household's income is within Tier I
  - ◀ If, at any time during the calculation, the business profit is zero or the household income falls within Tier 1, no need for further deductions.
  - ◀ Otherwise, use all of the appropriate deductions from Schedule C or F to calculate the business income.
  - ◀ After allowable deductions, divide any profit by 12 and add to other household income.
  - ◀ If the business income is negative, count as zero. HEAP does not budget negative amounts.
  - ◀ HEAP does not allow the same deductions as the IRS, so ask for clarification if needed.
  - ◀ Deductions from lines are allowable:
    - 8

- 9 –unless these are expenses normally incurred by the household and not directly essential to the business
- 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
- 25- unless these are expenses normally incurred by the household and not directly essential to the business
- 26, 27
- Deductions from lines 12, 13, and 24 not allowed.
- **Oneida Indian Nation Stipends**
  - Stipends are prorated over the period they are intended to cover.
- **Zero or Low Income**
  - **Requirement**
    - Basic maintenance must be explored when:
      - ✓ The household's income is zero; or
      - ✓ The household's shelter (rent or mortgage) expenses exceed household income.
  - **Documentation/Notation**
    - Certifiers must obtain available documentation and verification to support statements about the household's maintenance. This includes, but is not limited to:
      - ✓ Applicant statements;
      - ✓ Written, signed statements from individuals providing assistance/support;
      - ✓ Bank statements, bankbooks showing withdrawals;
      - ✓ Unpaid bills, collection notices;
      - ✓ Application for benefits such as UIB, TA, FS, SSI, etc.



- Required Form

The Low Income Worksheet must be completed for these cases. The applicant's signature is required for in person applicants. The worker must complete the form for mail in applications, phone applications, e-filed applications, and phone interviews based on information from the applicant.

## **E. LIVING SITUATIONS**

### **1. RESIDENCE**

- Requirement
  - The applicant must be currently residing in the dwelling for which assistance is requested at the time of the request. The applicant must be a NYS resident and must apply in the county in which they reside.
  - An applicant who meets the temporarily absent rules for HEAP is considered to meet this requirement.
  - The dwelling must be the applicant's primary home.

- Temporary Absence

Temporary absence is defined as absence due to:

- Medical treatment
- Short-term incarceration (The absence is not expected to extend beyond six months and the applicant has not or does not expect to establish residence elsewhere.)
- Military service of any duration
- Work/business absence of any duration

### **2. ELIGIBLE LIVING ARRANGEMENTS**

- General Policy
  - Households residing in a living arrangement where they pay directly for heat or make undesignated payments for heat in the form of rent are considered to be in an eligible living arrangement unless the living situation is specifically excluded. See 3 below.

**NOTE:** Households in the following living arrangements are eligible for a regular benefit of \$1:

- ✓ Government subsidized housing with heat included in the rent;
- ✓ Publicly operated or State-certified private nonprofit residential drug or alcoholic treatment facilities;
- ✓ Private nonprofit residential drug or alcoholic treatment facilities that are authorized as a Food Stamp retailer by the United States Department of Agriculture or are in receipt of a letter from the certifying State agency stating that the facility operates to further the goals of Title XIX;
- ✓ Publicly operated or State-certified private nonprofit enriched housing;
- ✓ Publicly operated or State-certified private nonprofit residential group living facilities serving no more than 16 residents;
- ✓ Publicly operated or State-certified private nonprofit supervised or supportive living arrangements; and
- ✓ State-Operated Community Residences.

Households residing in these seven living arrangement categories would only be eligible for a maximum annual HEAP regular benefit of \$1 and would not be eligible for Emergency HEAP or any other benefit under HEAP, except that eligible households in government subsidized housing with heat included in the rent that pay a supplier directly for heat-related utility service may be eligible for a HEAP heat-related Emergency Benefit if such benefit is necessary to resolve the heat-related energy crisis of the household.

- Other Living Situations

The following arrangements are considered eligible living arrangements:

- Tenants of subsidized housing. Those tenants with heat included are eligible for a \$1 benefit.
- Households that receive Section 8 vouchers but pay market value for rent are not considered subsidized housing for HEAP purposes and are eligible.
- Individuals in commercial enterprises are not excluded from eligibility based on living arrangements. Commercial enterprises include commercial boarding houses, YMCA, and YWCA.

- Subsidized housing tenants who are directly responsible for utility costs may receive emergency benefits if otherwise eligible if the electricity is heat related.

### 3. INELIGIBLE LIVING ARRANGEMENTS

Households in the living arrangements listed below are **not** eligible for HEAP: This applies even if the household meets all other eligibility criteria.

- Roomers or Roomer/Boarders
- Individuals paying for room only or room and board who do not reside in a commercial enterprise are not eligible for HEAP on their own behalf. This includes TA, FS, or SSI recipients coded/budgeted as roomers or roomer/boarders.
- Roomers or roomer/boarders in private housing do not count in the host household's HEAP household but the payment made by the roomer or roomer/boarder is counted as income.
- Minor children in receipt of TA and budgeted as roomers or roomer/boarders for TA purposes are included in the household of the grantee (but the household is not categorically income eligible.)
- Individuals/households living in cars, or vans, or temporarily living in recreational vehicles.
- Individuals/households temporarily living in hotels/motels.
- Children residing in agency boarding homes, group homes, or institutions and/or who are in receipt of payments under Title IV-E of Social Services law.
- Military personnel who live on base in government provided housing and who do not pay directly for heat or do not make undesignated payments for heat in the form of rent.
- Households that have no responsibility for heating costs and do not make undesignated payments for heat in the form of rent.
- Migrant or seasonal farm workers that have no responsibility for heating costs and do not make undesignated payments for heat in the form of rent.
- Students residing in dormitories.

- Dependent students residing in private housing. These students are members of their family's household.
- When the district is aware that the household is residing in an unsafe or condemned dwelling and when it has been determined that the deficiencies cannot be reasonably corrected in a manner that would ensure safe, healthy habitation.
- Residents of congregate care facilities (licensed or unlicensed), dormitories, agency boarding homes, group homes or institutions unless listed above as eligible for the \$1 benefit.

**F. ADDITIONAL ELIGIBILITY CRITERIA FOR HEAT OR HEAT-RELATED EMERGENCY BENEFITS**

In addition to the above criteria, ALL of the following eligibility requirements must be met prior to issuance of heat or heat-related Emergency HEAP Benefit:

**1. REGULAR HEAP BENEFIT IS NOT AVAILABLE OR IS INSUFFICIENT TO MEET THE EMERGENCY (ONLY FOR HEAT OR HEAT-RELATED EMERGENCIES)**

- Utility Emergencies--availability of the regular benefit to resolve the emergency situation must be explored prior to authorizing an emergency benefit.
  - Under terms of the vendor agreement, utility companies must accept HEAP for current customers and must provide at least 30 calendar days of prospective service. Therefore, only the regular benefit is issued for those households in a utility heating emergency, except:
    - ✓ Regular benefits are coupled with emergency benefits when the regular benefit is a "heat-included" benefit and the household has applied for and is eligible for heat-related emergency benefits. In these cases, the utility will provide 68 calendar days of prospective service.
  - Utility companies may opt to either accept or refuse benefits for applicants for utility service and for customers who are actually terminated. In these cases, if the company refuses the benefit, the applicant is referred to Temporary Assistance or other community resources. The regular benefit is not coupled with an emergency benefit.

**NOTE:** A regular benefit for a household that heats with non-utility fuel cannot be diverted to the utility to prevent shut-off or restore service unless the applicant's heat source is wood and it is verified that the

applicant has an adequate supply for the entire heating season. In these cases, diversion of the benefit is the option of the LDSS.

- Non-Utility Emergencies
  - The regular benefit must be used first when the benefit is sufficient to obtain a non-utility fuel delivery.
  - The regular benefit may be coupled with an emergency benefit ONLY if the regular benefit is not sufficient to obtain a delivery, provided the household is otherwise eligible for emergency benefits. Certifiers must first determine the reason for the inadequacy of the regular benefit. If the vendor is refusing to deliver due to an unpaid balance, a new vendor may need to be obtained.
  - Vendors are required to make deliveries equal to the benefit on or after the guarantee of the benefit.

## 2. HOUSEHOLD IS IN AN EMERGENCY SITUATION AS DEFINED BY HEAP POLICY

- Utility service for heating (natural gas or electric) is terminated or scheduled for termination;

Utility service necessary to operate the primary heating equipment, including service to start or run the furnace or boiler; electricity necessary to distribute the heat or electric to operate the thermostat is terminated or scheduled for termination.

- Portable space heaters are not considered primary heating equipment.

**NOTE:** The primary equipment does not need to be operable in order for the household to meet this criteria.

- The household is without heating fuel or has less than one quarter (1/4) tank of oil, kerosene or propane or less than a 10 day supply of other heating fuels and cannot obtain a delivery;

**NOTE:** Households are not required to obtain deliveries on a credit basis. Deliveries made to households on automatic delivery or on a budget plan are not considered credit deliveries.

- The applicant owned primary heating equipment is inoperable or unsafe and is in need of repair or replacement;

- The household is in an emergency home heating situation which is deemed by the LDSS to be detrimental to the health and/or safety of household members if temporary shelter or relocation is not provided.
- **Utility company low income programs**--An individual participating in a utility company's low income program at the time of application for emergency benefits is not considered to be in an emergency situation unless that applicant's service may actually be terminated by the company through its normal termination process.
- **Termination by an ESCO**--Applicants whose contract or service is terminated by an ESCO are not considered to be in an emergency since service will revert to the provider of last resort, unless the ESCO may actually terminate service.
- **Shared Meter Situations**
  - **Definition**--A shared utility meter is a utility meter that measures gas, electric, or steam service provided to a dwelling and also measures service to other space outside that dwelling.
  - **Necessary Action**--When a certifier identifies a shared meter situation that is potentially in violation of Section 52 of the Public Service Law, the procedures outlined below are followed:
    - ✓ Determine if the applicant household meets all eligibility criteria for emergency HEAP benefits.
    - ✓ Initiate a referral for a shared meter investigation, using the "Request or a Shared Meter Investigation" form. Landlord/owner information must be provided by the certifier.
    - ✓ Commit the appropriate emergency benefit pending the outcome of the shared meter investigation. If it is ultimately determined that a shared meter does not exist, the payment may be authorized.
  - **Additional Action Based on Determination**
    - ✓ If the utility company determines that a shared meter situation exists in violation of Section 52 of the Public Service Law, the utility company is required to establish the account in the owner/landlord's name. The applicant will no longer be the customer of record.
    - ✓ If the utility company finds that the quantity of service utilized outside the tenant's dwelling is minimal, the PSC may opt to not require the

owner to become the customer of record. In these cases, the PSC will order an appropriate remedy.

**3. ALTERNATIVE HOUSING IS NOT AVAILABLE—DISTRICTS ARE NOT REQUIRED TO EXPLORE ALTERNATE HOUSING EXCEPT:**

- Relocation for a homeowner may be considered where the residence has been determined to be unsafe and where it has been determined that the deficiencies cannot reasonably be corrected in a manner which would ensure safe, healthy habitation.
- If the LDSS opts to relocate the household, assistance must be provided with locating new housing and with moving expenses, if necessary.

**4. THE APPLICANT MUST BE THE CUSTOMER OF RECORD FOR HEAT OR HEAT-RELATED EMERGENCIES.**

- A customer of record is the person(s) who has an account in their name with an energy vendor.
- An applicant also meets the customer of record requirement under the following circumstances:
  - The applicant is the legal spouse of the customer of record and the spouse resides in the same household; or
  - The applicant is the surviving legal spouse of a deceased customer of record
  - An individual is considered to meet the customer of record requirement if a HEAP payment is guaranteed in order to re-establish the account in the applicant's name.

**5. THE APPLICANT AND HOUSEHOLD MEMBERS ARE U.S. CITIZENS, US NATIONALS OR QUALIFIED ALIENS AS DEFINED BY HEAP RULES.**

- Procedures for determining status are the same as for regular HEAP.
- Emergency benefits may only be provided on behalf of household members meeting the HEAP citizenship/alien requirements.
- In cases where the customer of record does not meet the citizenship/alien requirements, benefits may be issued on behalf of household members who are citizens or qualified aliens.

**6. THE APPLICANT MUST BE CURRENTLY RESIDING IN THE DWELLING FOR WHICH ASSISTANCE IS REQUESTED AND THE DWELLING MUST BE THE APPLICANT'S PRIMARY RESIDENCE. THE APPLICANT MUST ALSO BE RESIDING IN AN ELIGIBLE LIVING SITUATION.**

**NOTE:** The tenant of record request was eliminated in the 2008-2009 Program, however, the applicant must still reside in the dwelling.

The applicant is considered to meet this requirement if temporarily absent. See the section for the definitions of temporary absence.

**7. THE HOUSEHOLD MUST MEET THE RESOURCE REQUIREMENTS.**

- Resource Limits
  - Applicants for heat or heat-related emergency benefits may not have more than \$2,000 (or \$3,000 if the household contains a member age 60 or older) in **available liquid** resources in order to be eligible.
  - Resources must be explored and availability determined. The resource checklist on the Emergency Benefit Budget Worksheet must be completed. Only liquid resources are counted.
  - The available amount is determined by reviewing the allowable exemptions in the HEAP Manual.
  - Active Temporary Assistance cases (Case types 11, 12, 16, and 17) have been resource tested under the TA program and do not have to document resources under this component.
  - Resources for all household members are counted.
  - Applicants who do not meet the resource test are DENIED.

**Example 1**

Applicant household declares \$1,500 in resources. Since this is already below the resource limit, no further action is needed.

**Example 2**

Applicant household declares \$2,500 in resources. Does the household contain a member age 60 or older? If yes, the household is still below resource limit, no further action needed. If no, certifier must review to determine the amount of AVAILABLE resources.



- **Liquid Resources for HEAP:**
  - Cash
  - Checking and/or savings account balances
  - Stocks/bonds
  - Time deposit certificates
  - IRA accounts, including remaining amounts from a closed out IRA
  - Lump sums from sale of property or insurance settlements and balances from any other lump sum not specifically excluded
  - 401(K) and other retirement accounts
  - Income tax refunds (except EITC payments)
  - Any other available funds not specifically excluded
  
- **Excluded Resources--**The following are not counted as resources for HEAP:
  - Amounts designated for an allowable current monthly living expense such as food, shelter, employment-related expenses, etc.
  - Money earmarked for payment of the current year's property and/or school taxes for the primary residence
  - One burial plot per household member
  - One written pre-arranged burial agreement with a cash value not exceeding \$1,500 per household member and interest on the burial account
  - Accounts, such as PASS accounts, designated by the Social Security Administration as exempt from SSI resource limits
  - Real and personal property
  - Equipment
  - Automobiles and other vehicles

- Household furnishings
- Livestock
- Agent Orange settlements
- Nazi restitution payments
- Attica settlement payments
- College grants
- EITC payments
- Payments from reverse annuity mortgages
- Loans (including college loans, personal loans, home equity loans )
- Credit cards or advances from credit cards
- Individual Development Accounts (IDA)
- Although a household is not required to obtain a non-utility fuel delivery on a credit basis, those households who have sufficient resources to pay for the delivery may be required to obtain the delivery and make payment when the resources can be accessed.

**Example:** A household has available resources in a CD account but cannot access this account for three days. The household is out of fuel at the time of application for the emergency benefit. If the household can obtain a delivery on credit, the household must be required to do so since the available resource can then be used to make payment for the delivery.

#### **G. ADDITIONAL ELIGIBILITY CRITERIA FOR HEATING EQUIPMENT REPAIR OR REPLACEMENT**

In addition to the above criteria, ALL of the following eligibility requirements must be met prior to issuance of an Emergency HEAP Repair or Replacement benefit:

##### **1. RESIDENCE AND OWNERSHIP**

- The applicant/homeowner must be a New York State resident.

- The dwelling must be the applicant's primary residence.
- The applicant must be residing in the household for which assistance is being requested at the time of application for heating equipment repair and/or replacement benefits.

**NOTE:** A household that has temporarily relocated due to the lack of heat or unsafe conditions is considered to meet the residence requirement.

- The applicant must be the documented owner. For purposes of the heating equipment repair and replacement component, ownership must be documented by a recorded deed or title. Deeds are recorded on all property transfers.
- Titles are issued for manufactured homes 1995 or newer. In the case of manufactured or modular homes sold prior to 1995 and which are not titled, applicants must provide a bill of sale in conjunction with supporting documentation listed below.
  - Ownership must be documented by at least one of the following items:
    - ✓ Recorded Deed
    - ✓ Title
    - ✓ Mobile homes older than 1995 that do not have a title: Bill of Sale in conjunction with :
      - ◀ Tax bill/receipt; or
      - ◀ Mortgage papers/payment book or loan payment receipts; or
      - ◀ Mobile home lot rent receipts/statement from park owner; or
      - ◀ Loan papers
- Life estate and life use are considered ownership unless the deed or life estate contract specifies that the deeded owner, not the individual with life use, is responsible for repairs and/or maintenance. Life use/estate must be either part of the deed or other legal document executed at the time of the original property transfer. Modifications made to meet eligibility requirements do not meet ownership requirements for this component.
- Applicants who live in a dwelling that is being purchased through a land contract or reside in a rent to buy dwelling are prohibited from receiving a

furnace repair/replacement benefit. Land contracts and rent to buy agreements are not considered ownership situations for HEAP.

- Dwellings with more than two units with a single heat source are not eligible for repair or replacements.
- In dwellings with two units, only the unit occupied by the homeowner is eligible for repair/replacement when there is a separate heat source. Please see the time limit rules for specific rules for this type of dwelling.

## **2. RESOURCES OF ALL CO-OWNERS MUST BE EXPLORED**

- The household's resources must be at or below established limits.
- Resources must be explored and availability determined. The resource checklist on the Emergency Benefit Budget Worksheet must be completed. Only liquid resources are counted.
- The available amount is determined by reviewing the allowable exemptions in the HEAP Manual.
- Active Temporary Assistance cases (Case types 11, 12, 16, and 17) have been resource tested under the TA program and do not have to document resources under this component.
- Resources for all household members are counted.
- Resources of co-owners must be considered:
  - If the equipment is co-owned and the co-owner does not reside in the dwelling, the district must explore the availability of resources and contributions from the co-owner(s).
  - Only a prorated share of the repair/replacement cost may be paid with HEAP funds when:
    - ✓ The co-owner is not accessible
    - ✓ The co-owner refuses to provide documentation of resources and/or
    - ✓ The co-owner has resources exceeding the established limits.
  - Resources of the co-owner are documented and availability determined in the same manner as the applicant's resources.

**NOTE:** The complete cost of the heating equipment repair/replacement is paid by HEAP when the co-owner(s)'s documented resources are below the resource limit.

- Prior to authorizing payment for the HEAP prorated amount, the applicant must provide documentation that satisfactory payment arrangements have been made with the vendor before any HEAP payment is approved.
- Applicants should be referred to other programs to obtain the balance of a prorated HEAP payment (TA, Catholic Charities, Weatherization, etc.).
- Eligibility for the prorated benefit is only good for ten business days from the date of the signed and completed application. This must be documented with a Pending Notice/Request for Documentation.

**NOTE:** Applicants who are victims of documented domestic violence (DV) situations may be exempt from documenting a co-owner's resources if producing the documentation could exacerbate the DV situation and place the applicant at risk.

### 3. RESOURCE LIMITS MUST BE MET

- Repair
  - Applicants for heating equipment repair may not have more than \$2,000 (or \$3,000 if the household contains a member age 60 or older) in available liquid resources in order to be eligible for equipment repair benefits.
  - Applicants who do not meet the resource test are denied.

#### **Example 1**

Applicant household declares \$1,500 in resources. Since this is already below the resource limit, no further action is needed.

#### **Example 2**

Applicant household declares \$2,500 in resources. Does the household contain a member age 60 or older? If yes, the household is still below resource limit, no further action needed. If no, certifier must review to determine the amount of AVAILABLE resources.

- Replacement
  - Up to \$3,000 in liquid resources are exempt. The exemption is applied after all other resource exclusions have been applied. If a household has

more than \$3,000, any excess resource amount must be applied toward meeting the heating equipment replacement. In these cases, only the amount to be paid through HEAP is guaranteed to the vendor.

- If the excess resource amount equals or exceeds the amount of the replacement, the applicant is denied.

**Example 1**

Household declares \$4,000 in resources. Certifier applies allowable exemptions, which total \$1,000. Since the balance of the resource amount, \$3,000, is exempt, the household is eligible and does not have to apply any resource amount towards the emergency.

**Example 2**

Household declares \$5,000 in resources. Certifier applies allowable exemptions, which total \$1,000; an additional \$3,000 is exempt, leaving \$1,000 in excess resources. Since the replacement cost is \$5,000, the household must apply the \$1,000 and HEAP will pay the balance of \$4,000.

**Example 3**

Household declares \$7,000 in resources. Certifier applies allowable exemptions, which total \$1,000; an additional \$3,000 is exempt, leaving \$3,000 in excess resources. Since the replacement cost is \$2,500, which is less than the excess resource amount, the household is denied.

**4. OTHER REQUIREMENTS**

- The primary heating system must have been operable at the time of purchase of the dwelling or the heating system was repaired or replaced to original specifications since purchased
- The primary heating system must have been operational within the last two heating seasons.
- The dwelling must have a heating system. Systems cannot be installed in dwellings without a primary heating system. Portable space heaters do not qualify as a primary heating system.
- Households where the heating system was damaged by fire, flood, or other natural disasters are not eligible.
- Applicants whose residence is for sale and who have a signed sales contract are not eligible.

- Foreclosures must be assessed on a case by case basis to determine when and if the dwelling must be vacated.
- It must be documented by a licensed heating professional or by a local weatherization sub-grantee that the applicant owned primary heating equipment is inoperable or unsafe and is in need of repair or replacement.
- The dwelling must be in compliance with local building and safety codes, must not be in condemned status, and must be reasonably safe and structurally sound.
- The applicant's household must not be considered to be unsafe and/or unfit for habitation.
- Dwellings with more than two units with a single heat source are not eligible for repair or replacement.

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**I. DOCUMENTATION/VERIFICATION REQUIREMENTS****SECTION CONTENTS**

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**A. OVERVIEW OF DOCUMENTATION REQUIREMENTS****1. MAIL IN APPLICATIONS/PHONE APPLICATION**

In general, documentation is not required for mail in applications/phone applications with the exception of earned income. All earned income for any household member must be documented unless the household is categorically eligible. In addition, a certifier may require documentation whenever there is reasonable doubt regarding any item affecting eligibility.

**2. IN PERSON APPLICATIONS**

- Households applying in person for regular benefits must document the following:
  - Residence
  - Household composition/identity of each household member
  - Social Security number
  - Vulnerability, if applicable
  - Income

- Vendor relationship
- In addition, individuals must provide documentation of alien/citizenship status when required by the certifier and/or DSS.
- In addition, households applying for heat or heat-related emergency benefits must also document the following:
  - Emergency situation
  - Customer of record status
  - Resources
- Households applying for heating equipment repair or replacement benefits must also document home ownership.
- Documentation must be recorded on appropriate forms (see Documentation Forms and Notices section of this module.)

### 3. TYPES OF DOCUMENTATION

- Documentation may be original documents, copies of documents, or a verbal collateral contact made by the certifier. Please note that some items have specific requirements for original documents.
- Written documentation should be copied and retained in the file whenever possible.
- If it is not possible to make copies, specific notations regarding what was seen, whom the documentation applies to, dates, amounts, etc. must be recorded on the Budget Worksheet.
- Collateral contacts are also recorded on the Budget Worksheet noting the name of the contact, the worker's name, and the specific information obtained.

### 4. FAILURE TO PROVIDE DOCUMENTATION

In general, applicants who fail to provide required documentation must be denied.

#### B. CITIZENSHIP/ALIEN STATUS

## 1. DOCUMENTATION REQUIREMENT

- Generally, certification on the application is sufficient to verify alien/citizenship status; however, a certifier may require documentation when there is a question regarding an individual's status. This includes situations where the certification contradicts information on the HEAP application or information from another verifiable source contradicts the person's certification.
- Documentation must be original.
- Documentation that is in another LDSS or certifier file must be used whenever possible. The documentation may then be copied and retained in the HEAP file or the location of the documentation may be referenced in the HEAP file.

## 2. DOCUMENTATION

Documentation includes, but is not limited to:

- Lawful permanent resident:
  - INS form I-551 (also called resident alien or green card)
  - Unexpired temporary I-551 stamp in a foreign passport or on form I-94
- Asylee
  - INS form I-94 annotated with a stamp showing grant of asylum under section 208 of the INA.
  - Grant letter from the INS Asylum Office
  - Order from an immigration judge
  - INS form I-688B (Employment Authorization Card) with the code 274a12(a)(5)
  - INS form I-766 coded A5
- Refugee
  - INS form I-94 annotated with a stamp showing admission under section 207 of the INA.

- INS form I-688B with the code 274a.12 (a)(3).
- INS form I-766 coded A3 indicating status as a refugee
- INS form I-571 indicates status as a refugee
- Parolee
  - INS form I-94 with a stamp showing admission under section 212(d)(5) of the INA.
  - INS form I-688B coded 274a.12(c)(11)
  - INS form I-766 coded C11
- Deportation or removal withheld
  - An immigration judge's order showing that deportation was withheld pursuant to section 243(h) of the INA or removal was withdrawn pursuant to section 241(b)(3) of the INA and the date of the judge's order.
  - INS form I-688B with the code 274a.12(a)(10)
  - INS form I-766 coded A10
- Conditional Entrant
  - INS form I-94 with a stamp showing admission under section 203(a)(7) of the INA.
  - INS form I-688B coded 274a.12(a)(3)
  - INS form I-766 coded A3
- Cuban/Haitian Entrant
  - INS form I-94 with stamp showing parole as Cuban/Haitian entrant under section 212(d)(5) of the INA.
  - INS form I-94 showing parole into the U.S. on or after October 10, 1980 and reasonable evidence that the parolee had been a native of Cuba or Haiti.

**NOTE:** This guideline does not apply when the individual was paroled solely to testify as a witness in a judicial, administrative, or legislative proceeding or when the parolee is in legal custody pending criminal prosecution.

- Battered Spouse

The individual must have filed a petition with INS based on:

- Status as a spouse or child of a U.S. citizen
- Classification to immigrant status as a spouse or child of a LPR suspension of deportation and adjustment to LPR status based on battery; or extreme cruelty by a spouse or parent who is a U.S. citizen or LPR and the individual must allege that he or she was subjected to battering or extreme cruelty and the person responsible for the battery or extreme cruelty must no longer reside with the individual in question.

- Native American

- INS form I-551 coded S13.
- Unexpired temporary I-551 stamp in a Canadian passport or on form I-94 with code S13.
- Membership card or other tribal document demonstrating membership in a federally-recognized Indian tribe.
- Satisfactory evidence of birth in Canada and tribal document certifying at least 50% American Indian blood.

## **C. RESIDENCE**

### **1. DOCUMENTATION**

Residence may be documented by any of the following:

- Rent receipt with address
- Copy of lease with address
- Water, sewer, or tax bill
- Homeowner's insurance policy

- Mortgage payment receipt
- Deed
- Utility bill

#### **D. HOUSEHOLD COMPOSITION**

##### **1. DETERMINING HOUSEHOLD COMPOSITION:**

Please see the section on Household Composition for determining the HEAP Household.

##### **2. DOCUMENTATION**

Household composition/identity must be documented for each HEAP household member with any one of the following:

- Driver's license
- Birth certificate or baptismal certificate
- School records
- Collateral contacts with landlords
- Social Security card
- Marriage certificate
- Passport

**NOTE:** In addition, an applicant-signed statement may be required for an individual whom the applicant claims is not a household member.

#### **E. SOCIAL SECURITY NUMBER**

Applicants must provide a valid Social Security Number (SSN) for each household member as a condition of eligibility. If the applicant or a household member does not have a SSN, the individual or their representative must apply for a number through the Social Security Administration (SSA). Any individual's SSN that has been validated through the Welfare Management System (WMS) SSN Validation Process (SSN code 8) meets this requirement.



## 1. DOCUMENTATION

- Mail-ins

Applicants must provide their Social Security card or other official correspondence from the SSA showing the individual's SSN for each household member only if the application and case record contain conflicting information or an individual's SSN has not been validated through the WMS SSN Validation Process.

- Walk-ins

Applicants must provide a valid SSN for each household member. The WMS SSN validation process will be used to validate each number. When a SSN cannot be validated through this process, the following additional steps must be taken:

- Applicants that apply for a SSN for a household member will have until the next application to provide the Social Security card or official correspondence from SSA showing the individual SSN.
- Applicants must be given the "Request for Information-Social Security Number Letter" to inform the household that verification of the SSN must be provided by the next application.
- If the applicant files another application within 45 business days of the regular application and the SSN has not been received, verification that a SSN was applied for must be provided. The SSA-5028 - "Receipt for Application for a Social Security Number" or other verification that they have applied for a SSN is acceptable. For a newborn child, SSA-2853 "Information about When You Will Receive Your Baby's Social Security Card" may be provided.
- The applicant must be given another "Request for Information-Social Security Number Letter" to inform them that verification of the SSN must be provided by the next application.

## 2. WMS SSN VALIDATION PROCESS

- The WMS SSN Validation process is used to validate SSNs through SSA. All SSNs entered on WMS with a SSN Code 1 (SSN present) will be sent by OTDA to SSA to match SSN information on a regular basis.
- If an applicant or a household member does not have a Social Security number and has applied for one, the SSN code 2 (SSN Applied For) is

entered into WMS. When the individual provides their SSN the worker must change the SSN code 2 to SSN Code 1 to start the validation process.

- When the SSN match results are received from SSA, the SSN Code field on WMS will be automatically updated. Additionally, to assist local districts in ensuring that SSNs are present and accurate in WMS, system-generated management reports are available through the Benefit Issuance Control System (BICS).
- If the individual's SSN passes the validation process, the SSN Code of 1 will be automatically updated to a SSN Code of 8 (SSA Validated SSN). If the individual's SSN fails the validation process, the SSN Code of 1 will be automatically updated to a SSN Code indicating the SSN failed the validation process and the worker must investigate why the validation failed. If the worker finds that information was incorrectly entered into WMS, they should correct the information. Otherwise, the applicant must contact their local SSA office to apply for a correct SSN.

### **3. REFUSAL TO PROVIDE SOCIAL SECURITY NUMBER**

- If an applicant refuses to apply for or provide a valid SSN for any household member, the entire household is ineligible.
- The applicant must be issued a notice of denial within 30 business days from the date that the signed, completed application is filed.

## **F. VULNERABILITY**

### **1. GENERAL REQUIREMENT**

Vulnerability must be documented in order for the household to receive the add-on for vulnerability.

### **2. DEFINITIONS**

- Vulnerability is defined as:
  - A child under age 6; or
  - An individual age 60 or older; or
  - An individual who is disabled.

- Special Circumstance
  - An individual whose 60th birthday falls within the month of application is considered to be 60 for purposes of vulnerability.
  - An individual whose 6th birthday falls within the month of application is considered to be under the age 6 for purposes of vulnerability.

- Disabled

Person(s) who meet the Food Stamp Program disability criteria as follows:

- Receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;
- A veteran with a service-connected or non-service connected disability rated or paid as total (100%) by the Veteran's Administration (VA) or is considered by the VA to be in need of regular aid and attendance or permanently housebound;
- A surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound;
- A surviving child of a veteran and considered by the VA to be permanently incapable of self-support;
- A surviving spouse or child of a veteran and entitled to compensation for service connected death or pension benefits for a non-service connected death based on a VA determination and has a disability considered permanent under the Social Security Act. "Entitled" in this definition refers to those veterans' surviving spouses and children who are receiving the benefits stated above or have been approved for such payment.
- Receiving federal or State administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act.
- Receiving federal or State administered supplemental benefits under section 212(a) of Public Law 93-66.
- Receiving a federal, State or local government disability retirement pension because of a disability considered permanent under

section 221(i) of the Social Security Act. This includes individuals receiving payments under the Federal Employment Compensation Act (FECA). Individuals receiving FECA payments are considered permanently disabled under section 221(i) of the Social Security Act if the payments are made to a person in lieu of Civil Service Retirement (CSR) benefits.

- Persons receiving FECA payments pending a determination of eligibility for CSR may not be considered disabled under this provision. Only those who can document that they have elected to receive FECA payments in lieu of CSR benefits satisfy the requirements of this provision.
- Receiving an annuity under:
  - ✓ Section 2(a)(l)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act; or
  - ✓ Section 2(a)(l)(iv) of the Railroad Retirement Act of 1974 and is determined to qualify for Medicare by the Railroad Retirement Board; or
  - ✓ Receiving authorization of Medical Assistance (MA) based upon disability or blindness. In New York State, such medical assistance recipients are those who have been certified by Medical Assistance as blind, disabled or "SSI-related", pursuant to Title XVI.

Documentation Required:

- ◀ Copy of a benefit check
- ◀ An award letter or other written statement of eligibility for benefits received from one or more federal/State programs included in the criteria used for determining disability for the Food Stamp Program as listed above.

### 3. DOCUMENTATION

It is only necessary to document vulnerability for one household member.

- Birth certificate
- Baptismal certificate with date of birth
- Passport

- Driver's license
- Copy of benefit check that indicates age or disability (i.e. SSI, Social Security Disability, etc.)
- Award letter
- Written statement of eligibility for benefits based on age and/or disability

## **G. INCOME DOCUMENTATION**

### **1. DOCUMENTATION REQUIREMENT**

- Income must be documented for all in person applications.
- When income documentation is required, it must be obtained for each source of income in the household.
- Income of non-qualified aliens is counted in determining eligibility and income tier, unless such income would normally be excluded under HEAP income calculation rules.
- Documentation of income may be required whenever the certifier or local DSS feels there is an additional need for information to certify eligibility or calculate the benefit.

**NOTE:** Income documentation is not required to establish income eligibility or tier when at least one member of the HEAP household is in receipt of recurring TA, FS, or Code A SSI. Income documentation will not be required for households eligible to participate in the income deeming process for emergency applications.

- Earned income must be documented for all applications. Earned income includes rental income and self-employment income.

### **2. WAGE DOCUMENTATION**

- Time frame for documentation
  - Documentation is obtained for the most recent pay periods proceeding the date of application.
- Acceptable documentation includes:
  - Pay stubs for the four most recent pay periods prior to the date of

application for weekly income or for the most recent two pay periods for bi-weekly income or twice monthly income.

- Employer statements.
- Collateral contact with employers by a certifier.

### 3. SELF-EMPLOYMENT INCOME DOCUMENTATION

Self-employed applicants may opt to document income by either providing information for the most recent three months prior to the month of application or may choose to use the income tax method.

- If using the information for the most recent three months, the following must be documented:
  - Organized business records
  - Income receipts
  - Expense receipts
  - Tax records
  - Signed statements from persons for whom work has been performed and payment made

The “Self-Employment Worksheet” may also be completed but is not considered documentation.

**NOTE:** In cases where the gross self-employment income is within Tier I guidelines, it is not required to document expenses unless the applicant chooses to do so.

- If using the income tax method, the following must be documented:
  - Applicant must provide copy of most recent taxes filed, including Schedule C, F (farm income) or other self-employment income tax schedule.
  - If applying before December 31, 2010, the 2009 taxes will be used.
  - If applying after December 31, 2010, use 2010 if it's filed or 2009 if they haven't filed when they apply.

- Applicants filing tax returns without a specific Schedule such as C or F may not use this option.
- Obtain copy of the federal tax form, including Schedule C or F.
- Applicants must provide a copy of the signed return or the electronic receipt to show the tax return was filed.
- Since the IRS requires business income and deductions to be documented, HEAP will not require documentation other than the tax forms.
- Unless of course there is a question on whether it is an allowable HEAP deduction and you need clarification.

#### **4. BENEFITS (SOCIAL SECURITY, SSI, VETERAN'S, DISABILITY, UIB, RAILROAD RETIREMENT)**

Acceptable documentation includes:

- Current award letter
- Copy of checks
- Notice of direct deposit
- Collateral contact by HEAP certifier with agency providing the benefits
- UIB book

#### **5. CHILD SUPPORT**

Acceptable documentation includes:

- Court orders
- Copies of checks
- Collateral contact/statements from Support Collection Unit
- Separation/divorce agreements (must be current and state amount)
- Signed statement provided by person making payments (this should only be used if other documentation is not available)

**6. ALIMONY**

Acceptable documentation includes:

- Court order
- Separation/divorce decree

**7. INTEREST/DIVIDENDS/IRA**

Acceptable documentation includes:

- Bankbooks
- Interest statements
- Bank statements
- Tax statements

**8. RENTAL INCOME**

Documentation for rental income is for 12 months prior to the month of application and includes:

- Income receipts
- Expense receipts
- Tax statements
- Business records

**9. ROOM OR ROOM AND BOARD**

Acceptable documentation includes:

- Signed statement from the applicant with the amount paid by the roomer or roomer/boarder.

**10. ONEIDA INDIAN NATION STIPENDS**

Since the Nation will not provide direct documentation, the following alternate methods are acceptable:



- Copies of checks
- Bank deposit record
- Third party and/or applicant statements

## 11. OTHER

- Zero Income
  - The Low Income Worksheet must be completed when the household's income is zero or when rent/mortgage costs exceed income. The Worksheet may be completed over the telephone with mail-in applicants.
  - The applicant must provide a signed statement for any household member over age 18 who claims no income and who is not a full time dependent student.
- Contributions from someone outside the household
  - The file must contain a signed statement from the person making the contribution and should indicate how the contribution is being made.  
  
**Example:** If the person outside the household is giving money to the applicant, it would be counted as income in the HEAP budget. If the money is being loaned to the applicant, it would not be counted as income in the HEAP budget. If the money is paid directly to an account on behalf of the applicant (such as paying the rent directly to the landlord,) the contribution would not be counted as income in the HEAP budget.
- Excluded income of dependent minors under 18 and dependent students
  - In order to exclude earned income of minors, age must be documented. In addition, full time school status and dependent tax status must be documented for full time dependent students aged 18 or older in order to exclude income. This documentation is not required if the minor or dependent student does not have income for the month of application.
- Other excluded income
  - It may sometimes be necessary to obtain documentation of income in order to determine if it is actually excluded.

## H. VENDOR RELATIONSHIP DOCUMENTATION

### 1. REQUIREMENT

When a household is required to provide documentation for the Regular HEAP application process, and the household pays directly for heat, the vendor relationship must be documented.

- While the bill does not have to be in the applicant's name for regular HEAP, the direct vendor relationship must be established if the account is not in the applicant's name.
- Surcharges which are not based on the applicant's actual usage or utility/fuel bills that a landlord apportions to tenants in the absence of a measurement of the tenant's actual usage do not qualify the household for a heater's benefit.

### 2. DOCUMENTATION

Acceptable documentation:

- Current fuel or utility bill
- Vendor statement
- Collateral contact with the vendor
- In some cases, the applicant will not be the customer of record but still has direct responsibility for the heating bill. In these cases, documentation of the heating account must be supplemented by documentation of direct responsibility for the bill. Direct responsibility must be documented by one or more of the following:
  - Vendor statement or collateral contact specifying who pays the bills
  - Landlord statement or collateral contact stating who pays the bills
  - Current receipts for payment of heating bill
  - Cancelled checks showing payments to the vendor

**NOTE:** Certifiers should explore possible shared meter applicant's situations when utility bills are not in the landlord's name.

## I. EMERGENCY HEAP APPLICANTS – ADDITIONAL DOCUMENTATION

In addition to the above criteria, the following documentation requirements must be met prior to issuance of heat or heat-related Emergency HEAP benefits:

### 1. EMERGENCY SITUATION

The emergency situation must be documented by one of the following:

- Shut-off notice from utility company (this may be an inclusion with the bill, may be a separate notice, or may be a 72 hour notice or collateral contact).
- Current vendor statement or collateral contact with the vendor stating that applicant cannot obtain a heating fuel delivery and information that applicant is out of fuel, has less than a ten days' supply or one quarter tank of fuel.
- Vendor statement/estimate that applicant owned primary heating equipment is inoperable and/or unsafe. Vendor statements/estimates must be based on an onsite assessment. Vendor statements must include the following:
  - Statement that the equipment is inoperable and/or unsafe and reason; and
  - Statement that equipment can or cannot be repaired; and
  - Any additional repairs/replacements needed to operate the primary heating equipment (i.e. chimneys, oil tanks, fuel lines, etc.); and
  - Total cost of all work; and
  - Warranty information.
- The "Furnace Replacement/Repair" form may be used to obtain this information.
- Statement from a doctor that the applicant's current primary heating system is directly detrimental to the health of the applicant and/or a household member and the reason.
- Statement from a health professional that the home heating situation is detrimental to the health and/or safety of household members unless the household is offered temporary relocation.

## 2. CUSTOMER OF RECORD STATUS

Customer of record status must be documented by one of the following:

- Current bill or vendor statement
- Current receipt
- Collateral contact with the vendor

## 3. RESOURCES

- Resources must be explored and availability determined for all Emergency HEAP benefit requests. The resource checklist on the Emergency Benefit Budget Worksheet must be completed. Only liquid resources are counted.
- Resource verification is declaratory for all Phone-in Emergency Applications, unless the certifier has reason to doubt the declared amounts.
- Resource documentation is required for in-person applications.
- Since the resource limits are consistent with the TA resource limits, there is no requirement to explore resources for TA recipients. This must be noted on the Emergency Budget worksheet.

## 4. RESOURCE LIMITS

- Heating, Heat-Related, Relocation, Propane Deposit/Installation, and Heating Equipment Repair:
  - Applicant households may not have more than \$2000 (or \$3000 if the household contains a member age 60 or older) in available liquid resources in order to be eligible for emergency benefits.
  - Applicants who do not meet the resource test are DENIED.

### **Example 1**

Applicant household declares \$1500 in resources. Since this is already below the resource limit, no further action is needed.

**Example 2**

Applicant household declares \$2500 in resources.

Does the household contain a member age 60 or older? Yes, household is still below resource limit, no further action needed. No, certifier must review to determine the amount of AVAILABLE resources.

- The available amount is determined by reviewing the allowable exemption in the HEAP Manual.
- Resources For Heating Equipment Replacement
  - Liquid resources up to \$3000 are exempt.
  - The exemption is applied after all other resource exclusions have been applied.
  - If a household has more than \$3000, any excess resource amount must be applied toward meeting the heating equipment replacement. In these cases, only the amount to be paid through HEAP is guaranteed to the vendor. Payment from the household must be received by vendor prior to authorization of the HEAP benefit.
  - If the excess resource amount equals or exceeds the amount of the replacement, the applicant is denied.

**Example 1**

Household declares \$4000 in resources. Certifier applies allowable exemptions, which total \$1000. Since the balance of the resource amount, \$3000, is exempt, the household is eligible and does not have to apply any resource amount towards the emergency.

**Example 2**

Household declares \$5000 in resources. Certifier applies allowable exemptions, which total \$1000; an additional \$3000 is exempt, leaving \$1000 in excess resources. Since the replacement cost is \$5000, the household must apply the \$1000 and HEAP will pay the balance of \$4000.

**Example 3**

Household declares \$7000 in resources. Certifier applies allowable exemptions, which total \$1000; an additional \$3000 is exempt, leaving \$3000 in excess resources. Since the replacement cost is \$2500, which is less than the excess resource amount, the household is denied.

## 5. RESOURCE DOCUMENTATION

- Resources must be documented for all household members. Documentation includes:
  - Checking statements
  - Savings statements or bankbooks
  - Stock certificates
  - Bank or dividend statements
  - Savings bonds
  - Statements from institution where funds are deposited or managed
  - Signature on Budget Worksheet certifying zero resources
- Types Of Documentation
  - Documentation may be original documents or copies of documents or a verbal collateral contact made by the certifier. Please note that some items have specific requirements for original documents.
  - Written documentation should be copied and retained in the file whenever possible.
  - If it is not possible to make copies, specific notations regarding what was seen, whom the documentation applies to, dates, amounts, etc. must be recorded on the Budget Worksheet.
  - Collateral contacts are also recorded on the Budget Worksheet noting the name of the contact, the worker's name, and the specific information obtained.
- Resource Exemptions
  - Resource exemptions (listed in the eligibility criteria section of this manual) should be documented and recorded on the budget worksheet.
- Failure To Provide Documentation
  - Applicants who fail to provide required documentation must be denied.

**J. HEATING EQUIPMENT REPAIR OR REPLACEMENT BENEFIT  
APPLICANTS: ADDITIONAL DOCUMENTATION**

In addition to the above, households applying for heating equipment repair or replacement benefits must also document home ownership.

- The applicant must be the documented owner. For purposes of the heating equipment repair and replacement component, ownership is documented by a recorded deed or title. Deeds are recorded on all property transfers. Titles are issued for manufactured homes 1995 or newer. In the case of manufactured or modular homes sold prior to 1995 and which are not titled, applicants must provide a bill of sale in conjunction with supporting documentation listed below.
- Ownership must be documented by at least one of the following items:
  - Recorded Deed
  - Title
  - For mobile homes older than 1995 without a title, a Bill of Sale in conjunction with:
    - ✓ Tax bill/receipt; or
    - ✓ Mortgage papers/payment book or loan payment receipts; or
    - ✓ Mobile home lot rent receipts/statement from park owner; or
    - ✓ Loan papers
- Life estate and life use are considered ownership unless the deed or life estate contract specifies that the deeded owner, not the individual with life use, is responsible for repairs and/or maintenance. Life use/estate must be either part of the deed or other legal document executed at the time of the original property transfer. Modifications made to meet eligibility requirements do not meet ownership requirements for this component.
- Applicants who live in a dwelling that is being purchased through a land contract or reside in a rent to buy dwelling are prohibited from receiving a furnace repair/replacement benefit. Land contracts and rent to buy agreements are not considered ownership situations for HEAP.

## **K. VERIFICATION**

### **1. DEFINITION**

Verification involves the checking and confirmation of information and is usually verbal. Most commonly, verification is supplied by the applicant, although certifiers may also verify information with a collateral contact.

### **2. REQUIREMENTS**

- The verification process is used most often with the mail in or phone application process.
- Verification may be conducted in other circumstances when the certifier needs clarification before making an eligibility decision.
- Information should be obtained directly from the applicant unless the applicant is unable to provide clear information or communicate clearly. It must be noted if the information is obtained from someone other than the applicant.
- Verification is required for mail in applications when any of the basic eligibility criteria has changed from the previous year's application:
  - Change in household composition
  - Significant change in income amount or change in income source
  - Change in residence
- Verification for mail in applications is also required when:
  - Unexplained reduction in income from a benefit program, pension, and/or dividends/interest income.
  - Change in heating source when the address remains the same.
  - Change in status from homeowner to renter or vice versa.
  - The household was previously denied due to excess income and a new application shows a lower income.
  - The applicant shows low or no rent and/or indicates that they reside in subsidized housing.



- The applicant household's rent/mortgage costs exceed the household income.

**NOTE:** In these cases, the low income worksheet must be completed.

### 3. NOTATIONS ON VERIFICATION

Notations regarding verification are recorded on the last page of the application, although a certifier may choose to use a Budget Worksheet. Notations must include the source of the information and any pertinent details regarding the verification.

## L. PENDING TIME

### 1. APPLICATION PENDING

Applications may be pended for a maximum of ten total business days for documentation. If the documentation is not received, the application must be denied and the applicant may reapply at any time. Pending dates should be noted in the "start" and "end" fields on the last page of the HEAP application.

### 2. SPECIAL CIRCUMSTANCES

Applications for households where an individual fails to provide required documentation of alien status should be processed excluding that individual in the household count. Please note, income and resources of the individual are still counted.

## M. FORMS AND NOTICES

Documentation requirements for HEAP vary depending on the method of application. The following forms\* may be used to obtain information and/or document HEAP eligibility:

- LDSS 3431, HEAP Documentation Requirements checklist: This form is used to provide in person applicants with a listing of required documentation. The form may also be used as a pending notice to inform applicants of missing documentation.
- LDSS 3421, 2010-2011 HEAP Application: Districts should record earned income and any other documentation for mail in applications in the *agency use only* section on the back of the application form.

- HEAP Request for Social Security Number: Used by the certifier to obtain valid Social Security numbers for HEAP applicants.
- LDSS 4282, Request for Information/Documentation letter: This form is used to inform applicants who mail in or electronically file the application of required documentation and to obtain clarification or verification. This must be sent to mail in applicants or those who electronically file whenever documentation is required but not provided with the original application or when verification is needed and the applicant cannot be reached by phone. The notice serves to inform the applicant of missing documentation and/or verification, the due date for the information and informs the applicant that the application will be denied if documentation and/or verification.
- LDSS 3829, HEAP Low Income Worksheet: Must be completed for all households claiming zero income, or you notice that their expenses appear to exceed their income. For mail in applications, call the applicant and complete the form over the telephone.
- LDSS 3785, HEAP Self-Employment Worksheet: Give as *appropriate* to self employed applicants.
- HEAP Self Employment Income Tax Calculation Worksheet: worker completed as appropriate
- LDSS 3594A, HEAP Budget Worksheet: Required for all in person applications.
- LDSS 3594B, HEAP Budget Worksheet: Required for all emergency and heat-related applications – including TA/FS households who may “call in.”
- LDSS 4867, HEAP Heating Equipment Repair Replacement (HERR) Worksheet: Required for all heating equipment repair and/or replacement situations. To be completed by certifier. A face-to-face interview is required for all applicants including TA/FS recipients.
- LDSS 4867A, HEAP Job Proposal: Required for all heating equipment repair and/or replacement situations. To be completed by vendor prior to authorization of benefit.

\* This is not an all inclusive list. There may be additional forms available in your agency to assist with documentation of HEAP eligibility requirements.

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**A. GENERAL REQUIREMENTS****1. APPLICATION PACKET REQUIREMENTS**

- All certifiers must provide applicants:
  - The opportunity to apply
  - Information on eligibility requirements and fair hearing rights
  - Assistance to complete the application when necessary
- Every HEAP application packet must contain:
  - The current version of the HEAP application
  - The Application Rights notice
  - Qualified Alien Information
- In addition, the appropriate cover letter must be sent with all mail in applications. Language is provided each program year by CEES. Any modifications to the language must be prior approved, in writing, by CEES.
- Generally, only established certifiers may provide applications (and other required information) to applicants.

The application, with required information, is also available via the internet and is located at: [www.otda.state.ny.us](http://www.otda.state.ny.us). The application must be completed manually and submitted to the appropriate local certifier, except in those counties participating in electronic filing.

- In addition, an application is considered submitted only when it has been received by an established certifier.

- Districts participating in electronic filing must accept e-file applications on a daily basis and process continually.

## 2. PROCESSING TIME FRAME

- Time Frame for Eligibility Decision
  - Applicants must be notified in writing of the eligibility decision, either approval or denial, within 30 business days from the date that the signed, completed application is filed with the certifier.

**NOTE:** The 30 day processing time requirement began November 1, 2010 for those “early outreach” applications received prior to November 1st.

- Determination of Application Date
  - The processing time for mail in applications begins on the date that the application is received by the certifier.

**NOTE:** The 30 day processing time requirement began November 1, 2010 for those “early outreach” applications received prior to November 1st.

- The processing time for Phone Application begins on the day that the first contact is made with the household.
- The processing time for walk in applications, including in person emergencies, begins on the date that the eligibility interview is conducted by the certifier.

**NOTE:** A phone request for emergency benefits is considered to be an application and the processing time begins on the date of the request by the applicant.

- Time Requirements for Emergency Benefits
  - The emergency situation of an eligible household applying for emergency benefits must be resolved within:
    - ✓ 18 hours if the household is without fuel for a heating supply or power.
    - ✓ 48 hours if the household is facing imminent loss of heat related service or fuel supply

- One of the following actions must be taken:
  - ✓ Offer of and/or provision of temporary relocation; or
  - ✓ Obtaining an extension of service from the utility company; or
  - ✓ Other appropriate temporary remedies.

**NOTE:** Eligible households in a life-threatening situation must be provided appropriate assistance immediately.

- Processing

Applications must be processed in chronological order based on date received.

### 3. PENDING APPLICATIONS

- Time Limit

- An application or Phone Applications may be pending for a maximum of ten total business days.
- Applications or Phone Applications remaining incomplete after the ten business days must be denied. The household may re-apply at any time.
- The pending time does not count towards the 30 business day processing time.

- Notification to Applicants

- Applicants must be notified in writing of any additional information and/or documentation needed to complete their application, the due date for the information/documentation, and informing the applicant that their application will be denied if the information/documentation is not provided by the due date.
- The “Documentation Requirements” form is recommended for in-person applications.
- The “Request for Information/Documentation” letter is used for mail in applications, Phone Applications, and electronically filed applications.

**NOTE:** Certifiers may attempt to resolve mail in or e-filed applications by phone prior to sending a letter. If the application cannot be completed on the first day of the pending period, the letter must then be sent.



- Local forms must be approved in writing by OTDA.
- Notation of Pending Status
  - The pending start and end dates must be entered in the “Agency Use Only” section on page 4 of the application or on the Phone Application form, or in the case record for e-filed applications.

#### **4. APPLICATION LOG**

All applications, except e-filed applications, must be logged in by the certifier. The log must at least contain the name of the applicant and date of application receipt.

#### **5. DATE STAMP REQUIREMENT**

- Certifier Date Stamp
  - All mail in applications must be date stamped upon receipt by the certifier.
- LDSS Date Stamp
  - In addition, the LDSS must date stamp all applications received from other certifiers. This date stamp is placed in the “Agency Use Only” section on page 1 of the application.

### **B. FORMS**

#### **1. OVERVIEW**

- State Form
  - All applicants must apply on a State prescribed form. Forms include the standard application, including the on line version, the phone interview form, and Part B of the Budget Worksheet for heat and heat-related emergencies.
- Local Equivalent
  - Any local equivalent must be approved, in writing, by OTDA.

#### **2. APPLICATION**

- LDSS-3421

- The LDSS-3421 is the State prescribed HEAP application. Certifiers must use only the versions approved for the current program year. Only applications with a revision date of 6/10 may be used for 2010-2011.
- This form is used as a mail in application and for all in person applications, including those for emergency benefits.
- This form is also available on line. The on line version is currently available on the OTDA web site and may be completed on line and then printed and routed to the appropriate certifier.
- Completing the Application
  - Applicants are responsible for completing all non-shaded areas of the application. Every question must be answered and the application signed and dated.
  - Anyone assisting the applicant in completing the application should also sign the application.

### 3. PHONE APPLICATION FORM

- Use of Form
  - This form is used by the certifier to determine eligibility for those heads of household age 60 or older or in receipt of Code A SSI who received a benefit in the previous HEAP program and who have agreed to this process in writing.
- Required Language
  - Certifiers must use the language provided by OTDA for the Phone Application form. Modifications to the form must be approved in writing by OTDA.

### 4. ON-LINE APPLICATION

Applicants may e-file for regular HEAP benefits in participating counties.

The following counties are participating in e-filing during 2010-11: Allegany, Broome, Chenango, Clinton, Greene, Herkimer, Jefferson, Livingston, Madison, Montgomery, Warren, Washington, and Westchester.

## C. MAIL IN APPLICATION PROCESSING

### 1. DEFINITION AND MAIL IN ACCESS

- A mail in application is an application completed by the applicant and mailed in or dropped off to a certifier. When a certifier provides an applicant with an application and assists in completing an application in person, the process for in-person applications must then be followed.
- Households Eligible for Mail In Access
  - The following households have the option of applying by mail:
    - ✓ Code A SSI recipients
    - ✓ TA and FS recipients
    - ✓ Heads of households aged 60 or older
    - ✓ Heads of households under age 60 who received a benefit through the application process in the prior program year, and resides in the same county.
    - ✓ Disabled heads of households in receipt of Retirement, Survivor's, or Disability Insurance (RSDI) benefits under Title II of the Social Security Act.

**NOTE:** Districts may not require an in person application from an applicant who received a benefit through the application process in the prior year and resides in same county.

### 2. DATE STAMP AND LOG REQUIREMENTS FOR MAIL IN APPLICATIONS

- Date Stamp
  - All mail in applications must be date stamped on page 1 of the application form upon receipt by the certifier.
- Application Log
  - The certifier must also log in all applications received. The log must contain at least the name of the applicant and the date of application receipt.

**NOTE:** The 30 business day processing time begins upon receipt of the application by the certifier. The 30 day processing time requirement began November 1, 2010 for those “early outreach” applications received prior to November 1st.

### 3. PRE-SCREENING OF APPLICATIONS

- Screening Against Previous File
  - Applications must be screened against the previous year’s application and information, if there is one, to identify any changes in eligibility criteria.
- Screening for Completeness
  - The applicant is responsible for completion of all non-shaded areas of the application. The certifier cannot alter information provided on the application, make erasures, or use correction fluid/tape.
  - Resolution must be conducted on incomplete applications.
  - Please see the section below on resolution procedures.

### 4. UNSIGNED APPLICATION/OBSOLETE APPLICATION

- Necessary Action
  - In those cases where the application received has not been signed or the version of the application sent in is not current, one of the following actions is taken:
    - ✓ The original application is copied and the copy sent to the applicant for signature.
    - ✓ In cases of obsolete applications, the original application is retained and a current version sent to the applicant for completion.
    - ✓ The applicant comes in to the certifier and signs the application or completes a current version.
    - ✓ A home visit is made to obtain the applicant’s signature or to obtain a completed current version of the application.

## 5. RESOLUTION PROCESS

- Definition
  - Resolution is conducted by contacting the applicant, or other appropriate sources of information, to obtain missing information or to clarify information. It may include requesting verification and/or documentation.
- Certifier Responsibilities
  - The certifier may not complete any section of the application, including checking the income boxes, without contacting the applicant.
  - Certifiers should obtain information directly from the applicant whenever possible. If information is obtained from another source, the source of the information and the reason for using the alternate source should be noted.
  - The certifier must make any notations regarding resolution in the “Agency Use Only” section of the application. This information should include the information obtained and the source of the information.
  - Notations made on the application must be clearly marked as changes/clarifications and must be initialed and dated by the certification worker next to the change/clarification.
- Required Resolution
  - Resolution is required in the following circumstances:
    - ✓ The application is incomplete.
    - ✓ The application contains unclear information.
    - ✓ The application contains discrepancies when compared to the prior year.
    - ✓ These include, but are not limited to:
      - ◀ Unexplained reduction in social security, pension, or interest/dividend income,
      - ◀ Change in heating situation but not in address;

- ◀ Change from homeowner to renter;
- ◀ Change in household composition;
- ◀ Any other change in basic eligibility criteria.
- ◀ The household claims to have zero income, or the rent/mortgage amount listed on the application exceeds income.

**NOTE:** The “Low Income Worksheet” must be completed in these situations.

- Custody and support of minor children must be explored when the household contains minor children (under age 21) and no one in the household has legal responsibility. Legal responsibility includes spouse for spouse or parent/steparent for child(ren) under age 21.
- The household was recently denied due to excess income and the income on the current application is within income guidelines (and there has not been a change in the guidelines).
- The household resides in subsidized housing and it is not clear that the household pays separately for heat.
- The household’s heating vendor is not a participating vendor

## 6. DOCUMENTATION REQUIREMENTS

- General Policy
  - Although documentation is generally not required for mail in applications, documentation must be obtained for items listed in b, below.
- Required Documentation
  - Any earned income (this includes wages, self-employment, and rental income).
  - Adults with zero income
  - Income from roomer or roomer/boarder.
  - ✓ A signed statement must be obtained from the applicant regarding the amount paid to the household.

## 7. AGENCY USE ONLY SECTION

All resolution, verification, and documentation issues must be clearly noted in the “Agency Use Only” section of the application.

## 8. PENDING PROCESS

- Time Frames
  - Applications may be pended no longer than a total of ten business days for any resolution, verification, or documentation issue.
  - Applications remaining incomplete, unresolved, or lacking documentation at the end of the ten-day pending period must be denied.
  - The pending time must be noted in the “Agency Use Only” section of the application.
- Pending Start Date
  - The pending period begins on the first day that the certifier identifies resolution, verification or documentation issues.
  - Certifiers may attempt to resolve applications and/or request information by phone, however, a letter must be sent in any case where the resolution cannot be completed on the first day of the pending period. Attempt to reach the applicant or obtain the information/clarification via the phone count in the ten-day pending period.

## 9. ELIGIBILITY AND BENEFIT CALCULATION

- Eligibility
  - Eligibility criteria are the same for all HEAP applicants.
- Benefits
  - Benefits for mail in applications are based on gross income and circumstances for the month of application receipt.
  - Benefits are calculated in accordance with the Benefit Calculation section of this manual.
  - An ABEL or HBC budget must be completed for all households.

**10. COMPLETION OF THE AGENCY USE ONLY SECTIONS**

- The certifier should complete any other section as outlined in local procedures.
- Once an application is complete and the benefit calculated, the certifier must complete the bottom portion
  - Total income is entered.
  - The regular benefit section is completed.
  - The name of the certifying agency is entered.
  - The certification worker must sign and date this section.
  - The certification worker's supervisor must initial and date in this section.

**11. TRANSMITTAL TO THE LDSS**

- Time Frames
  - Certifiers must submit applications to the LDSS no later than 15 calendar days after receipt. Pending time is not included in the 15 days.
- Transmittal of Original Files
  - Certifiers must transmit the original application, any other applicable forms and notices, and documentation/information to the LDSS unless the district has a written approved waiver allowing the certifier to maintain original files.
- Voter Registration Form
  - The Voter Registration form is left attached to the application and transmitted to the LDSS.
- Transmittal Form
  - It is recommended that a locally developed transmittal form be used to route applications to the LDSS.

**12. LDSS RESPONSIBILITIES**

- Date Stamp



- The LDSS must date stamp all applications received from other certifiers on page 1 of the application.
- WMS Inquiry
  - The LDSS must perform WMS inquiry on all adult household members to identify and prevent duplicate payments.
  - The HEAP inquiry screen may be used for this purpose.
- Notices
  - The LDSS must issue approval/denial notices within the 30 business day processing time.
  - The LDSS may permit Alternate Certifiers to issue notices.
- Final Determinations
  - The LDSS retains the responsibility for making all final eligibility determinations.
- Benefit Issuances
  - All benefits are issued by the LDSS. Please refer to the Benefit Issuance Section of this manual for specific information.

## **D. PHONE APPLICATION PROCESS**

### **1. DEFINITION AND ACCESS**

- Definition
  - The Phone Application process is limited to those heads of household in receipt of Code A SSI or age 60 or older who have received a benefit in the preceding program year and who have agreed in writing to participate in the process. The process eliminates the requirement of an applicant to complete the standard HEAP application and mail it to a certifier. A Phone Application is conducted in lieu of the mail in process.
- Access
  - This process may only be used for those heads of household in receipt

of Code A SSI or aged 60 or older who received a benefit in the preceding program year and who have agreed in writing to participate in this process.

- Written permission may be obtained from the applicant by a separate form or by the applicant's signature on the 7/99 (or later) version of the application form (LDSS-3421).
- An applicant may choose not to participate in this process and may utilize any other allowable method to apply for benefits.

## 2. FORMS AND NOTICES

- Phone Application Questionnaire
  - The Phone Application Questionnaire language dated 08/10 must be used to conduct this process. Any modifications must be approved, in writing, by OTDA.
- Request for Information/Documentation
  - Any Phone Application that is pended and cannot be completed on the first day of the pending period must be sent a "Request for Information/Documentation" letter.
- Benefit Calculation
  - An ABEL or HBC budget must be completed. Alternate certifiers may opt to use HBC.

## 3. PROCESS

- Applicants are contacted by the certifier.
- The Phone Application questionnaire is completed by the certifier.
- Phone Application information is obtained from the applicant. If the applicant is unable to provide information/communicate clearly, another adult household member may be contacted. In cases where there is no other adult household member, the applicant may designate another individual to conduct the certification. This must be clearly noted in the file.
- All changes are noted on the questionnaire. Significant changes may require completion of an application form and/or documentation.

- Earned income must be documented, unless the applicant is age 66 or older and eligible for the income deeming process.
- Applicants must be advised of the following:
  - Fair hearing rights
  - Right to request a voter registration form
- The certification worker must sign and the supervisor must initial the questionnaire.

#### **4. RESOLUTION/DOCUMENTATION**

Resolution and documentation requirements outlined in the Mail In Application part of this section must also be followed for Phone Applications.

#### **5. PROCESSING TIME/PENDED PHONE APPLICATION APPLICATIONS**

- Processing Time
  - Processing time begins on the date of the first contact with the household. A household that cannot be contacted must be sent an application. Households must be afforded program access no later than September 30, 2010.
  - Phone Applications must be transmitted to the LDSS no later than 15 calendar days from the application date (date of first contact).
  - Pending time is not included in the 15 calendar day processing time.
- Pending Time
  - A Phone Application that cannot be completed on the first call may be pended for a maximum of ten business days.
  - Pending time must be noted on the questionnaire.
  - A certification that is not completed within the ten business days must be denied.

#### **6. LOG REQUIREMENT**

- Certifiers must log Phone Applications in the same manner as mail in applications.

- At a minimum, the applicant's name and date of application (date of first contact) must be included in the log.

## 7. ELIGIBILITY/BENEFIT CALCULATION

- Eligibility
  - Eligibility is determined in accordance with normal HEAP procedures.
- Benefits
  - Benefits for Phone Applications are based on gross income and circumstances for the month of application receipt.
  - Benefits are calculated in accordance with the Benefit Calculation section of this manual.
  - An ABEL or HBC budget must be completed for all households.

**NOTE:** Locally developed automated benefit calculation systems and/or eligibility determinations may be substituted with Center for Employment & Economic Supports' written approval.

**NOTE:** A manual budget calculation worksheet may be used for initial calculation.

## 8. TRANSMITTAL TO THE LDSS

- Once the Phone Application has been completed and the benefit calculated, the questionnaire, along with any original documentation, must be transmitted to the LDSS.
- It is recommended that a locally developed transmittal form be used.

## 9. LDSS RESPONSIBILITIES

- Date Stamp
  - The LDSS must date stamp the Phone Application form upon receipt.
- WMS Inquiry
  - The LDSS must perform WMS inquiry on all adult household members to identify and prevent duplicate payments.

- The WMS HEAP Inquiry Screen may be used for this purpose.
- Notices
  - The LDSS must issue approval/denial notices within the 30 business day processing time.
- Final Determinations
  - The LDSS retains the responsibility for making all final eligibility determinations.
- Benefit Issuances
  - All benefits are issued by the LDSS. Please refer to the Benefit Issuance Section of this manual for specific information.

## **E. ELECTRONIC FILING**

### **1. GENERAL INFORMATION**

- The e-application will be available in the participating counties beginning November 1, 2010.
- The application link will be disabled when the program closes.
- Only those applicants who received a benefit in HEAP 2009-10 and are residing in the same county will be allowed to e-file.
- Electronically filed applications may be used to process regular benefits only.
- Districts must access electronically filed applications through the electronic workbook on a daily basis. The WB search function for new cases on the e-workbook is used for this purpose.

### **2. DUPLICATE APPLICATIONS**

Applicants can only submit one on-line application per HEAP season. If an applicant files an on-line application and also files a paper application, the on-line application takes priority.

### 3. COMPLETION OF THE APPLICATION

- Applicants must complete the application in full. If the application is exited before submission, the information will not be saved.
- Applicants are provided with Application Rights and links to Qualified Aliens and Documentation Requirements through the e-application.
- Applicants should print their application summary. Applicants will be provided with a confirmation number upon submission.
- Applicants who need to make changes to the e-filed application should be advised not to re-file the application but to provide the changes to the LDSS.

### 4. APPLICATION DATE

The application date for on-line applications begins on the next full county business day following filing.

**NOTE:** The application date for a case that has been transferred will be the next county business date after the transfer. In situations where the program closes before the case is transferred, the application must still be processed.

### 5. PENDING

On-line applications may be pending for a total of ten business days. The pending period does not count in the 30-day processing time. Applications that remain incomplete after ten business days must be denied.

### 6. PROCESSING TIME

- Eligibility decisions and notices must be issued within 30 business days of the receipt of a completed and signed application.
- An on-line application received from an applicant who is permitted mail in access is considered signed and the processing time begins on the next full county business day following filing. Any pending time does not count in the 30 day processing time.

### 7. APPLICATION LOG

Since electronically filed applications are tracked by the system, certifiers are not required to enter these applications on the application log.

## 8. PROCESSING

### Households Permitted Mail in Access

- Electronically filed applications for households permitted mail in access are processed in accordance with the procedures outlined in the “Application Processing” section of the HEAP Manual.

This includes:

- Comparison of current year’s application against previous year to identify and resolve discrepancies.
- Resolution of issues on incomplete or questionable information as outlined in “Resolution Process” sub-section of the “Application Processing” section of the HEAP Manual.
- Obtaining documentation of earned income and other documentation/verification as needed.
- WMS Inquiry on all adult household members. The LDSS may use the WMS Inquiry function in the electronic workbook to accomplish this.
- Any documentation, notices, and case notes must still be retained in the case record.

## F. IN PERSON APPLICATIONS—REGULAR AND EMERGENCY

### 1. REQUIREMENTS

- Any applicant not permitted mail in (or Phone Application) access must have an interview. Applicants are not required to file in person and may opt for phone interview.

**NOTE:** Heads of households under 60 who received a benefit in the prior year must apply in person if they did not receive HEAP through the application process, and/or are not residing in the same county.

- All in person applications require full documentation.
- All applications, including those from TA/FS recipients, for heating equipment repair/replacement must be in person.

### 2. FORMS AND NOTICES

- Application Form
  - In person applicants must apply using the standard application form (LDSS-3421). The on-line version of the application must also be accepted.
  - A new application form is not required when:
    - ✓ The applicant was denied and re-applies during the same calendar month; or
  - Applications (and other required forms) may be provided prior to the interview according to local procedures.
- Other Notices
  - Each applicant must be provided with a copy of the Application Rights Notice and Qualified Alien Information.
  - In addition, each application must contain a Voter Registration Form.
- Budget Worksheet
  - The certifier must complete a HEAP Budget Worksheet for all in person applicants. All documentation and income calculations are recorded on the worksheet.
  - The Budget Worksheet Section B must be completed for emergency benefit applications.
  - Only Section B must be completed for applicants requesting emergency benefits via the phone.
- HEAP Benefit Calculation Worksheet/ABEL/HBC
  - An ABEL budget is required for all benefits.
  - Alternate certifiers may use HBC
    - NOTE:** Since ABEL budgets are stored by the system, a printed copy is not required.
- Documentation Requirements Form
  - It is recommended that in-person applicants be provided with the



Documentation Requirements form prior to the interview.

- The Documentation Requirements form may also be used as a pending letter to inform applicants of needed documentation.

### 3. APPLICATION LOG

The certifier must keep a log of all applications. At minimum, the applicant's name and application date must be included on the log.

### 4. INTERVIEW

The certifier must conduct an interview with the applicant. Applicants may opt for either a phone or in person interview.

### 5. DOCUMENTATION

- Requirement
  - All in person applicants must provide full documentation.
- Documented Items
  - Documentation is required for:

- ✓ Household composition/identity
- ✓ Income

**NOTE:** If the income deeming process is used for the emergency application, documentation of income is not required.

- ✓ Residence
  - ✓ Vendor relationship
  - ✓ Vulnerability
- A valid social security number must be provided for each household member.

### 6. PROCESSING/PENDING TIME

Please see the General Requirements part (A) of this section for specific information.

## 7. ELIGIBILITY/BENEFIT CALCULATION

- Eligibility
  - Eligibility is determined in accordance with normal HEAP procedure.
- Benefits
  - Benefits are calculated in accordance with HEAP rules and procedures.

## 8. COMPLETION OF THE “AGENCY USE ONLY” SECTIONS

The certifier should complete any other section as outlined in local procedures.

- Once an application is complete and the benefit calculated, the certifier must complete the bottom section of the application.
  - Total income is entered.
  - The regular benefit and/or emergency benefit section is completed.
  - The name of the certifying agency is entered.
  - The certification worker must sign and date this section.
  - The certification worker’s supervisor must initial and date in this section.

## 9. TRANSMITTAL TO THE LDSS

- Time Frames
  - Certifiers must submit applications to the LDSS no later than 15 calendar days after receipt. Pending time is not included in the 15 days.
- Transmittal of Original Files
  - Certifiers must transmit the original application, any other applicable forms and notices, and documentation/information to the LDSS unless the district has an approved written waiver allowing the certifier to maintain original files.
- Voter Registration Form
  - The Voter Registration form is left attached to the application and transmitted to the LDSS.

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**DETERMINING AND ISSUING HEAP BENEFITS**

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**A. OVERVIEW**

- HEAP regular benefits have been structured to ensure that the highest benefits are paid to those households with the highest energy costs in relation to income taking into account family size. A regular HEAP benefit is an annual supplement to assist eligible households in paying a portion of their heating costs. This includes both direct costs and heating costs paid through a portion of the household's rental payment.
- Heat and heat-related emergency benefits are available to assist eligible low-income households in meeting a heat or heat-related crisis as defined by HEAP.
- Heating equipment repair and replacement benefits are available to provide HEAP eligible households with the cost of repair or replacement of the applicant owned dwelling's primary heating equipment when the equipment is inoperable or unsafe and is in need of repair/replacement.

**B. REGULAR BENEFITS**

**1. NUMBER OF AVAILABLE BENEFITS**

Regular benefits are available once during the 2010-11 program year. Districts will be notified if additional benefits or supplements become available.

## **2. CHANGE IN CIRCUMSTANCES**

Households may receive a supplemental regular benefit if they received a heat included (renter's) benefit but subsequently move within the program year and are then responsible for the heating bill.

- The supplemental benefit is the difference between the calculated heating benefit minus the renter's benefit.
- Income deeming does not apply.
- The household must have moved but still resides within NYS.
- The household must apply for the supplemental benefit in the county in which they currently reside.
- A household who has received less than the maximum heater's benefit may not receive a supplement during the same program year even if the household's circumstances have changed

## **3. SUPPLEMENTAL PAYMENTS**

- A TA or FS household who received a payment through the auto pay process may receive a supplement if:

The household paid for heat at the time of pull down and only received the heat included benefit; or the household contains a vulnerable individual who is not on TA or FS and the household files a full application.

- Households may receive a supplemental regular benefit if they received a heat included (renter's) benefit but subsequently move within the program year and are then responsible for the heating bill.
- What are the rules for this?
  - The supplemental benefit is the difference between the calculated heating benefit minus the heat included benefit.
  - Income deeming does not apply.
  - The household must have moved but still resides within NYS.
  - The household must apply for the supplemental benefit in the county in which they currently reside.

- WMS code H9 is used to issue the supplemental benefit.
- All other rules for regular still apply, and the regular benefit components must be open at the time of application.

#### **4. HEAT INCLUDED BENEFIT AMOUNT (RENTER'S BENEFIT)**

- **Established Benefit**

The benefit for households with heat included in the rent is set at a statewide level based on the household's income tier and living situation.

- **Benefit Amount**

Benefits are as follows:

- Tier I-\$50
- Tier II-\$40
- \$1 for households in the following living situations:
  - ✓ Government subsidized housing with heat included in the rent;
  - ✓ Publicly operated or State-certified private nonprofit residential drug or alcoholic treatment facilities;
  - ✓ Private nonprofit residential drug or alcoholic treatment facilities that are authorized as a food stamp retailer by the United States Department of Agriculture or are in receipt of a letter from the certifying State agency stating that the facility operates to further the goals of Title XIX;
  - ✓ Publicly operated or State-certified private nonprofit enriched housing;
  - ✓ Publicly operated or State-certified private nonprofit residential group living facilities serving no more than 16 residents;
  - ✓ Publicly operated or State-certified private nonprofit supervised or supportive living arrangements; and
  - ✓ State-operated community residences.

#### **5. HEATER'S BENEFITS**

- **Definition**

- Heater's benefits are available to those households that pay a vendor directly for a heating bill based on their actual usage and are based on the household's primary heat source.
- A tenant that resides in a multiple dwelling and shares heating costs with other tenants who can document that they pay the vendor directly for a bill based on their actual usage can receive a Regular heating benefit.
- 2010-11 Benefit Ranges
  - Deliverable Fuels (oil, kerosene, propane, wood, pellets, coal, corn) Base Benefit \$600.
  - Utilities (Natural Gas, PSC Regulated and Municipal Electric Heat) Base Benefit \$400
  - Add on amounts are as follows:
    - ✓ + \$50 for Tier I household
    - ✓ + \$50 for vulnerable member in household

**6. ELEMENTS OF THE HEATER'S BENEFIT**

▪ Basic Criteria

The heater's benefit is based on the following factors:

- Income tier
- Primary heat source
- Presence of a vulnerable individual

▪ Definition of Terms

- Vulnerable Individuals
  - ✓ Young children are those under six years old during the month of application. A child whose sixth birthday falls in the month of application is still considered to be under six.
  - ✓ Disabled individuals are those individuals who meet the disability criteria for the FS program. See Section on Documentation for specifics.



- ✓ Elderly individuals are those who are aged 60 or older. An individual whose 60th birthday falls within the month of application is considered to be age 60.

- Primary heat source-Type of fuel used to heat household.
- Income tier refers to the income levels designated by the eligibility guidelines.

## 7. HEATER'S BENEFIT AMOUNT

The household's benefit is determined by using the base benefit and adding an additional \$50 if the household contains a vulnerable and an additional \$50 if the household's income is Tier I.

## C. HEAT AND HEAT-RELATED EMERGENCY BENEFITS

### 1. TYPES OF HEAT AND HEAT-RELATED EMERGENCY BENEFITS

The following HEAP heat and heat related emergency benefits are available to otherwise eligible households:

- Payment to continue or restore natural gas or electric heat service that is currently disconnected or scheduled for disconnection.  
WMS payment code: H17  
Available once during the program year\*
- Payment to continue or restore electric service that is currently shut off or scheduled for shut off and is necessary to operate the primary heating equipment or thermostat.  
WMS payment code: H16  
Available once during the program year\*
- Payment to obtain heating fuel when the household is without heating fuel or has less than quarter of a tank of oil, kerosene, oil/kerosene blend or propane and/or less than a ten day supply of coal, wood or wood pellets and the applicant cannot obtain a delivery.  
WMS payment code: 04  
Available once during the program year\*

**\*NOTE:** During some program years, additional emergency benefits become available depending on HEAP funding. In these situations, districts will be notified and will be provided with instructions to implement the change.

- A payment to obtain propane tank installation and/or deposit in order to obtain a different propane vendor when the current propane vendor will not make a delivery to the household based on the available HEAP benefits. The household must be heating with propane at the time of application, must currently be without, or have less than a quarter of a tank of propane for heating, and the current company refuses to make a delivery due to the customer's arrears and/or history of non-payment.

WMS payment code: \_\_\_\_\_ H8

Payment may be accessed more than once per program up to \$500 for the year.

**NOTE:** This benefit is not intended to establish new propane service for a household using another source of heat and wanting to switch to propane or for households who are moving and attempting to set up new service at the new residence.

- Payment to provide temporary relocation and/or shelter when the HEAP eligible household is in an emergency home heating situation which is deemed by the LDSS to be detrimental to the health and/or safety of household members unless temporary shelter/relocation is provided.

WMS payment code: \_\_\_\_\_ H6

May be accessed more than once per program up to \$500 total for the year.

- Weather related and supply shortage
  - In the event of weather related emergencies and/or a temporary supply shortage of fuel/propane, the LDSS is authorized to purchase a supply of safe, supplemental heating devices which meet local building codes and can be loaned on a short term basis to eligible households until such time as a delivery of the household's primary heating fuel can be obtained.
  - Administrative funds must be used for this purpose. Purchases cannot be made for individual households.

#### **D. BENEFIT ISSUANCE: GENERAL REQUIREMENTS**

- The LDSS is the designated agency for authorization of all HEAP payments. Payments made directly to vendors will be issued through the NYS Office of the State Comptroller (OSC).
- Regular benefits remain available to the recipient until exhausted. See Section E for information on situations where the applicant changes vendors or dies before exhausting a benefit.

- Additional information is also found in the Vendor Information and Requirements section.

## **E. ISSUING REGULAR BENEFITS**

### **1. HEATING BENEFITS**

- General Policy
  - Heating benefits must be issued to the applicant household's primary heating vendor. In some cases the account will not be in the applicant's name. In these cases, the district must establish procedures for notifying the vendor of the account to be credited.
  - Payments must also be made to the heating vendor for all TA recipients who are budgeted with a fuel for heating allowance.
  - In those cases where the primary heating supply is wood and the applicant supplies their own wood, the regular benefit may be issued to the applicant's utility company. If the applicant does not have a utility account, the benefit may be issued directly to the household.
  - Only one heating benefit per applicant household is issued per program year.

**NOTE:** Additional benefits may become available during a program year depending on funding. Districts will be notified if this occurs and will be provided with instructions to implement this change.

- Diversion of Benefits
  - An applicant's heating benefit may be diverted to the utility account only when the applicant heats with wood and can verify that they have a sufficient supply for the heating season.
  - Requests must be made in writing by the applicant and verification of the sufficiency of the heating supply must be contained in the case record. Final approval or denial is made by the LDSS.
- Method of Payment
  - Vendor payments may be issued in any of the following ways:
    - ✓ By direct check for the full amount of the benefit to the vendor. These will be issued through NYS Office of the State Comptroller (OSC).

- ✓ By a two party check made payable to both the recipient and the vendor. Two party checks should be used only in those instances where the household heats with oil/kerosene and whose vendor participates in HEAP only through Option E of the vendor agreement. Two party checks may also be used on a limited basis when there is a need to issue the payment to a vendor prior to OSC HEAP payment issuance.

**NOTE:** Option E vendors may continue to participate in HEAP only for those customers with qualified service contracts for the 2010-2011 HEAP season.

- By establishment of a line of credit with the vendor, districts opting to establish a line of credit with the vendor must have procedures in place to ensure the recipient full access to the entire benefit amount. Lines of credit remaining unexpended at the end of the HEAP program year (or no later than September 30 of each year) remain available until fully utilized by the recipient.

## 2. HEAT INCLUDED BENEFITS (RENTER'S BENEFITS)

- General Policy
  - Heat included benefits may be issued either directly to the recipient or to the recipient's domestic utility vendor in accordance with local district option and procedures.
  - \$1 benefits are issued directly to the HEAP recipient.
- Method of payment
  - The following methods of payment may be used:
    - ✓ A payment for the full heat included benefit may be issued directly to the recipient's utility vendor; or
    - ✓ A two party check made out to the utility vendor and the recipient may be issued; or
    - ✓ A direct check to the recipient (or an electronic benefit for TA or FS recipients) may be issued; or
    - ✓ A line of credit with the recipient's utility vendor may be established. Districts opting to establish a line of credit with the vendor must have procedures in place to ensure the recipient full access to the entire

benefit amount. Lines of credit remaining unexpended remain available until fully utilized by the recipient.

### 3. SPECIAL CIRCUMSTANCES

- Auto Pay
  - TA Recipient Moves to New County–If a TA recipient on the pull down list moves from one county to another county prior to issuance of the HEAP benefit, the original county on whose list the name appears must pay the benefit UNLESS the client’s name is on the exclusion list or unless it is mutually agreeable to both counties that the new county make the payment.
  - If an emergency situation occurs after the TA recipient has moved to a new county, but is still on TA, the recipient must apply for a HEAP emergency benefit in the county in which they currently reside. The new county is responsible for the payment of this benefit.
- Household Moves
  - If the head of household (designated as applicant/payee relationship code 01), who has received a HEAP benefit, establishes a new household or moves, they are not entitled to another HEAP benefit. If a household member from the original household establishes a new household at a different residence or becomes a member in another household at a different residence, they may be eligible to receive a HEAP benefit.

## F. ISSUING EMERGENCY BENEFITS

### 1. POLICY

All emergency benefits must be issued directly to the vendor, however, a two-party check will be issued to Option E Vendors on behalf of HEAP customers with a current Price Protection Contract or Service Contract.

**NOTE:** Option E vendors may continue to participate in HEAP only for those customers with qualified service contracts for the 2010-2011 HEAP season.

**NOTE:** In cases where the recipient requires wood for heating and it is not possible to obtain a HEAP vendor, the payment may be issued as a two party check to the recipient and the available vendor.

## **2. METHODS OF PAYMENT**

- The following methods of payment may be used to issue emergency benefits:
  - A direct check for recipient's full emergency benefit is issued to the recipient's vendor
  - A line of credit for the full amount of the benefit is established with the recipient's vendor.
  - A two-party check for recipient's full emergency benefit is issued to the recipient's vendor.
- The benefit is issued in full even if this results in a credit on the recipient's account.

## **G. RECOVERY OF BENEFITS**

### **1. POLICY**

- The LDSS must attempt to recover incorrect, misdirected, or inappropriate payments made to vendors or recipients.
- HEAP benefits may not be recouped from TA grants.
- Overpayment may not be deducted from subsequent HEAP grants.
- The LDSS may choose to refer recipients to the local investigative/fraud unit for action if it determined that the applicant was intentionally fraudulent.

### **2. ERRONEOUS PAYMENTS**

- Payments which are issued incorrectly, inappropriately, or are misdirected and which are not recovered within the program year for which they were issued must be tracked.
- Erroneous payments must be reported annually to OTDA and may be subject to recovery.

## **H. REISSUANCE AND TRANSFER OF BENEFITS**

### **1. LOST OR STOLEN CHECKS/BENEFITS**

Local LDSS procedures are followed for the tracking and re-issuance of lost or stolen checks issued directly to recipients. Lost/stolen checks issued by OSC are reported to the HEAP Bureau.

## **2. STALE DATED CHECKS**

Stale dated HEAP checks issued directly to recipients, which cannot be cashed, should be cancelled and replacement checks issued within 30 days. However, checks may only be reissued if the request is made by September 30th of the program year for which the benefit was issued.

## **3. EBT BENEFITS**

EBT Benefits will be expunged 90 days after issuance if not accessed. These benefits may be reissued if the request is made by September 30th of the program year for which the benefit was issued.

## **4. DECEASED APPLICANTS**

- HEAP checks/benefits for Regular HEAP which are issued to or on behalf of applicants who are deceased or who die prior to cashing the check or utilizing the benefit may be reissued to another adult HEAP household member.
- If there are no other adult HEAP household members, the Regular benefit must be returned to the LDSS and cannot be reissued.
- Emergency benefits are not reissued or cashed out when the recipient dies before exhausting the benefit. Any credit remains with the vendor for use by other household members. If there are no other household members, the benefit is returned to the district. Since the emergency benefit was issued to meet a specific need that no longer exists, emergency benefits are returned to the district.

## **5. CHANGE OF VENDOR/CLOSED ACCOUNTS**

- Credits remaining from Regular Benefits when an account is closed must be returned to the LDSS and may be transferred to another vendor or may be cashed out to the recipient if the recipient will no longer be responsible for payment of heat or utilities. Regular benefits may also be cashed out to the recipient if the recipient moves out of state.
- Credits belong to the applicant of record (WMS relationship code 01– applicant/payee.)

- Emergency Benefits are not cashed out to recipient.
- Credit from Emergency Benefits must be returned to the LDSS and may be reissued to a new vendor if a recipient changes vendors when:
  - The recipient closes the original account; and
  - The recipient is the customer of record for a new heating or heat related account.

## **6. AUTOPAY RECIPIENTS WHO MOVE**

For recipients on the TA, FS warnings or exception lists, the following applies only if the client is in receipt of TA or FS in the new county: whenever possible the original county should re-issue the benefit to the correct vendor. In cases where the original county does not have a vendor id for the new vendor, then the client's county of residence should reissue the benefit.

### **I. PROHIBITED PAYMENTS**

The following payments may not be issued from HEAP funds:

- Security deposits
- Equipment repairs or replacements to landlord owned property when the landlord does not reside in the dwelling
- Marshall's fees
- Surcharges beyond normal energy costs required by some commercial housing operators or utilities
- Surcharges to tenants by subsidized housing authorities
- Vendor payments to landlords unless the landlord meets the definitions outlined in the Vendor Information section of this manual
- Emergency benefit payments to ESCOs or to Third Party billing companies
- Payments for energy emergencies which are not for heating or are not heat related
- Reconnection fees for utility service



- Service which is for a business that is separate and apart from the recipient's primary residence
- In addition, payments for repairs and/or replacements may not be made in situations where the dwelling has been determined to be unsafe or is not habitable and the situation cannot be corrected in a reasonable or cost effective manner in order to ensure safe and healthy habitation
- NYS Sales Tax on heating equipment repair/replacement or on fuel deliveries
- Heating equipment repair/replacement payments when:
  - The primary heating equipment has not been operational for the past two heating seasons.
  - The equipment is inoperable due to flood, fire or other natural disaster.
  - The dwelling does not have an existing primary heating system.
  - The dwelling was purchased without an operational heating system unless the system has been repaired or replaced to manufacturer's specification since purchase.
  - The applicant's home is for sale and there is a signed sales contract.
  - Heating equipment was replaced with HEAP funds within a ten year period, beginning April 2000.
  - There is homeowner's insurance available to cover the expense

## **J. HEATING EQUIPMENT REPAIR & REPLACEMENT**

### **1. OVERVIEW OF REPAIR/REPLACEMENT COMPONENT**

- Heating equipment repair and replacement benefits are available to provide HEAP eligible households with the cost of repair or replacement of the applicant owned dwelling's primary heating equipment when the equipment is inoperable or unsafe and is in need of repair/replacement.
- Heating equipment replacement is also available, under limited circumstances and with medical documentation, to replace systems that are directly detrimental to a household member's health. Documentation must be in writing from a physician and must specify the reason(s) why the current system is directly detrimental to health/safety.

- Temporary relocation for an eligible household may be considered where the residence has been determined to be unsafe and where it has been determined that the deficiencies cannot reasonably be corrected in a manner which would ensure safe, healthy habitation.

## **2. CERTIFICATION**

The LDSS is the sole certifier for this component. The Local Department of Social Services (LDSS) may contract with alternate certifiers to assist in the application/outreach process.

## **3. TIME FRAMES**

- The emergency situation of an eligible household without heat must be resolved within 18 hours and within 48 hours if heat loss is imminent.
- Resolution includes temporary relocation, temporary use of a safe alternate heat source, or repair/replacement of the system.
- In general, attempts should be made to have all work completed within five business days from the authorization given by the LDSS.

## **4. RESOURCES**

- The household's resources must be at or below established limits.
- Resources must be explored and availability determined. The resource checklist on the Emergency Benefit Budget Worksheet must be completed. Only liquid resources are counted.
- The available amount is determined by reviewing the allowable exemptions in the HEAP Manual.
- Resources for all household members and for any non qualified aliens are counted.
- Resources of Co-Owners:
  - If the equipment is co-owned and the co-owner does not reside in the dwelling, the district must explore the availability of resources and contributions from the co-owner(s).
  - Only a prorated share of the repair/replacement cost may be paid with HEAP funds when:

- ✓ The co-owner is not accessible
- ✓ The co-owner refuses to provide documentation and/or
- ✓ The co-owner has resources exceeding the established limits.
- Resources of the co-owner are documented and the availability determined in the same manner as the applicant's resources.

**NOTE:** The complete cost of the heating equipment repair/replacement is paid by HEAP when the co-owner(s)'s documented resources are below the resource limit.

- Prior to authorizing payment for the HEAP prorated amount, the applicant must provide documentation that satisfactory payment arrangements have been made with the vendor before any HEAP payment is approved.
- Applicants should be referred to other programs to obtain the balance of a prorated HEAP payment (TA, Catholic Charities, Weatherization, etc.).
- Eligibility for the prorated benefit is only good for ten business days from the date of the signed and completed application. This must be documented with a Pending Notice/Request for Documentation.

## 5. REPAIR/REPLACEMENT BENEFITS

- Repair
  - The essential heating equipment repair benefit is capped at \$3,000 per applicant per HEAP program year.
  - Eligible households may access the repair benefit more than once as long as the total benefit amount does not exceed \$3,000 in any one HEAP program year.
  - In some cases, the cost of repair may exceed or be comparable to the cost of replacement. In these cases, the LDSS should explore replacement. In addition, multiple repairs may warrant the exploration of replacement instead of continued repair.
  - Repair of essential primary heating equipment is defined for purposes of the HEAP program as the labor and materials necessary to restore or fix an eligible household's essential heating equipment to a sound useable condition without the replacement of the actual heating plant

(furnace/boiler). This includes repair/replacement of chimneys or other venting systems and repair/replacement of oil tanks.

**Example:** A household's furnace is working, but the oil tank is leaking and needs to be replaced. Under this definition, this would be coded on WMS as an H5 and paid as a repair since the actual furnace was not replaced.

- In counties outside of NYC, WMS payment code H5 is used for repair of essential heating equipment.

- Replacement

- The essential heating equipment replacement benefit is capped at \$6,000.
- Eligible households may receive one heating equipment replacement benefit per residence within a ten-year period. This limitation also applies to the owner of a multi-unit building who moves to another unit within the same residence. The ten-year period began April 2000.
- Replacement of essential primary heating equipment is defined for HEAP program purposes as the labor and materials necessary to restore and/or fix an eligible household's essential heating equipment to a sound useable condition by removal of an existing heating plant and replacement with a new heating plant. Replacement may also include the repair/replacement of essential heating equipment necessary for the system's safe and proper operation. Essential heating equipment may include chimneys or other venting systems and oil tanks.

**Example:** A household's furnace needs replacement, but the oil tank is also leaking and needs replacement. Under the definition, the cost for both the furnace and the oil tank replacement would be coded on WMS as an H7 payment and paid as a replacement, even if the work is done by different vendors. In counties outside of NYC, WMS payment code H7 is used for replacement of essential heating equipment.

- Scope of Work

- Work is limited to the primary heat source. This is defined as the equipment which heats the majority of the dwelling.
- Repair of the existing inoperable heating equipment must be explored prior to replacement. Replacement of essential primary heating equipment may be explored in situations when a licensed qualified

vendor provides a written statement documenting the current existing primary heating system is:

- ✓ Inoperable and/or unsafe and the reason why; and
- ✓ Written verification that essential heating equipment cannot be repaired.
- Portable space heaters are not considered a primary heat source and are not eligible for repair and/or replacement under this component.
- Installation of Energy Star/high efficiency heating equipment is recommended and should be installed whenever possible but only if the cost difference between installing non Energy Star/high efficiency equipment and Energy Star/high efficiency equipment is \$750 or less.
- At the household's request, inoperable/unsafe primary heating equipment may be replaced with a different type of system if the cost of the alternative system is comparable (defined as within \$750) to replacement with the same system. The final approval for replacement with a different system type is made by the LDSS.
- Work is limited to essential and primary heating equipment necessary to ensure that the heating system will operate safely and within all applicable State and local building codes.
- The Vendor must include the cost of purchasing and installing a carbon monoxide detector as per manufacturer's specifications for HEAP funded Heating Equipment Repair or Replacement, unless the dwelling is equipped with an operable detector that is under five years old.
- All repairs and replacements should, with client consent, include installation of a programmable thermostat.
- Installation or repair of fuel tank gauges may be included as part of the repair or replacement of essential equipment if original gauges are faulty or nonexistent.
- All repairs or replacements on either State or sovereign lands must be completed to the satisfaction of all State and local codes, in addition to individual sovereign nation's protocols and rules.
- The heating equipment must be the primary heat source. Portable space heaters are not considered a primary heat source.
- In the case of frozen pipes, HEAP benefits may assist with repairing the

sections of piping absolutely necessary for the safe and proper installation and operation of the essential heating equipment.

- All work, whether repair or replacement, must be approved and authorized by the LDSS prior to the commencement of any work.

- Eligibility

The applicant must meet all eligibility criteria and documentation requirements.

- Application Requirements

- All applications for heating equipment repair and replacement must be made in person, including those from TA or FS recipients, using the current version of the full application; and
  - ✓ The homeowner must be the applicant; and
  - ✓ An in person interview is require for ALL applications; and
  - ✓ Full documentation is required for ALL applications.
- Individuals who apply for a HEAP funded benefit after paying to have the work completed on their own are not eligible for a HEAP funded furnace repair or replacement benefit.
- An authorized representative may be permitted to apply for heating equipment repair and/or replacement benefits on behalf of another applicant. The authorized representative must provide a statement signed by the homeowner.
- A power of attorney may be permitted to apply for furnace repair or replacement benefits if it is verified that the applicant is mentally or physically unable to complete the application for assistance. The power of attorney must be documented.
- Reasonable accommodations should be explored with homebound applicants to assist with application requirements.
- A regular benefit must also be processed for any household eligible for a repair or replacement in those cases where the household has not received a regular benefit at the time of application for equipment repair or replacement.
- Every HEAP application packet must contain the following items:

- ✓ The current version of the NYS HEAP Application;
  - ✓ The Application Rights notice; and
  - ✓ Qualified Alien information.
- Other Requirements
    - The primary heating system must have been operable at the time of purchase of the dwelling (or repaired or replaced since purchase) or the primary heat source must have been operable within the last two heating seasons.
    - It must be documented by a licensed heating professional or by a local weatherization sub-grantee that the applicant owned primary heating equipment is inoperable or unsafe and is in need of repair or replacement.
    - The dwelling must be in compliance with local building and safety codes, must not be in condemned status, and must be reasonably safe and structurally sound.
    - The applicant's household must not be considered to be unsafe and/or unfit for habitation.
    - Dwellings with more than two units with a single heat source are not eligible for repair or replacement.
  - Bid/Estimate Process
    - Only vendors with a signed vendor agreement on file with NYS OTDA may perform work.
    - Districts should use local procedures for obtaining bids/estimates for repair and/or replacement work, however, multiple bids are not required for repairs of \$500 or less.
    - A minimum of two bids is required for replacements that exceed \$3000 unless an LDSS contracts with a specific vendor or agency. The LDSS must obtain NYS OTDA approval for replacements exceeding \$4,500 even if the replacements are performed by a single contractor.
    - Districts may use an open bid process or may establish contracts with specific vendors and/or the local weatherization sub-grantees.

- If an LDSS contracts out their heating equipment replacement/repair with a single vendor, there is no need to solicit multiple bids for individual jobs. However, it is recommended that a bid process or Request for Proposal (RFP) process be used to obtain single vendor contracts in order to ensure the most cost effective method for providing this service.
- When using an open bid process, the LDSS should offer applicants the opportunity to obtain their own bids/estimates. Vendor lists may be provided to assist applicants. If the applicant declines the offer and requests assistance with obtaining bids/estimates, this should be noted in the case record and the LDSS may contact vendors on the applicant's behalf.
- HEAP policy requires that the district contract with the lowest responsible bidder. On a case-by-case basis, a vendor other than the lowest bidder may be awarded the work.

Exceptions include: past problems with the bid/estimate and/or work of the vendor; refusal of the vendor to sign a vendor agreement or provide requested information on licensing or insurance; inability of the vendor to perform the work within a reasonable timeframe; a long standing and ongoing relationship between a vendor and the applicant household.

- Vendors must be licensed as required by State/local codes, fully insured and entered into the Vendor Agreement with NYS OTDA for their bid to be accepted.
- All estimates/bids must be legible and submitted utilizing the Heating Repair/Replacement Job Proposal (LDSS4867A).
- If all bids submitted or if contracted agency (weatherization, for example) submits an estimate that exceeds \$4500, the LDSS must obtain approval from the NYS OTDA HEAP Bureau prior to authorizing any work. Section IV, Approval Information, of the Heating Equipment Repair and Replacement Worksheet (LDSS 4867) must be completed.
- An LDSS may request a waiver if the average cost consistently exceeds \$4,500.
- Prior to authorizing payment for the HEAP prorated amount, it must be documented that the client's share of the cost has been guaranteed or paid or the client has made satisfactory payment arrangements before the payment is authorized.



- Costs associated with obtaining and/or documentation of the condition of the system are allowable expenses.
- The cost of estimates may only be paid for eligible households; therefore, districts must not incur costs or require applicants to incur costs for estimates prior to the eligibility determination.
- WMS code H0 is used to pay for estimates for vendors that are not chosen to do the work.

## **6. REPAIR/REPLACEMENT PAYMENTS**

- Vendors must submit an itemized final bill after work is completed. A copy must be retained in the case record (file).
- Vendors must submit an itemized, customer signed final bill or invoice and customer signed work order on company letterhead after work is completed. A copy must be retained in the case record. Itemized bills should include the total amount of labor costs, in addition to the amount of the unit. .
- Bills must be submitted within 30 days of work completion. Districts may not pay vendors until the work has been completed and an itemized bill received. No pre-payment or deposits are permitted.
- No New York State sales tax may be charged.
- Benefits for previously approved applications are issued directly to the vendor after completion of all work and submission of the final itemized bill.
- Payments are issued through the OSC process. Districts should make every effort to authorize and pay in a timely manner. It is strongly recommended that payments for heating equipment repair and replacement be selected for one week processing in those districts currently on a two week voucher review period.

## **7. REPAIR/REPLACEMENT FORMS**

Districts must complete a “Heating Equipment Repair/Replacement Worksheet” (LDSS 4867) for every heating equipment repair and/or replacement.

## **8. FILE REQUIREMENT**

- All case files must contain:
  - A current signed and dated application

- All supporting documentation
- Budget Worksheet
- Furnace Repair/Replacement Worksheet (LDSS 4867)
- Furnace Repair/Replacement Job Proposal (LDSS 4867A), and final itemized bills
- Necessary systems printouts WMS/BICS/ABEL
- Case records for heating equipment replacement must be retained for ten years, beginning with benefits authorized in the 1999-2000 program.

**NOTE:** LDSS responsibility for this component was resumed in April 2000.

- When the LDSS contacts the NYS OTDA HEAP Bureau to request approval for a furnace replacement that exceeds \$4,500, LDSS HEAP workers must note on the LDSS 4867, first page, the date of the conversation and the name of the OTDA liaison with whom they spoke.

## **9. PROHIBITED REPAIR/REPLACEMENT PAYMENTS**

- Replacements or repairs will not be done for residences with more than two units with a single heat source.
- Households where the heating equipment is inoperable due to flood, fire, or other natural disasters are not eligible for heating equipment repairs or replacements.
- Payment for repair and/or replacement may not be made in situations where the dwelling has been determined to be unsafe, is not habitable, or is out of compliance with building/safety codes and the situation cannot be corrected in a reasonable or cost effective manner in order to ensure safe and healthy habitation.
- Payments for repair and/or replacement cannot be made to install heating systems in dwellings where a current system does not exist.
- Payments for repair and/or replacement may not be made to install or repair heating systems in dwellings purchased with an inoperable heating system unless the following conditions are met:
  - The system was repaired or replaced to original specifications; and

- The homeowner provides proof it has been operational within the previous heating season prior to application.
- Payment cannot be made when the applicant's homeowners insurance is available.
- Applicants whose primary equipment was replaced using HEAP funds within ten years from the date of application at the same residence (beginning April 2000) are not eligible for another replacement. This includes owners of multi-unit residences who move to another unit within the same residence. Applicants whose residence is for sale and who have a signed sales contract are not eligible for repair/replacement benefits.
- Eligibility for applicants whose dwelling is in the process of foreclosure or for sale on the open market must be assessed on a case-by-case basis to determine when and if the premises will actually be vacated by the applicant.
- Payments for parts and labor charged for the repair or replacement of any optional or non-essential heating system components.
- Roadworthy trailers or mobile homes registered with the Department of Motor Vehicles are not considered permanent primary residences.
- Payments for prorated furnace replacement benefits if the necessary supplemental funding is unavailable or co-owners available resources are unavailable are prohibited.

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**A. BENEFIT COMPONENT**

- Heating equipment repair and replacement benefits are available to provide HEAP eligible households with the cost of repair or replacement of the applicant owned dwelling's primary heating equipment when the equipment is inoperable or unsafe and is in need of repair/replacement.
- Heating equipment replacement is also available, under limited circumstances and with medical documentation, to replace systems that are directly detrimental to a household member's health. Documentation must be in writing from a physician and must specify the reason(s) why the current system is directly detrimental to health/safety.
- Temporary relocation for an eligible household may be considered where the residence has been determined to be unsafe and where it has been determined that the deficiencies cannot reasonably be corrected in a manner which would ensure safe, healthy habitation.

**B. COMPONENT DATES**

The 2010-11 Heating Equipment Repair and Replacement component begins October 1, 2010.

### C. CERTIFICATION

The LDSS is the sole certifier for this component. The Local Department of Social Services (LDSS) may contract with alternate certifiers to assist in the application/outreach process.

### D. TIMEFRAMES

- The emergency situation of an eligible household without heat must be resolved within 18 hours and within 48 hours if heat loss is imminent.
- Resolution includes temporary relocation, temporary use of a safe alternate heat source, or repair/replacement of the heating system.
- In general, attempts should be made to have vendors complete all necessary work within five business days from the authorization given by the LDSS.

### E. EMERGENCY RESOLUTION

- Emergency resolution is defined as action taken to ensure that the household has heat or will continue to have heat or that the household has been temporarily relocated to a dwelling with heat. In the case of heating equipment repair and replacement, acceptable actions include repair or replacement of the system within the 18/48 hour timeframe, determining that the household has a safe supplemental heating source (such as approved space heater or wood/pellet/coal stove that will provide adequate heat to protect the household's health and safety), or temporary relocation until the system can be fixed. Temporary relocation may be either HEAP funded or provided by another source.
- Declinations of offer of temporary relocation must be documented in the case record.
- Resolution must be documented on the Heating Equipment Repair and Replacement Worksheet (LDSS-4867 Rev.7/10).

**Example:** An application for the furnace repair/replacement component was filed and the interview was held on 12/1/10. During the interview, the client indicates that their furnace is not working, but the client stated that they have space heaters that they can use until their furnace is repaired. The emergency resolution date would be 12/1/10 because the client indicated that they would remain warm using a safe supplemental heat source.

## F. BENEFITS

### 1. REPAIR

- The essential heating equipment repair benefit is capped at \$3,000 per applicant per HEAP program year.
- Eligible households may access the repair benefit more than once as long as the total benefit amount does not exceed \$3,000 in any one HEAP program year.
- In some cases, the cost of repair may exceed or be comparable to the cost of replacement. In these cases, the LDSS should explore replacement. In addition, multiple repairs may warrant the exploration of replacement instead of continued repair.
- Repair of essential primary heating equipment is defined for purposes of the HEAP program as the labor and materials necessary to restore or fix an eligible household's essential heating equipment to a sound useable condition without the replacement of the actual heating plant (furnace/boiler). This includes repair/replacement of chimneys or other venting systems and repair/replacement of oil tanks.

**Example:** A household's furnace/boiler is working properly, but the oil tank is leaking and needs to be replaced. Under this definition, this would be coded in WMS as an H5 and paid as a repair since the actual furnace/boiler was not replaced. In counties outside of NYC, WMS payment code H5 is used for repair of essential heating equipment.

### 2. REPLACEMENT

- The essential heating equipment replacement benefit is capped at \$6,000.
- Eligible households may receive one heating equipment replacement benefit per residence (physical address) within a ten-year period. This limitation also applies to the owner of a multi-unit building who moves to another unit within the same residence. The ten-year period began April 2000.
- Replacement of essential primary heating equipment is defined for HEAP program purposes as the labor and materials necessary to restore and/or fix an eligible household's essential heating equipment to a sound useable condition by removal of an existing heating plant and replacement with a new heating plant. Replacement may also include the repair/replacement of essential heating equipment necessary for the system's safe and proper



operation. Essential heating equipment may include chimneys or other venting systems and oil tanks.

**Example:** A household's furnace/boiler needs replacement, but the oil tank is also leaking and needs replacement. Under the definition, the cost for both the furnace/boiler and the oil tank replacement would be coded on WMS as an H7 payment and paid as a replacement, even if the work is done by different vendors. In counties outside of NYC, WMS payment code H7 is used for replacement of essential heating equipment.

### **G. SCOPE OF WORK**

- All work, whether repair or replacement, must be approved and authorized by the LDSS prior to the commencement of any work.
- Work is limited to the primary heat source. This is defined as the equipment which heats the majority of the dwelling.
- Repair of the existing inoperable heating equipment must be explored prior to replacement. Replacement of essential primary heating equipment may be explored in situations when a licensed qualified vendor provides a written statement documenting the current existing primary heating system is:
  - Inoperable and/or unsafe and the reason why; and
  - Why the essential heating equipment cannot be repaired.
- Portable space heaters are not considered a primary heat source and are not eligible for repair and/or replacement under this component.
- Installation of Energy Star/High Efficiency heating equipment is recommended and should be installed whenever possible but only if the cost difference between installing non Energy Star/High Efficiency equipment and Energy Star/High Efficiency equipment is \$750 or less.
- At the household's request, inoperable/unsafe primary heating equipment may be replaced with a different type of system if the cost of the alternative system is comparable; defined as within \$750 of the cost of replacing the existing type of system with an identical type of system. The final approval for replacement with a different system type is made by the LDSS.

**NOTE:** The cost of removal or proper abandonment in accordance with all State and local codes and regulations must be included in the job scope and cost.

- Work is limited to essential and primary heating equipment necessary to ensure that the heating system will operate safely per the manufacturer's specifications and within all applicable State and local building codes.
- All repairs or replacements on either State or sovereign lands must be completed to the satisfaction of all State and local codes, in addition to individual sovereign nation's protocols and rules.
- All repairs and replacements should, with client consent, include installation of a programmable thermostat.
- All jobs must include the installation, as per manufacturer's specification, of at least one carbon monoxide detector, unless the dwelling already has functional detectors.
- Installation or repair of fuel tank gauges may be included as part of the repair or replacement of essential equipment if original gauges are faulty or nonexistent.
- In the case of frozen pipes, HEAP benefits may assist with repairing the sections of piping absolutely necessary for the safe and proper installation and operation of the essential heating equipment.

#### **H. APPLICATION REQUIREMENTS**

- Every HEAP application packet must contain the following items:
  - The current version of the NYS HEAP Application (LDSS 3421, Rev. 6/10);
  - The Application Instructions (LDSS 3421A, Rev 7/10); and
  - Qualified Alien information.
- All applications for heating equipment repair and replacement must be made in person, including those from TA or FS recipients, using the current version of the NYS HEAP Application (LDSS 3421, Rev. 6/10); and
  - The homeowner must be the applicant; and
  - An in person interview is required for ALL applications; and
  - Full documentation is required for ALL applications.
- An authorized representative may be permitted to apply for heating

equipment repair and/or replacement benefits on behalf of another applicant. The authorized representative must provide a statement signed by the homeowner.

- A power of attorney may be permitted to apply for heating equipment repair and/or replacement benefits if it is verified that the applicant is mentally or physically unable to complete the application for assistance. The power of attorney must be documented.
- Reasonable accommodations should be explored with homebound applicants to assist with application requirements.
- A regular benefit must also be processed for any household eligible for a repair or replacement in those cases where the household has not received a regular benefit at the time of application for equipment repair or replacement.

## **I. ELIGIBILITY**

### **1. INCOME**

- Households must meet the established HEAP income guidelines for the program year to be eligible.
- A household is categorically income eligible only when the homeowner/applicant is in active receipt of TA, FS or Code A SSI.
- Income deeming does NOT apply.

### **2. CITIZENSHIP REQUIREMENT**

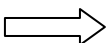
- The applicant must be a US citizen, qualified alien or victim of human trafficking.

### **3. RESIDENCE AND OWNERSHIP**

- The applicant/homeowner must be a New York State resident.
- The dwelling must be the applicant's primary residence.
- The applicant must be residing in the household for which assistance is being requested at the time of application for heating equipment repair and/or replacement benefits.

- A household that has temporarily relocated due to the lack of heat or unsafe conditions is considered to meet the residence requirement.
- The applicant must be the documented owner. For purposes of the heating equipment repair and replacement component, ownership is documented by a recorded deed or title. Deeds are recorded on all property transfers. Titles are issued for manufactured homes 1995 or newer. In the case of manufactured or modular homes sold prior to 1995 and which are not titled, applicants must provide a bill of sale in conjunction with supporting documentation listed below.

**Ownership MUST be documented by obtaining the following items:**

HOUSING TYPE	ACCEPTED OWNERSHIP VERIFICATION	INFORMATION NEEDED IN CONJUNCTION WITH OWNERSHIP VERIFICATION
<b>Single and Two Family Homes</b>	Recorded Deed	
<b>Mobile Homes 1995 or Newer</b>	Title	
<b>Mobile Homes Older than 1995</b>	Bill of Sale OR sales Contract PLUS one of the following: 	<ul style="list-style-type: none"> <li>○ Tax Bill/ Paid Tax Bill Receipt OR</li> <li>○ Mortgage papers/payment book or loan payment receipts OR</li> <li>○ Mobile Home lot rent receipts/statement from park owner OR</li> <li>○ Loan papers</li> </ul>

- Life estate and life use are considered ownership unless the deed or life estate contract specifies that the deeded owner, not the individual with life estate/use, is responsible for repairs and/or maintenance. Life estate/use must be either part of the deed or other legal documents executed at the time of the original property transfer.
  - Modifications to life estate/use contracts made to meet eligibility requirements do not meet ownership requirements for this component.
- Land contracts and rent to buy agreements are not considered ownership situations for HEAP.

**4. RESOURCES**

- The household’s resources must be at or below established limits.

- The household's available liquid resources must be at or below \$3000 for replacements. If the household has resources in excess of \$3000 when applying for a furnace, all resources in excess of \$3000 must be allocated towards the cost of the furnace. (Please refer to Section 5, Resource Limits page 141 for examples.)
- The household's available liquid resources must be at or below \$2000 (or \$3000 if at least one household member is age 60 or older) for repairs.
- Applicants who do not meet the resource test for repairs are DENIED.
- Resources must be explored and availability determined. The resource checklist on the Heating Equipment Repair and Replacement Worksheet (LDSS 4867 Rev. 7/10) must be completed. Only liquid resources are counted.
- The available amount is determined by reviewing the allowable exemptions in the HEAP Manual.
- Active Temporary Assistance cases (Case types 11, 12, 16, and 17) have been resource tested under the TA program and do not have to document resources under this component.
- Resources for all household members are counted.
- Resources of Co-Owners
  - If the dwelling is co-owned and the co-owner does not reside in the dwelling, the district must explore the availability of resources and contributions from the co-owner(s).
  - Only a prorated share of the repair/replacement cost may be paid with HEAP funds when:
    - ✓ The co-owner is not accessible
    - ✓ The co-owner refuses to provide documentation of resources and/or
    - ✓ The co-owner has resources exceeding the established limits.
  - Co-owners are permitted the same resource exemptions as the applicant.
  - Resources of the co-owner must be documented and availability determined in the same manner as the applicant's resources.

**NOTE:** The complete cost of the heating equipment repair/replacement is paid by HEAP when the co-owner(s)'s documented resources are below the resource limit.

- Prior to authorizing payment for the HEAP prorated amount, the applicant must provide documentation that satisfactory payment arrangements have been made with the vendor before any HEAP payment is approved.
- Applicants should be referred to other programs to obtain the balance of a prorated HEAP payment (TA, Catholic Charities, Weatherization, etc.).
- Eligibility for the prorated benefit is only good for ten business days from the date of the signed and completed application. This must be documented with a Pending Notice/Request for Documentation.

**NOTE:** Applicants who are victims of documented domestic violence situations may be exempt from documenting a co-owner's resources if producing the documentation could exacerbate the DV situation and place the applicant at risk.

## 5. RESOURCE LIMITS

- Repair
  - Applicants for heating equipment repair may not have more than \$2,000 (or \$3,000 if the household contains a member age 60 or older) in available liquid resources in order to be eligible for equipment repair benefits.
  - Applicants who do not meet the resource test are not eligible.

### **Example 1**

Applicant household declares \$1,500 in resources. Since this is already below the resource limit, no further action is needed.

### **Example 2**

Applicant household declares \$2,500 in resources. Does the household contain a member age 60 or older? If yes, the household is still below resource limit, no further action needed. If no, certifier must review to determine the amount of available resources.

- Replacement
  - Up to \$3,000 in liquid resources are exempt. The exemption is applied after all other resource exclusions have been applied. If a household has more than \$3,000, any excess resource amount must be applied toward

meeting the heating equipment replacement. In these cases, only the amount to be paid through HEAP is guaranteed to the vendor.

- If the excess resource amount equals or exceeds the amount of the replacement, the applicant is denied.

**Example 1**

Household declares \$4,000 in resources. Certifier applies allowable exemptions, which total \$1,000. Since the balance of the resource amount, \$3,000, is exempt, the household is eligible and does not have to apply any resource amount towards the emergency.

**Example 2**

Household declares \$5,000 in resources. Certifier applies allowable exemptions, which total \$1,000; an additional \$3,000 is exempt, leaving \$1,000 in excess resources. Since the replacement cost is \$5,000, the household must apply the \$1,000 and HEAP will pay the balance of \$4,000.

**Example 3**

Household declares \$7,000 in resources. Certifier applies allowable exemptions, which total \$1,000; an additional \$3,000 is exempt, leaving \$3,000 in excess resources. Since the replacement cost is \$2,500, which is less than the excess resource amount, the household is denied.

**6. OTHER REQUIREMENTS**

- Payments for repair and/or replacement may not be made to install or repair heating systems in dwellings purchased with an inoperable heating system unless the following conditions are met:
  - The dwelling was purchased within the last two years and the heating system was operable at the time of purchase or equipment was repaired or replaced to original specifications; and
  - The homeowner provides proof that the primary heating system has been operational within the previous two heating seasons prior to application.
- It must be documented by a licensed heating professional or by a local weatherization sub-grantee that the applicant owned primary heating equipment is inoperable or unsafe and is in need of repair or replacement.
- The dwelling must be in compliance with local building and safety codes, must not be in condemned status, and must be reasonably safe and structurally sound.

## **J. JOB PROPOSAL PROCESS**

- Reasonable costs associated with obtaining and/or documenting the condition of the system is an allowable expense, with the exception of local districts that utilize a single vendor for all repair/replacement jobs.
- The cost of job proposals may only be paid for eligible households. Districts must not incur costs or require applicants to incur costs for estimates prior to the eligibility determination.
- WMS code H0 is used to pay for job proposals for vendors that are NOT awarded the repair or replacement job.
- Multiple job proposals are not required for repairs which do not exceed \$500 for households that have applied for and have been determined eligible.

### **1. SUBMISSION OF JOB PROPOSALS**

- DSS should only accept job proposals from vendors that are legible and detailed including the cost of the unit itself as well as the total cost of labor. DSS should be awarding jobs based on the lowest qualified bid.
- All job proposals must be submitted on the Job Proposal form (DSS 4867A Rev. 8/10) and require both vendor and customer signature to attest that the estimate was prepared based on an onsite assessment.
- Job proposals that are not based on an onsite assessment are not valid and may not be accepted.
- Only vendors with a signed vendor agreement on file with NYS OTDA may perform work.
- Districts should use local procedures for obtaining job proposals for repair and/or replacement work.
- Multiple bids are not required for repairs of \$500 or less. LDSS must determine the applicant's eligibility and approve the vendor to perform work prior to commencement of work.
  - A minimum of two job proposals are required for ALL replacement work above \$3,000.
- The LDSS must obtain NYS OTDA approval for ALL replacements exceeding \$4,500. Approvals must be documented on LDSS 4867 Rev. 7/10 and must include the OTDA liaison with whom they spoke as well as



the date of approval even if the replacements are performed by a single contractor.

- LDSS may request a waiver if the average cost consistently exceeds \$4,500.
- Districts may use an open bid process or may establish contracts with specific vendors and/or the local weatherization sub-grantees.
- If an LDSS contracts their heating equipment replacements/repairs with a single vendor, there is no need to solicit multiple bids for individual jobs. However, it is recommended a bid or Request for Proposal (RFP) process be used to obtain single vendor contracts in order to ensure the most cost effective method for providing this service.
- The costs associated with single vendor contracts must be paid utilizing local administrative funding.
- When using an open bid process, the LDSS should offer applicants the opportunity to obtain their own job proposals. Vendor lists may be provided to assist applicants. If the applicant declines the offer and requests assistance with obtaining job proposals, this should be noted in the case record and the LDSS may contact vendors on the applicant's behalf.
- HEAP policy requires that districts contract with the lowest qualified bidder.
- On a case-by-case basis with approval from NYS HEAP, a vendor other than the lowest bidder may be awarded the work.
  - Exceptions include: past problems with the job proposal and/or work of the vendor; refusal of the vendor to sign a vendor agreement or provide requested information on licensing or insurance; inability of the vendor to perform the work within a reasonable timeframe, generally five business days; a longstanding and ongoing relationship between a vendor and the applicant household.
- Prior to authorizing payment for the HEAP prorated amount, it must be documented that the client's share of the cost has been guaranteed or paid, or the client has made satisfactory payment arrangements before the payment is authorized.

#### **K. PAYMENTS**

- Vendors must submit an itemized, customer signed, final bill on company letterhead after work is completed. A copy must be retained in the case

record. Itemized bills should include the total amount of labor costs, in addition to the amount of the unit and associated parts.

- Bills must be submitted within 30 days of work completion. Districts may not pay vendors until the work has been completed and an itemized bill received. No pre-payment or deposits are permitted.
- No New York State sales tax may be charged.
- Benefits for previously approved applications are issued directly to the vendor after completion of all work and submission of the final itemized bill.
- Payments are issued through the OSC process. Districts should make every effort to authorize and pay in a timely manner. It is strongly recommended that payments for heating equipment repair and replacement be selected for one week processing in those districts currently on a two week voucher review period.

#### L. FORMS

Districts must complete a Heating Equipment Repair and Replacement Worksheet (LDSS 4867, Rev 7/10) for every heating equipment repair and/or replacement.

#### M. FILE REQUIREMENT

- All case files must contain:
  - A current signed and dated application;
  - All supporting documentation;
  - Furnace Repair and Replacement Worksheet (LDSS 4867, Rev 7/10);
  - Customer signed NYS HEAP Job Proposal (LDSS4867A Rev. 8/10);
  - Final itemized bills on company letterhead/invoice;
  - Necessary systems printouts WMS/BICS/ABEL.
- Case records for heating equipment replacement must be retained for ten years, beginning with benefits authorized in the 1999-2000 program.

**NOTE:** LDSS responsibility for this component was resumed in April 2000.

- When the LDSS contacts the NYS OTDA HEAP Bureau to request approval for a furnace replacement that exceeds \$4,500, LDSS HEAP workers must note on the LDSS 4867, first page, the date of the conversation and the name of the OTDA liaison with whom they spoke.

#### **N. PROHIBITED PAYMENTS**

- Individuals who apply for a HEAP funded furnace repair or replacement benefit after paying to have the work completed on their own are not eligible for a HEAP funded furnace repair or replacement benefit.
- Applicants who reside in a dwelling that is being purchased through a land contract or reside in a rent to buy dwelling are not eligible for a HEAP funded furnace repair/replacement benefit.
- Replacements or repairs will not be done for residences with more than two units with a single heat source.
- Households where the heating equipment is inoperable due to flood, fire, or other natural disasters are not eligible for heating equipment repairs or replacements.
- Payment for repair and/or replacement may not be made in situations where the dwelling has been determined to be unsafe, is not habitable, or is out of compliance with building/safety codes and the situation cannot be corrected in a reasonable or cost effective manner in order to ensure safe and healthy habitation.
- Payments for repair and/or replacement cannot be made to install heating systems in dwellings where a current system does not exist.
- Payments for repair and/or replacement may not be made to install or repair heating systems in dwellings purchased with an inoperable heating system unless the following conditions are met:
  - The system was repaired or replaced to original specifications; and
  - The homeowner provides proof it has been operational within the last two years prior to application.
- Payment cannot be made when the applicant's homeowners insurance is available.
- Applicants whose primary equipment was replaced using HEAP funds within ten years from the date of application at the same residence (beginning April

2000) are not eligible for another replacement. This includes owners of multi-unit residences who move to another unit within the same residence.

- Applicants whose residence is for sale and who have a signed sales contract are not eligible for repair/replacement benefits.
- Eligibility for applicants whose dwelling is in the process of foreclosure or for sale on the open market must be assessed on a case-by-case basis to determine when and if the premises will actually be vacated by the applicant.
- Payments for parts and labor charged for the repair or replacement of any optional or non-essential heating system components.
- Roadworthy trailers or mobile homes registered with the Department of Motor Vehicles are not considered permanent primary residences.
- Payments for prorated furnace replacement benefits if the necessary supplemental funding is unavailable or co-owners available resources are unavailable are prohibited.

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**HEAP FORMS AND NOTICES****SECTION CONTENTS**

- A. GENERAL REQUIREMENTS**
- B. LISTING OF FORMS AND NOTICES**

**A. GENERAL REQUIREMENTS****1. STATE PRESCRIBED FORMS AND LANGUAGE**

Certifiers must utilize the State prescribed forms and reproduce any mandated language without change.

**2. LOCAL EQUIVALENTS**

- Districts may request the use of a local equivalent form for any HEAP form, except the application.
- Districts must submit local equivalent forms for approval through the normal process prior to use.
- Districts may also request changes in mandated language. Any changes must be submitted and approved prior to use. Requested changes are submitted to the Center for Employment and Economic Supports (CEES). As the lead agency, only DSS may submit request for changes.
- Any approval granted for language changes is effective only for the program year in which it is approved. A new request must be submitted for each program year.

**3. DISTRIBUTION OF APPLICATIONS, FORMS AND NOTICES**

- Generally, only HEAP certifiers may distribute applications. This insures that all required information is provided to the applicant. If a district allows distribution by entities other than certifiers, the district must ensure that all required forms and notices are distributed with the correct version of the application.
- The application (plus required information) is available via the internet for completion and printing. However, this version of the application is submitted following local procedures. The application is found on the OTDA site in the HEAP section.

- HEAP forms and notices may be accessed via the OTDA intranet website under the LDSS E-Form Section.

**NOTE:** In counties opting to pilot electronic HEAP filing, the application may be e-filed.

## **B. LISTING OF FORMS AND NOTICES**

### **1. APPLICATION (LDSS 3421, 3421C and 3421S) Revised 6/10**

- During the 2010-2011 program districts must use the 2010-11 light blue version.
- The internet version of the application must also be accepted by all certifiers.

### **2. DOCUMENTATION REQUIREMENTS (LDSS 3431, 3431.1) Revised 6/10**

This form is used to notify applicants of required documentation. It may also be used as a pending letter for applicants who have applied in person. The missing information is indicated on the form and the due date entered on the top of the form.

### **3. NOTICE OF ELIGIBILITY DECISION (LDSS 3494 A and B) Revised 10/10**

The Notice of Eligibility Decision is a manual notice that may be used to notify applicants of the eligibility decision.

**NOTE:** Separate notices are used for approval and denials.

### **4. BUDGET WORKSHEET (LDSS 3594A) Revised 6/09 and (LDSS 3594B) Revised 7/10**

- Part A is required for all in person applications to record documentation and income calculation.
- Part B is also required for all emergency benefits, including those TA or FS households that request emergency benefits via the phone in process.

### **5. SELF-EMPLOYMENT WORKSHEET (LDSS 3785) Revised 7/88**

This form is required for all self-employment income when household's federal income taxes are not submitted. Although it is recommended that the applicant complete the form, certifiers may choose to assist or to complete the form.



**6. LOW INCOME WORKSHEET (LDSS 3829) Revised 6/10**

Districts must use this form when a household’s income is zero or shelter cost exceeds the household income

**7. REQUEST FOR INFORMATION/DOCUMENTATION LETTER (LDSS 4282) Revised 5/02**

This form is used to notify applicants who have applied via the mail in process of missing information and the date for providing the information.

**8. POSTERS AND BROCHURES (PUB 4735 and PUB 4735A) Revised 5/09**

- Both posters and brochures are now available.
  - Posters are 11 x 17 (Pub. 4735A)
  - Posters are available in English and Spanish
- Brochures are available in both English and Spanish.
  - English: (Pub. 4735)
  - Spanish: (Pub. 4735S) Revised

**9. HEATING EQUIPMENT REPAIR/REPLACEMENT WORKSHEET (LDSS 4867) Revised 7/10**

This form must be completed for each heating equipment repair and/or replacement application.

**10. HEATING EQUIPMENT REPAIR/REPLACEMENT JOB PROPOSAL (LDSS 4867A) Revised 7/10**

Vendors must submit bids on this form.

**11. CNS NOTICES**

CNS notices are available for both approvals and denials.

**12. APPLICATION INSTRUCTIONS (LDSS 3421A) 7/10**

This form provides applicants with information on completing and filing the HEAP application. The letter or application packet must also include the “Applications Rights” and “Qualified Alien” language.

**13. APPLICATION RIGHTS Revised 5/09**

This language must be reproduced locally. The language must be provided to all applicants and may be incorporated into the cover letter language for use with mail in applications or provided as a separate form.

**14. QUALIFIED ALIENS Revised 7/10**

This form must be provided to all applicants. This is a reference form that provides information on qualified alien requirements.

**15. VENDOR INFORMATION REQUEST (LDSS 4974) Revised 7/10**

It has been developed for use when a TA/FS recipient on the autopay has no vendor information listed. The district vendor list must be attached to this form. The form directs the household to submit their vendor information or to pick a participating vendor from the list if their vendor does not participate in the HEAP special price protection program. The household must be given ten days to submit the required information.

**16. HEAP DESK GUIDE Revised 6/10**

- This provides income eligibility guidelines, benefit amounts, and other basic information about eligibility. It is used in conjunction with the HEAP Manual and other materials issued by CEES.
- CEES provides districts with a supply of this form each program year.

**17. HEAP MONTHLY HOUSEHOLD INCOME CODES Revised 6/10**

This provides a breakdown of percentages of poverty that are required for federal reporting purposes. Monthly income codes are a required entry on case type 60.

**18. REGULAR BENEFIT PHONE APPLICATION Revised 7/10**

- Language for this form must be reproduced locally. Language in the July 2010 version must be used.
- This form is used with the phone certification process for those heads of household in receipt of Code A SSI or age 60 and older who received a benefit in the preceding year and who have agreed to apply by this method.

**19. REQUEST FOR INFORMATION- SOCIAL SECURITY NUMBER**

- This is a new form used to request additional information on SSN. It must be provided to applicants if any household member does not yet have a SSN and needs to apply for one or when the SSN for any member has a number which failed validation.
  
- Procedures for the SSN requirement must be followed.

**20. SELF EMPLOYMENT WORKSHEET – INCOME TAX CALCULATION**

This is an optional form designed to assist in calculating self employment income based on federal tax schedules.

**21. TA/FS PRE-AUTOPAY REQUEST FOR INFORMATION**

This form may be used by local districts in conjunction with the TA/FS Pre-Autopay Report to obtain accurate information about TA and FS recipients' heating situation and vendor name and account number.

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**FILES AND CASE RECORDS****SECTION CONTENTS**

- A. REQUIREMENTS FOR DEPARTMENT OF SOCIAL SERVICES**
- B. REQUIREMENTS FOR ALTERNATE CERTIFIERS**

**A. REQUIREMENTS FOR DEPARTMENT OF SOCIAL SERVICES****1. GENERAL REQUIREMENTS**

- The DSS must maintain a complete case file for every HEAP applicant, whether approved or denied.
- The case record file must contain at least the current and previous year's application (or phone certification form), documentation, notations, notices, and any other relevant information.
- The file must also contain the following: any type of permanent documentation (birth certificates, driver's license, Social Security cards, deeds, etc.).

**NOTE:** For mail in applications only earned income documentation is required.

**2. RECORD RETENTION**

Applications and documentation must be retained for a period of three program years, plus the current program year's information, except that files for heating equipment repair and replacement must be maintained for ten years.

**3. FILE REQUIREMENTS**

The DSS file must contain all of the following that are applicable:

- The original signed Application (LDSS 3421 or Phone Application)
- The HEAP Budget Worksheet (LDSS 3594 A or B), if it is required to be completed
- The Notice of Eligibility Decision (LDSS 3494A or B)

**NOTE:** CNS budgets are available on line via Centraport Cold Notice Storage and are not required to be printed.

- Heating Benefit Calculation Worksheet (LDSS 4861), if applicable.

**NOTE:** ABEL budgets are available via budget history and are not required to be printed.

- Self–Employment Worksheet (LDSS 3785), if applicable
- The Request for Information/Documentation Letter (LDSS 4282)
- WMS Inquiry Screen Print or Notations

**NOTE:** In order to prevent duplicate payments to households, the DSS must perform inquiry on each adult household member to ensure payments have not already been issued. Notations regarding the inquiry function may be substituted for the actual screen print. The HEAP inquiry screen may be used for this function.

- WMS App-TAD, if applicable, and/or the WMS authorization form (LDSS 3209).

**NOTE:** Districts may opt to not file these documents in the HEAP case record if the documents are readily retrievable; and it is noted in the HEAP record where the document is located; and the documents are provided upon request for any audits or program monitoring.

- All other documentation, correspondences, and information.

## **B. REQUIREMENTS FOR ALTERNATE CERTIFIERS**

### **1. GENERAL POLICY**

- File retention requirement
  - HEAP policy requires that all original files be retained by the DSS.
- Waivers
  - The DSS may request a waiver from OTDA to permit the alternate certifiers to retain the original files.
  - Waivers are applicable only for the program year in which they are approved. A new waiver must be requested and approved for each program year.

- Waiver requests must include information on where files will be retained and assurances that the files are accessible to State OTDA staff, auditors or their designee, and local DSS staff upon request.

## 2. LOCAL ALTERNATE CERTIFIER FILES

- Requirements
  - NYS OTDA does not require certifiers other than the DSS to retain files.
  - However, certifiers processing mail in applications must be able to perform comparison of the current year's application to the previous year's file and information.
  - Additional file requirements may be imposed on the local OFA by the NYS Office for the Aging and/or by the DSS.
  - The DSS may also impose additional file requirements on alternate certifiers.
- Non-DSS Certifier retains original files
  - When a waiver has been approved by OTDA, local OFA and/or the alternate certifier may retain the original files.
  - In these cases, the requirements for file contents and retention are the same as those required for the DSS.
  - In addition, it is recommended that the local DSS contract specify that the non-DSS certifier will retain the files with the understanding that file access must be permitted to State OTDA staff, auditors or their designee, and local DSS staff upon request. It should also be clear that files remain the property of the local DSS and must be turned over upon request.

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- A. FAIR HEARING RIGHTS**
- B. FAIR HEARING REQUIRED NOTICES**
- C. FAIR HEARING PROCESS**
- D. FAIR HEARING DECISION**

**A. FAIR HEARING RIGHTS****1. APPLICANT RIGHTS**

Applicants whose application for HEAP is: denied, terminated, inadequate, or not acted upon within 30 business days from the date of submission of the completed application are entitled to a fair hearing. Hearings are held in accordance with office regulations.

**2. APPLICATION RIGHTS NOTICE**

All applicants must be provided with the "Application Rights" notice at the time of application as notification of hearing rights.

**3. TIME FRAMES FOR HEARING REQUESTS**

Hearings must be requested within 60 days of the sending of the appropriate notice.

**4. FAIR HEARING SECTION**

- Fair hearing requests are directed to:

**HEAP-Energy Fair Hearing Section  
Office of Administrative Hearings  
NYS Office of Temporary & Disability Assistance  
Energy Fair Hearings Section  
PO Box 1930  
Albany, NY 12201**

- Individuals requesting hearings may call toll free 1-800-342-3334
- Website: <http://www.otda.ny.gov/OAH/Forms.asp>
- Fax to: (518) 473-6735

**B. FAIR HEARING REQUIRED NOTICES****1. HEAP NOTICE OF ELIGIBILITY DECISION**

All versions of the HEAP Notice of Eligibility Decision contain language advising applicants of their fair hearing rights.

- The name, address and phone number of the local certifier issuing the notices must be included on the notice form.
- Applicants must be informed that questions should be directed to the local certifying agency.

**2. APPLICATION RIGHTS**

All applicants must be provided with the Application Rights language provided by NYS OTDA.

**C. FAIR HEARING PROCESS****1. AGENCY CONFERENCE**

A conference with the local district should first be attempted to resolve the issue, but is not required.

**2. NOTIFICATION**

NYS OTDA will notify the DSS when an individual has requested a hearing, the issue involved, and the date of the hearing.

**3. NECESSARY INFORMATION**

The DSS must obtain any necessary information from non-DSS certifiers.

**4. HEARING REQUIREMENTS**

- When an application is denied and the applicant requests a hearing, the DSS should be prepared to submit the following at the fair hearing:
  - A copy of the Application
  - A copy of the Budget Worksheet
  - A copy of the Notice of Eligibility Decision

- Copies of any relevant documents/narratives
- A copy of the Self-Employment Worksheet
- Hearings involving benefit calculation, benefit adequacy, or changes in the application status will require documentation in support of the local certifying agency's decision.

#### **D. FAIR HEARING DECISION**

##### **1. DECISION REVERSAL**

If the NYS OTDA Fair Hearing decision determines that the local decision was in error, the DSS will be directed to take corrective action.

##### **2. NOTIFICATION OF HEARING DECISION**

- The HEAP applicant and the DSS will receive copies of the hearing decision.
- The DSS should also notify the original certifier of the fair hearing decision.

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WMS AND BICS INFORMATION

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- C. HEAP PAYMENT CODES
- D. PROCESSING OF CASE TYPE 60
- E. AUTOMATIC PAYMENT COMPONENT
- F. BICS LOCKS
- G. ADDITIONAL INFORMATION
- H. HEAP INQUIRY SCREEN/HISTORY SCREEN

**A. AUTHORIZATION OF HEAP BENEFITS**

**1. AVAILABLE CASE TYPES**

- HEAP payments may be authorized on any of the following case types:
  - HEAP case type 60
  - Family Assistance, case type 11
  - Safety Net, case types 12,16,17
  - Food Stamps, case type 31

**NOTE:** HEAP payments may not be authorized on FS-MIX cases, case type 32.

**B. PAYMENT LINE REQUIREMENTS FOR ALL CASE TYPES**

**1. METHOD OF PAYMENT CODES**

01	Unrestricted
02	Vendor as authorized
04	Vendor as billed subject to limit
07	Vendor as billed subject to review
09	Restricted
11	Vendor line of credit

**NOTE:** The payment “from” date should be the application date, except in the case of applications received during the early outreach period, the “from” date cannot be earlier than 10/1/10. Payment “to” date must be equal to September 30, 2010.

## 2. ISSUANCE CODE

02- Once only. This is the only issuance code used with a HEAP payment.

## 3. PICK UP CODES

Although all WMS pick up codes are available, the most common are:

- 1 - Mailed
- 6 - Other
- Pick up code 4 is now prohibited

**NOTE:** There are currently only two codes for HEAP.

## 4. PAYMENT PERIOD

- “FROM” date cannot be before October 1, 2010 and must be the application date for applications received on or after program opening.
- “TO” date must be September 30, 2011

**NOTE:** Payments may be written for the current program (2010-11) and for the 2009-10 program.

## 5. CLAIMING CODES

HEAP payments must be indicated with claiming code “H”.

## 6. HEAP VENDOR ID

The vendor ID may be entered on the payline.

## 7. HEAP ACCOUNT NUMBER

- Two input fields for Vendor ID and account number are available on screen 6 of the WMS 3209.
- The field labeled “HVnd/Account” is used to enter information for all H1

(regular) HEAP payments as well as payments where the vendor ID is the same for both the regular and emergency payment. This will also be used for the autopay process.

- The other field, labeled “Vnd/Account” is used to enter information for Payments other than H1 (Regular).

**C. HEAP PAYMENT CODES**

The following payment codes are used to issue HEAP benefits:

<b>CODE</b>	<b>DEFINITION</b>
H0	Furnace Estimates
H1	Regular HEAP Benefit
H2	HEAP Cooling
H5	Repair Heating Equipment
H6	Temporary Shelter/Relocation
H7	Replacement of Heating Equipment
H8	Propane Tank Installation/Deposit
H9	HEAP Supplemental Benefit
J1	HEAP 2 <sup>nd</sup> Emergency Benefit
J2	Reissue Benefit
J3	HEAP Clean & Tune
J9	HEAP Additional Benefit
04	Non-Utility Emergency Benefit
16	Domestic Utility Only Emergency Benefit
17	Heating Utility (Heat or Heat Related) Emergency Benefit

**D. PROCESSING OF CASE TYPE 60**

**1. APPLICATION TRANSACTIONS**

Applications may be accepted, denied, or withdrawn



**2. CASE TRANSACTIONS**

- At Full Data Entry, the following transactions are permitted:

02	Opening
03	Denial
09	Open/Close
10	Reopening

- Undercare Maintenance

The following transactions are permitted on case type 60:

05-Change	A change transaction may be done to update an active HEAP case for the new program year.
07-Closing	
14-Closed Case Maintenance	This may be done on a case that was closed during the current HEAP year.

**3. HEAP APPROVAL CODES**

A14	Regular Grant Only- No Funds available
A50	HEAP Approval – Approved Benefits Authorized

**4. REASON CODES**

- Required Entry
  - Codes are required at denial and closing of HEAP cases.
  - Denial and Closing Codes

F01	HEAP Excess Income
F02	HEAP Previously Applied for/Automatic Payment Received
F03	HEAP Emergency Denial—Not Customer of Record
F05	HEAP Application Not Completed and/or Signed
F06	Ineligible Alien
F07	Failure to Document Alien Status

F08	HEAP Application Received after Program Year Closing Date
G71	Refusal to Switch to a Participating Vendor
G72	Failure to Provide Documentation of Switch to a Participating Vendor
G73	Resources Available to Meet an Emergency
G74	Ineligible to Apply Through the Mail
G75	HEAP: Not a Resident of District
H95	HEAP: Deceased (HH=01 Only)
M03	Ineligible Living Situation for HEAP
M04	HEAP Emergency Denial
M06	Insufficient Information
M07	Failed to Provide Valid SSN for all Household Members
Y99	Manual Notice

**5. AUTHORIZATION PERIOD**

Authorization “from” period must be October 1, 2010 or later and the “to” period must be equal to September 30, 2011.

**6. HEAP MONTHLY HOUSEHOLD INCOME CODES**

- Required entry for case type 60
  - Actual household income is adjusted annually based on federal poverty levels. Codes represent the following percentages of the OMB poverty guidelines:

Code 1	75% or less
Code 2	76% – 100%
Code 3	101% – 125%
Code 4	126% - 150%
Code 5	over 150%

- Updated code cards are provided each HEAP season.

**7. SOCIAL SECURITY NUMBER**

- SSN and/or code is a required entry.

- Codes:

1	SSN Present
2	SSN Applied for/SSN Not Available
7	SSN SSA Input
8	SSN SSA Validation
9	SSN Failed SSA Validation
A	Validation Failed, SSN Not on SSA File
B	Validation Failed, No Match on Name
C	Validation Failed, No Match on DOB and Sex
D	Validation Failed, No Match on DOB
E	Validation Failed, No Match on Sex

**8. INDIVIDUAL CATEGORICAL CODES**

The following codes and definitions are used for HEAP purposes:

09	No ADC Deprivation or Not Aged/Disabled
10	Aged (over 60)
11	Blind or Both Aged and Disabled
12	Disabled, Includes Blindness

**9. INDIVIDUAL DISPOSITION CODES**

Codes:

07	Active
11	Denied
13	Deceased
15	Deleted
20	Case Closed, System Generated at Closings

**10. RELATIONSHIP CODES**

This is a required entry. All cases must contain at least one 01 and all individuals aged 18 or older must be coded.

Codes:

01	Applicant/payee	13	Other Eligible Relationship
02	Legal Spouse	14	Other Relationship
03	Non-Legal Spouse	15	Legal Guardian
04	Son	16	Ward
05	Daughter	17	Cousin
06	Step-Son	18	None
07	Step-Daughter	19	Parent
08	Niece/Nephew	20	Sister/Brother
09	Grandson/Granddaughter	21	Step-Parent
10	Grandmother/Grandfather	22	Step-Sister/Step-Brother
11	Aunt/Uncle	30	Non-Legal Union with Common Child
12	Essential Person		

**11. CITIZENSHIP/ALIEN INDICATOR CODES**

Codes:

A	Person Granted Asylum
B	Battered Alien
C	Citizen
E	Alien Only Eligible for Emergency MA
F	Person Granted Conditional Entry
G	Person Paroled Into the US for at Least One Year
H	Cuban and Haitian Entrant
J	Person Whose Deportation is Being Withheld
K	Lawful Permanent Resident Without 40 Quarters or 40 Quarters Not Determined.

M	Qualified Alien on Active Duty in Armed Forces, Includes Spouse and Dependent Children
N	Non-Qualified PRUCOL Alien Diagnosed With AIDS or Residing in RHCF on 8/4/97
O	Non-Qualified PRUCOL Eligible for SN/FAP
R	Person Admitted as Refugee/Amer-Asian
S	Lawful Permanent Resident With 40 Qualifying Quarters
T	Person Paroled into the US for Less Than One Year
V	Veteran of the Armed Forces, Including Spouse and Dependent Children

**E. AUTOMATIC PAYMENT COMPONENT**

**1. IDENTIFICATION OF CASES**

The NYS OTDA will use WMS to identify and make payments to eligible Public Assistance and Food Stamp cases.

**2. SPECIFIC INFORMATION**

Information on the 2010-11 HEAP automatic payment component outside of NYC is contained in the August 5, 2010 “Dear WMS and BICS Coordinator” letter issued by the NYS CEES Upstate WMS unit.

**F. BICS LOCKS**

**1. FUNCTION**

- BICS locks are utilized to control the generation of locally issued direct client benefits and/or two party checks.
- Locks are automatically set to “on” prior to the mass authorization.

**2. TYPES OF LOCKS**

There are five locks:

- TA Lock–Controls regular HEAP payments issued directly via EBT or as two party checks to TA cases included in the autopay. Does not control vendor payments.

- FS Lock—controls regular HEAP payments issued directly via EBT or as two party checks to FS cases included in the autopay. Does not control vendor payments.
- NPA Lock—controls regular HEAP payments to benefits issued directly to recipients or two party checks on case Type 60 or on TA or FS case that was not part of the autopay process
- Emergency Lock—controls emergency HEAP payments issued as two party checks on all case types. Does not control vendor payments.
- Prior Year Lock—controls locally issued payments (EBT, direct checks to clients, and two party checks) for the prior year for all payment types

### **3. ACCESS**

Locks may be set to “on” or “off” by accessing through the BICS LDINFO screen, selection 08.

## **G. ADDITIONAL INFORMATION**

### **1. AUTO PAY PROCESS**

Information on the autopay process can be found in the Dear WMS and BICS Coordinator letter dated August 5, 2010.

### **2. SYSTEMS UPDATE AND CHANGES**

Information on systems changes for the 2010-11 program can be found in the Dear WMS Coordinator letter dated July 12, 2010.

## **H. HEAP INQUIRY SCREEN/HISTORY SCREEN**

### **1. HEAP HISTORY SCREEN**

- WTRK17—HEAP INDIVIDUAL HISTORY
  - This screen provides a history of an individual’s statewide HEAP benefits.
  - This screen is accessed from selection J of the WTRK00 TIME LIMIT TRACKING INQUIRY MENU. If a SSN was entered, this screen will display that SSN under the screen caption SSN. If a CIN was entered, this screen will display that CIN under the screen captioned CIN.

- The Payment details displayed are sorted by month/day/year, with the most recent payment displayed first.

WTRK17	*HEAP INDIVIDUAL HISTORY*	DIST XXX	99/99/999	PAGE 99 OF 99
SSN/CNN	NAME			
XXXXXXXXXX	XXXXXXXXXXXX X XXXXXXXXXXXXXXXXXXXXX			

		S							F	V	
	CASE	U	CASE	CASE		PAY			AUTH	T	/
DIST	NUMBER	F	TYPE	STATE	REL	TYPE	AMOUNT	PAY PERIOD	DATE	Y	C
xxxx	XXXXXXXXXX	99	xxxx	xxxx	xxx	XXXXXXXXXX	9999.99	99/99/99-99/99/99	99/99/99	x	X
xxxx	XXXXXXXXXX	99	xxxx	xxxx	xxx	XXXXXXXXXX	9999.99	99/99/99-99/99/99	99/99/99	x	X
xxxx	XXXXXXXXXX	99	xxxx	xxxx	xxx	XXXXXXXXXX	9999.99	99/99/99-99/99/99	99/99/99	x	X

▪ FIELDS DISPLAYED ON SCREEN WTRK17:

SCREEN NAME	DEFINITION
SSN/CIN	SOCIAL SECURITY NUMBER, OR CLIENT IDENTIFICATION NUMBER. The SSN or CIN of the individual for whom the search was initiated.
NAME	The most recent name recorded for the individual associated with the SSN or CIN entered.
DIST	TRANSACTION DISTRICT. The first four letters of the local district name. (Cases from New York City will be labeled NYC).

SCREEN NAME	DEFINITION
CASE NUMBER	CASE NUMBER. The case number in which the individual is or was a member.
SUF	SUFFIX ID. The case number suffix. Used for NYC cases. Upstate cases will display 01.
CASE TYPE	CASE TYPE. The four characters mnemonic for the case type. The case types for HEAP payments are 11-FA, 12-SNFP, 16-SNCA, 17-SNNC, 31-NPAF and 60-HEAP (Upstate Only)
CASE STAT	CASE STATUS. The two character mnemonic for the case status (e.g. AC-Active, CL-Closed).
REL	RELATIONSHIP CODE. The three character mnemonic for the relationship code. The four codes that will be displayed are APY-Applicant/Payee, SPS-Legal Spouse, NLU-Non-legal union child in common and OTH-Other (for all remaining relationship codes).

**NOTE:** HEAP payments will be displayed for individuals coded as Applicant/Payee; Legal Spouses; Non-Legal Union; Child in Common; or any individual equal to or greater than 18 years of age.

PAY TYPE	PAYMENT TYPE	
	The eight character mnemonic for the Upstate/NYC HEAP payment type. The current Upstate/NYC HEAP payment type codes, and their respective mnemonics are as follows:	
	<b>HEAP Pay Type Code</b>	<b>Mnemonic</b>
	Upstate: H1	REGULAR
	NYC: 82, 88, 90, 91, 96, 98	
	Upstate: H5	REPAIR
	Upstate: H6	RELOC
	Upstate: H7	REPLACE
	Upstate: H8	PROREPLC
	Upstate: H9	SUPPLMT



<b>PAY TYPE</b>	<b>HEAP Pay Type Code</b>	<b>Mnemonic</b>
	Upstate: H0	ESTIMATE
	Upstate: J1	SPECIAL
	Upstate: J2 NYC: 97	REISSUE
	Upstate: 04	NONUTIL
	Upstate: 17 NYC: 80	UTILEMER
AMOUNT	PAYMENT AMOUNT. The payment amount for each HEAP payment.	
PAY PERIOD	PAYMENT PERIOD. The payment FROM and TO dates for each HEAP payment.	
AUTH DATE	AUTHORIZATION DATE. For Upstate districts, this is the date that the HEAP payment line was written screen 6 of WMS (i.e. transaction date). For NYC, this is the date that the HEAP benefit was made available (i.e. issuance date).	
FTY	FUEL TYPE. The one character field that will display the fuel type from the TA or NTA-FS budget. If the fuel type field displays '?', then the fuel type was not known at the time the HEAP payment was loaded onto the tracking database.	

<b>SCREEN NAME</b>	<b>DEFINITION</b>
V/C	<p>VOID/CANCEL. For Upstate districts, this one character field will display 'A' if the HEAP payment has been issued, BICS will send out an advisory. However, the HEAP Individual History Screen will display the 'V' for Void/Cancel. It is important that if a worker sees the 'V' displayed, further inquiry should be done in BICS to determine whether or not the payment was issued.</p> <p>For NYC, this one character field will display 'I' if the HEAP payment was issued, 'C' if the payment was cancelled or 'R' if a direct HEAP payment was redeemed.</p>

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- E. CASHOUT/REFUND PROCEDURES**
- F. VENDOR RESPONSIBILITIES**

**A. DEFINITIONS****1. VENDOR OR ENERGY SUPPLIER**

- An individual or entity engaged in the business of selling electricity, oil, gas, wood, kerosene or any other fuel used for home energy in a residential dwelling.
  - A third party billing company approved by the PSC to provide third party metering and billing for gas and/or electric service may also be considered a vendor if the company provides customers with individually metered bills. These companies may only receive regular benefits.
  - Landlords may not be considered energy suppliers/vendors unless one of the following is met:
    - The landlord owns gas wells and charges tenants for the gas provided to individual housing units;
    - The landlord is a recognized commercial vendor who supplies fuel to individual housing units owned by the landlord; or,
    - The landlord supplies individually metered fuel from a common tank to individual housing units.
- ✓ Landlords meeting the criteria above must agree to, comply with and sign a HEAP Vendor Agreement with NYS OTDA.

**2. ESCO**

An energy services company, other than a regulated utility, that sells natural gas and/or electricity.

### 3. TRANSPORTATION AND DISTRIBUTION

The process and cost of delivery and transportation of natural gas and/or electricity that is sold by an ESCO.

## B. ISSUANCE OF HEAP PAYMENTS

### 1. REGULAR BENEFITS

- Regular HEAP Benefits must be issued to a vendor if the recipient pays directly for heat, even when the applicant is not the customer of record.
- Districts may also choose to issue the non-heating (renter's) benefit to the recipient's utility supplier.
- Payments may be made directly to the vendor, issued as a line of credit, or as a two party check.
- Districts must issue regular benefits to the ESCO.
- A signed vendor agreement is required prior to issuance of any vendor payment.

### 2. EMERGENCY BENEFITS

- HEAP Emergency Benefits must be issued to the recipient's vendor.

**NOTE:** The emergency payment may be issued to an Option E vendor when the client is exempt from using a participating vendor or OTDA has granted permission due to the unavailability of a participating vendor. All payments issued to Option E vendors must be as a two party check.

- However, emergency payments may not be issued to ESCOs since the ESCO cannot terminate service and the household is not in a crisis situation as defined by HEAP.
- When there is threat of termination from the utility company because of non-payment of transportation and distribution costs, HEAP emergency benefits are issued to prevent termination of service.

**NOTE:** Some utility companies provide billing services on behalf of the ESCO. In these cases, the bill will contain charges for both the commodity and the transportation and distribution. If there is a shut-off notice in these cases, payment is made to the utility and is pro-rated between commodity

and transportation/distribution costs UNLESS the ESCO has terminated the contract with the applicant.

### **3. RECONCILIATION OF VENDOR ACCOUNTS**

When a district provides the HEAP benefit 100% up front to the vendor, it is recommended that, on a random basis, the LDSS require the vendor to verify the expenditure of the funds.

### **4. VERBAL OR FAX PROMISE OF PAYMENT**

When a district authorizes a HEAP payment verbally or by fax, in order to secure a heating fuel delivery or prevent shut-off/restoring heat or heat-related service, the payment must be issued.

### **C. 1099 REPORT REQUIREMENT FOR LOCALLY VENDOR ISSUED PAYMENTS**

If a district pays a vendor/landlord more than \$600 in HEAP benefits, the SSD must submit a 1099 Report form to the U.S. Internal Revenue Service.

### **D. VENDOR AGREEMENTS**

#### **1. OBTAINING VENDOR AGREEMENT**

NYS OTDA assumed responsibility for obtaining and managing vendor agreements for all vendors except those used to provide temporary housing.

- Vendor Agreements may be obtained by contacting the HEAP Bureau at 1(518) 473-0332. Email requests can be sent to: [nysheap@otda.state.ny.us](mailto:nysheap@otda.state.ny.us) or through the [heapoil.org](http://heapoil.org) website

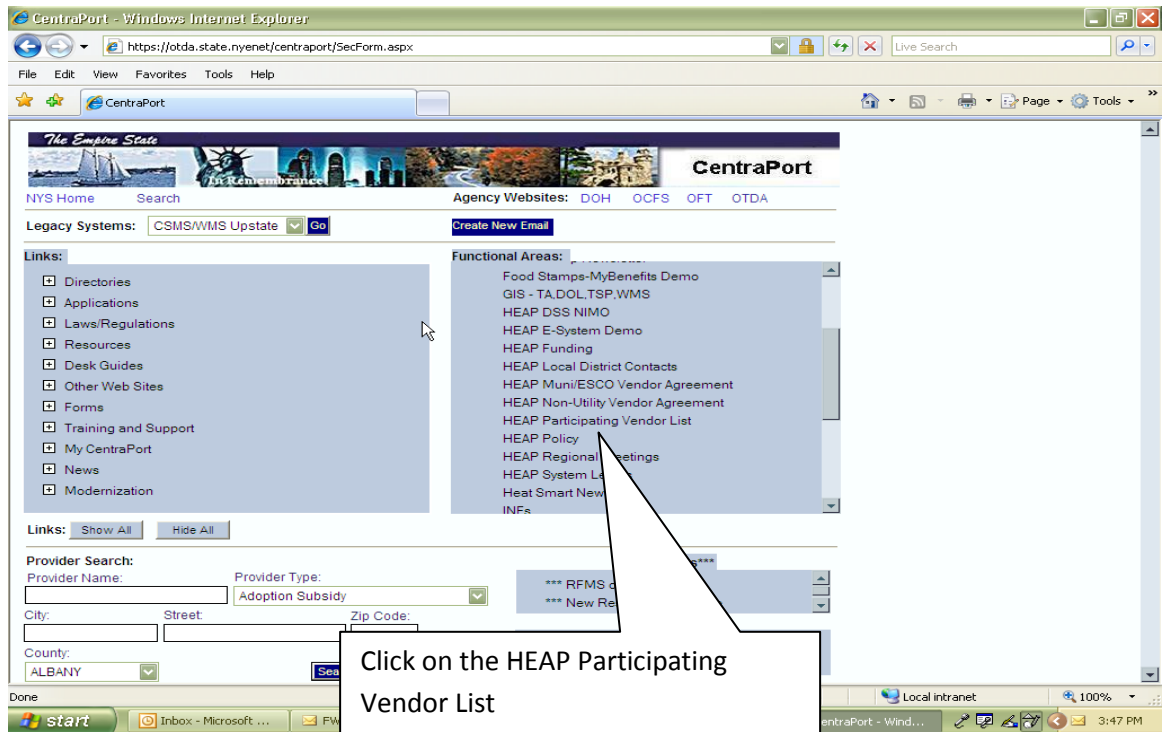
#### **2. VIEWING VENDOR INFORMATION**

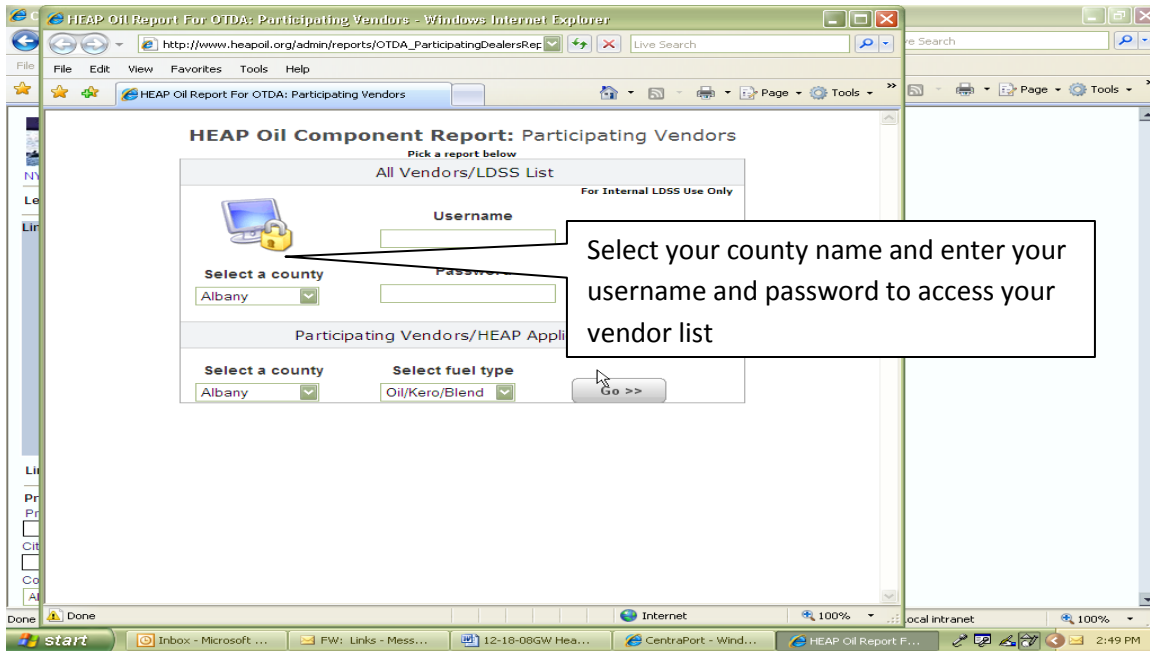
- Information the HEAP Participating Vendor list is accessible via Centraport.
- Website address:  
[http://www.heapoil.org/admin/reports/OTDA\\_ParticipatingDealersReport.jsp](http://www.heapoil.org/admin/reports/OTDA_ParticipatingDealersReport.jsp)

#### **3. GENERAL REQUIREMENT**

A signed vendor agreement must be on file with the CEES office prior to issuance of any HEAP payment to that vendor.

The following screen shots will help you navigate through the participating vendor list for your area.







HEAP OIL Component Report: Participating Dealers > Full UVA Data For Dealer  
 Dealer: **Ace Appliances & Propane, LLC**  
 <<< Back To Report

General	
Dealer ID	2086 (system-assigned: readonly)
Dealer Name	Ace Appliances & Propane, LLC
DBA	
EIN	412233647
Username	acea9575
Password	3683
Program Option	N/A
Fuel Terminal For Oil	Albany Rensselaer
Fuel Terminal For Kero	Albany Rensselaer
Registered Counties	<a href="#">Click To View Serviced Counties</a>
Participating	N/A
Address 1	158 Main St.
Address 2	
City	Richmondville
State	NY
Zip	12149
Phone	518-294-6207

Done

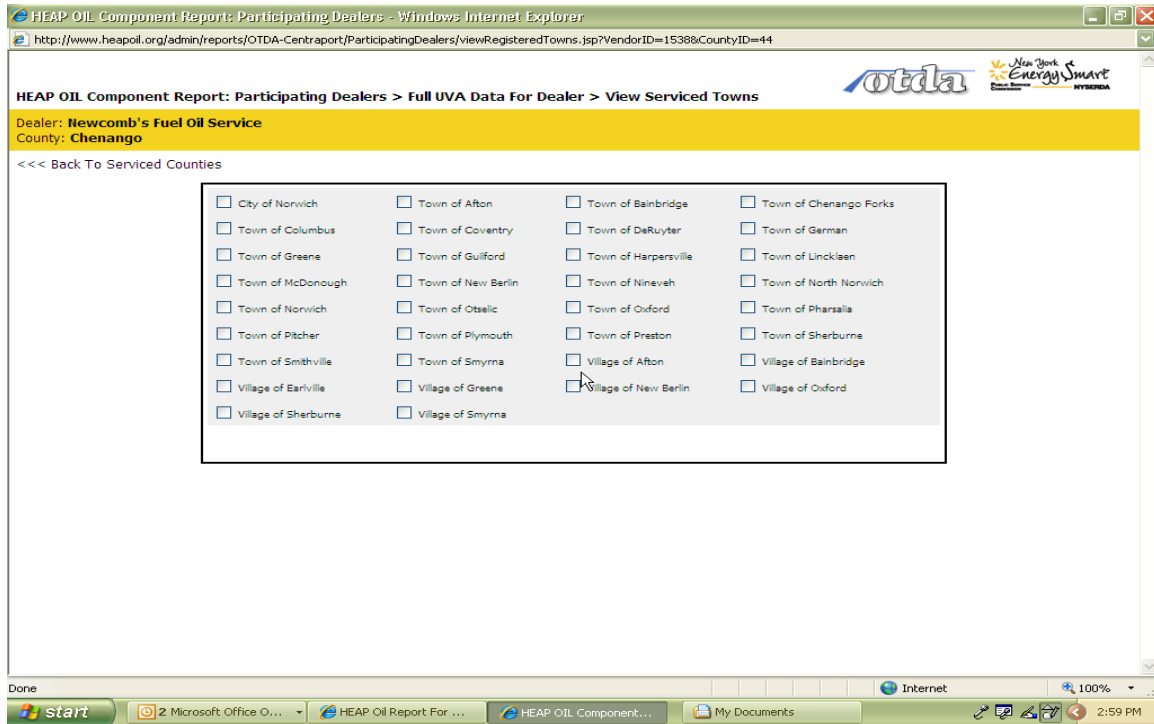
Click to view additional Counties served by this vendor

HEAP OIL Component Report: Participating Dealers > Full UVA Data For Dealer > View Serviced Counties  
 Dealer: **Ace Appliances & Propane, LLC**  
 <<< Back To Dealer Information

County Name	County Assigned ID:	
<input checked="" type="checkbox"/> Albany	76754	<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Allegany		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Bronx		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Broome		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Cattaraugus		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Cayuga		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Chautauqua		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Chemung		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Chenango		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Clinton		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Columbia		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Cortland		<a href="#">Click To View Towns Serviced</a>
<input checked="" type="checkbox"/> Delaware	ACEAPPRO	<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Dutchess		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Erie		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Essex		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Franklin		<a href="#">Click To View Towns Serviced</a>
<input type="checkbox"/> Fulton		<a href="#">Click To View Towns Serviced</a>

Done

Click to view the towns within the county selected serviced by this vendor



**E. CASH OUT AND REFUND PROCEDURES**

**1. REFUND POLICY/CLOSE OUT POLICY**

Any HEAP payment (regular and/or emergency) issued up front to a vendor, established as a line of credit, or issued as vendor as billed remains available to the recipient until:

- Recipient dies,
- Credit is exhausted or,
- Account closes or,
- Credits remaining unused for a period of 24 months after receipt by the vendor.
- Cash out to customers is not permitted. Transfer of credits to another account is not permitted without the express permission of DSS. Application of credits for purposes other than purchase of heating fuels is not permitted. Unused balances must be returned to the local department of social services.

- The Vendor agrees that HEAP credits remaining on customers' accounts may be used for the purpose of purchasing future commodity through pre-buy plans upon customer request
- For municipals, credits exceeding one year's service must be returned to the county.

## 2. REFUND PROCEDURES

- When a client changes vendors and a benefit amount remains, one of the following actions is taken:
  - Regular benefits
    - ✓ Obtain a refund for the remaining balance and reissue the balance to a new vendor or to the recipient. Issuance directly to the recipient is permitted only when there is no new vendor, even if it's only a vendor for heat-related service, or the recipient is moving out of the county; or
    - ✓ Change the vendor on the line of credit to the recipient's new vendor; or
    - ✓ Issue the balance on the line of credit directly to the recipient if there is no new vendor or the recipient is moving out of the county. The J2 payment code is used.

**NOTE:** If the recipient has moved, the district must make an effort to provide any remaining funds to the recipient. If the recipient cannot be located, funds are returned to the district's HEAP account.

- Emergency Benefits
  - ✓ Emergency benefits are not cashed out to recipients.
  - ✓ Credit from emergency benefits may be re-issued to a new vendor if a recipient changes vendor when:
    - ◀ The recipient closes the original account
    - ◀ The recipient is the customer of record for a new heating and/or heat-related account
    - ◀ Credits belong to the applicant/payee (WMS relationship code 01)

3. VENDOR REFUNDS

- All refunds will be handled through the local district
- OTDA has developed a vendor refund form to help make the refund process more uniform. LDSS should provide vendors with copies of the Vendor Refund form in order for vendors to fill out as needed.

Date \_\_\_\_\_ **HEAP Vendor Refund Form** Revised 09/19/07

**Vendor Information**

Name	_____	Phone Number	_____
Address	_____	Fax Number	_____
	_____	Email Address	_____
County	_____	Federal Employer Id Number	_____
Vendor ID	_____	Vendor's Check Number	_____

**Refund Details**

			Reason For Payment Refund
Refund Amount	Client Name	Trace No. (ACH Direct Deposit No.) or OSC Check No.	Moved
			Missing
			Unknown
			Deceased
			Closed
Case Number	Client Address	Reference/Customer Account No.	Duplicate
			Credit Balance
			Wrong vendor
			Other
			Reason For Payment Refund
Refund Amount	Client Name	Trace No. (ACH Direct Deposit No.) or OSC Check No.	Moved
			Missing
			Unknown
			Deceased
			Closed
Case Number	Client Address	Reference/Customer Account No.	Duplicate
			Credit Balance
			Wrong vendor
			Other
			Reason For Payment Refund
Refund Amount	Client Name	Trace No. (ACH Direct Deposit No.) or OSC Check No.	Moved
			Missing
			Unknown
			Deceased
			Closed
Case Number	Client Address	Reference/Customer Account No.	Duplicate
			Credit Balance
			Wrong vendor
			Other

4. RETURNED CHECK

- Should an entire OSC check be returned to the district uncashed, please contact the vendor to determine the reason for the return.
- If you determine that the payment shouldn't have been issued to that vendor and the check needs to be voided, it should be returned to:

NYS Department of Tax and Finance  
 Division of the Treasury  
 110 State Street  
 Albany, NY 12236

- HEAP Coordinators will be notified when a returned check has been voided by the Treasury.

## 5. LINES OF CREDIT

- HEAP payments issued as lines of credit, or vendor as billed, remain available to recipients until exhausted to insure that the recipient receives the full benefit.
- When a district chooses to close lines of credit at the end of the HEAP year and a balance for the regular benefit remains, the district must issue the balance to the vendor as a credit on the recipient's account.
- When the unexpended line of credit is for Emergency HEAP, the district must issue the balance to the vendor as a credit on the recipient's account.

## 6. CREDIT BALANCE

A credit balance exists when the HEAP benefit is issued up front to the vendor or a line of credit is established and the benefit exceeds any balance due on the recipient's account. Credit balances remain on the account until expended or if unused for a period of 24 months after receipt by the vendor.

- Cash out to customers is not permitted. Transfer of credits to another account is not permitted without the express permission of DSS. Application of credits for purposes other than purchase of heating fuels is not permitted. Unused balances must be returned to the local department of social services.
- The Vendor agrees that HEAP credits remaining on customers' accounts may be used for the purpose of purchasing future commodity through pre-buy plans upon customer request
- For municipals, credits exceeding one year's service must be returned to the county.
- In those cases where an excessive credit balance accumulates from regular HEAP payments from successive HEAP years, the districts should investigate the reason. When a district chooses to cash out excessive credit balances, the district must obtain a refund of the excessive balance and issue this amount directly to the recipient. It is recommended that an amount equal to the cost of one year's service remain on the account. This is most common in situations where the recipient's heat is provided by a municipal electric company.
- Credit balances resulting from Emergency HEAP payments may not be cashed out to recipients.

## 7. ERRONEOUS PAYMENTS

- Districts are required to attempt recovery of identified erroneous payments. Erroneous payments are duplicate payments, an incorrect payment, an overpayment, or there is no account with the vendor for that recipient.
- If the erroneous payment has not been used to guarantee payment for a delivery and/or prevent shut off of utility service, the erroneous payment must be returned to the district.

## F. VENDOR RESPONSIBILITIES

### ▪ **VENDOR AGREEMENT FORM**

- Vendors who wish to participate in HEAP and receive payments must sign a vendor agreement and agree to abide by the terms outlined in the agreement.
- A new vendor agreement form for all vendors was required for the 2008-09 Program.
- A Vendor Addendum was required for all vendors for the 2010-2011 Program. The addendum did not replace the existing agreement it supplements the 7/08 HEAP Vendor Agreement.

### ▪ **NON-UTILITY DELIVERIES**

- Vendors agree to accept all HEAP benefits, for customers upon either receipt or a guarantee of payment from a local department of social services.
- Propane vendors agree that, for HEAP purposes, a customer is defined as an individual or a household at which the vendor has placed tanks connected to residential consumer heating equipment; whether metered centrally or individually, regardless of balance due/owed at the time of the benefit authorization.
- Non-utility vendors agree to provide a delivery or metered amount of commodity equal to the value to the HEAP benefit on or after notification of the household's eligibility for the benefit are received.

**NOTE:** Vendors may deduct their standard off cycle/after hours delivery charge when deliveries are made on an emergency basis with client consent.

**▪ UTILITY PAYMENTS**

Utility vendors agree to restore or leave service on for the period specified in the vendor agreement.

**▪ HEATING EQUIPMENT REPAIR and/or REPLACEMENT**

- The Vendor must include the cost of purchasing and installing a carbon monoxide detector as per manufacturer's specifications for HEAP funded Heating Equipment Repair or Replacement, unless the dwelling is equipped with an operable detector.
- The Vendor must submit itemized estimates for heating equipment repair or replacement jobs utilizing the NYS Job Proposal Form (LDSS 4867A). Form must include customer signature acknowledging an onsite review of the heating equipment
- The Vendor must submit final itemized bills on company letterhead. The final bill must include the following:
  - ✓ Customer signature
  - ✓ Materials and parts used
  - ✓ Cost of materials and parts
  - ✓ Labor cost
  - ✓ Total job cost
  - ✓ Job completion date

Final bills must be submitted within 30 days of the work completion date or by September 30th of the program year in which the work was authorized, whichever is later.

## GLOSSARY

**Adult** - An individual age 18 or over or an emancipated minor.

**Alternate Certifier** - An agency other than the SSD who will provide outreach to the public and intake of applications for heat related and emergency assistance in the HEAP program.

**Annual Energy Expenses** - A household's direct expenses for heat plus direct expenses for heat related and domestic utilities for the 12 consecutive month period prior to the month of application.

**Annual Gross Income** - The applicant household's gross income for the month of application multiplied by 12.

**Applicant** - An adult or emancipated minor who has directly, or by a representative, expressed a desire to have their households HEAP eligibility determined by completing a HEAP application.

**Application** - Applications must be made on approved NYSOTDA application form (DSS-3421).

**Authorized Representative** - An individual who applies on behalf of a head of household who is disabled/ill or whose employment schedule makes it difficult or impossible to appear for a face-to-face interview.

**Balance Due** - The total amount due on a customer's utility account. Includes all past due amounts and any current bills which have been rendered but which are not yet past due.

**Categorically Eligible Household** - (Regular and Emergency HEAP)

The household contains at least one person in active receipt of:

- FA – Family Assistance;
- SNA – Safety Net Assistance;
- SSI Code A – Supplemental Security Income recipients who “live alone” and one member of SSI couples “living alone” (Code A) on the SDX file only
- FS – Food Stamps



**NOTE:** Categorically Eligible households, although income eligible must meet other eligibility requirements, such as living arrangement criteria.

**Commercial Rooming/Boarding Houses** - An establishment which is licensed or viewed by the community as a commercial enterprise, compensation, with the intention of making a profit.

**Congregate Care Facility** - A non-medical facility licensed or unlicensed which delivers care beyond a simple room and board. Some examples of congregate care facilities are the following:

- DSS certified Family Type Homes;
- OMH or OMRDD certified Family Care Facilities;
- Boarding Homes (NYS licensed);
- DSS certified Adult Residential Care facilities;
- OMH, OMRDD or DAAA Certified Community Residence;
- Division of Substance Abuse Services Drug Treatment Facilities;
- Division of Alcoholism and Alcohol Abuse Treatment Facilities; and
- Schools for the Mentally Retarded.

**Customer of Record** - A person(s) who has an account, in their name, with a home energy vendor.

**Deregulation** - The elimination or relaxation of regulations governing the Utility Industry.

**Direct Cash Payment** - A check that is issued directly to an eligible household.

**Disabled Individual(s)** - One of the three vulnerable populations. Person(s) who meets the disability criteria used to determine disability for the Food Stamp Program.

**Documentation** - The collection and/or notation of materials that have been seen and which verify required information on the application. This may include official forms, copies, statements or notations on collateral contacts.

**Emancipated Minor** - A person 16-21 years of age who has completed their compulsory education, who is living separate and apart from their family and is not in receipt of or in need of foster care.

**Emergency** - To be considered in an emergency situation a household must: be currently without heat and or fuel or have a heating fuel supply that is less than a quarter tank of fuel or will last less than ten 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/replacement.

OR

Be in an emergency home heating situation which is deemed by the local social services department to be detrimental to the health or safety of household members if temporary emergency shelter or relocations 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 to ameliorate the energy emergency.

**Energy Distribution** - Current utility companies, which will still be responsible for delivering electricity and gas through their system, even if the electricity is purchased from an ESCO.

**ESCO** - Energy Service Companies which are independent suppliers of energy.

**Expedited Processing** - Regular applications for household's with a verified emergency must be processed within 48 hours.

**Fair Hearing** - A formal administrative procedure by which an applicant or recipient may dispute a determination made by a local HEAP certifier. The decision rendered as a result of a Fair Hearing is binding on all parties involved unless overruled through the judicial process.

**Frail/Elderly Individuals** - One of three vulnerable populations. To be considered frail/elderly one or more household member must be 60 years of age or older. (Individual's whose 60th birthdays are in the month of application are to be considered 60 years of age for the entire month.)

**Full-Time School Attendance** - For academic institutions, the determination of what constitutes full-time attendance at academic institutions is based on the institution's definition of full-time. For trade schools and other non-academic institutions, a minimum schedule of 25 hours per week shall constitute full-time enrollment. "Fulltime" attendance also includes:

- Resident pupils while temporarily absent from home, when the primary purpose is to secure educational, vocational or technical training and the parent retains full responsibility for and control of such minor;
- Enrolled in school, but on vacation, or
- Instructions in the home conducted by the board of education or enrolled in any course leading to a high school equivalency certificate.

**Government Subsidized Housing** - Any residential housing unit that receives a government rent subsidy that is based upon income and results in reduction of the monthly rental payment.

**Handicapped/Disabled** - A person is considered disabled if they are in receipt of or has been determined eligible for Supplemental Security Income under Title XVI of the Social Security Act or Retirement, Survivors and Disability Insurance Benefits under Title II of the Social Security Act as a result of disability.

**Household** - 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 make undesignated payments for energy in the form of rent and such individual or group of individuals occupies a housing unit. Any individual residing in a housing unit who is related by blood, legal union, or adoption to any other household member shall be presumed a household member in determining HEAP eligibility unless they provide reasonable evidence to rebut this presumption. Relationship by blood, legal union, or adoption shall be deemed to include the following:

- Father, mother, son, daughter, brother, sister
- Stepfather, stepmother, stepbrother and stepsister

**Household Size** - The total number of people in a household as defined above (excluding foster care children and adults in family care).

**Income** - Total case recipients before taxes from all sources (earned and unearned).

***Income Tested Household*** - A household whose income is at or below the monthly HEAP income eligibility maximums.

***Income Tiers*** - The two level income eligibility guidelines for the annual HEAP Program.

***Ineligible Living Situations*** - Households with the following arrangements are not eligible:

- Tenants of government-subsidized housing unless such household directly pays an energy supplier for heat
- Individual(s) paying room only or room and board and not residing in a commercial enterprise
- Individual(s) temporarily housed in a hotel/motel
- Persons living temporarily in cars, vans, or recreational vehicles
- Residents of congregate care facilities, including Title XIX facilities and unlicensed facilities
- 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 Security Law.

***Legally Responsible Relative*** - Under Social Services Law the following are considered legally responsible relatives:

- A spouse for his or her spouse,
- A parent (natural or adoptive) for his or her children under 21, and
- A stepparent for his or her stepchildren under 21.

***Multiple Dwelling*** - A building containing two or more units.

***Power of Attorney*** - A written statement legally authorizing a person to act on behalf of another person.

***Provider of Last Resort*** - Current PSC regulated utility companies, which are providers of last resort in the event that the ESCO goes out of business or terminates service to a customer.

**Resolution** - In the case of an incomplete or questionable application, the process whereby attempts are made to obtain the necessary information or documentation in order to determine eligibility of the applicant.

**Roomer/Boarder** - An individual to whom a host household furnishes lodging and/or meals for compensation.

**State Data Exchange (SDX)** - This document provided by the Social Security Administration lists all recipients of Supplemental Security Income (SSI).

**Student** - Any person enrolled full-time in a recognized educational institution.

- Independent Students – A person 18 years or older who has completed his/her compulsory education, who is now enrolled in an institution of higher education, is living separate and apart from his/her family and is not claimed by them as a dependent. Independent students may be eligible for a HEAP benefit in their own name.
- Dependent Students – A person 18 years or older who has completed his/her compulsory education, who is now enrolled in an institution or higher education, and is claimed as a dependent by his/her family (parents). Dependent students are not eligible to receive HEAP benefits in their own name.

**Supplemental Security Income (SSI)** - This assistance program is administered by the Social Security Administration (SSA), and provides monthly cash benefits to the aged (over 65 years of age) as well as the blind and disabled of all ages who must meet certain financial and disability criteria.

**Temporary Absence** - Absence because of medical treatment, work/business incarceration or military service related, and the individual does not intend to establish residence elsewhere and the absence is not expected to extend beyond six months. Individuals who are temporarily absent are still considered household members.

**Utility Company Low Income Program** - With the advent of deregulation, each PSC regulated utility has implemented special programs (which are unique for each utility company) to assist low-income households in meeting their energy costs. Households participating in a utility company low-income program are not in a disconnect situation, and therefore, are not eligible for Emergency HEAP.

**Utility Disconnection (Shut-off) Date** - The date that appears on the final disconnection notice from a utility company as the earliest possible date service may be disconnected.

**Vendor Relationship** - A commercial relationship between an applicant and a fuel/utility company.

**Verification** - The process whereby a certification worker confirms or clarifies through the applicant or collateral contact that information provided by the applicant is accurate.

**Very Young Children** - One of the three vulnerable populations. Children under six years of age. (Children whose sixth birthdays are in the month of application are to be considered under six years of age for the entire month.)

**Vulnerable Populations** - Three groups targeted for higher HEAP benefits because of their vulnerability to higher energy needs:

- Disabled individuals
- Frail/elderly individuals
- Very young children