



HEAP MANUAL

2007-08

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INTRODUCTION

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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 COMPONENTS

a. Benefit component

- 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 and 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.
- Regular benefits are provided equitably to homeowners and renters.
- Regular benefits are available to households paying separately for heat and to households who make undesignated payments for heat in the form of rent.
- The highest level of assistance is provided to those households that have the lowest incomes and the highest energy costs in relation to income, taking into account family size.
- Emergency benefits are available to assist eligible low-income households in meeting a crisis as defined by HEAP.

b. Weatherization

Fifteen percent (15%) of NYS' HEAP grant is allocated to weatherization activities. A portion of these funds is allocated to the NYS Division of Housing and Community Renewal (DHCR) 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 weatherization and referral activities.

C. PROGRAM DATES**1. 2007-2008 Program**

a. Early Mail Out

- CNS mail out and phone certification for Code A SSI recipients and for heads of households age 60 or older who received a benefit in the previous year began August 20, 2007.
- CNS mail out also began August 20, 2007 to those households under age 60 who received a benefit in the previous year and whose household contains a vulnerable individual.

b. Regular Benefit Component

- Applications for Regular Benefits were accepted beginning November 1, 2007.

c. Emergency Benefit Component

- Applications for Emergency Benefits were accepted beginning November 1, 2007.

d. Heating Equipment Repair/Replacement

- Applications for this component were accepted beginning October 1, 2007.

NOTE: 2006-07 Heating Repair/Replacement component closed September 29, 2007.

D. CERTIFICATION NETWORK**1. OVERVIEW**

a. DSS as lead agency

- The DSS is the lead administrative agency in each district.

b. 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.
- c. 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.
- Request 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.
- The DSS must date stamp all applications received from other certifiers upon receipt. The date stamp is placed in the “Agency Use Only” section on page 4 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 pending 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.
- If a county has an OTDA approved waiver to conduct phone certification, the alternate must use the outreach list provided by CEES to outreach the targeted populations.
- Alternate certifiers who process applications from heads of households 60 and over and received a benefit in 2006-07, Code A SSI recipients, and/or heads of households under age 60 whose household contains a vulnerable and received a benefit in 2006-07 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.
- OFA, with permission from the local DSS and a waiver granted by OTDA, may conduct phone certifications for those heads of household who are age 60 and over 60, or in receipt of Code A SSI and who received a regular benefit in the prior program.

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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APPLICATION PROCESSING

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- F. IN PERSON APPLICATION PROCESSING-REGULAR AND EMERGENCY

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
 - The Important Notice About Energy Costs Information
 - 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. 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 also accept and process e-filed applications.

2. PROCESSING TIME FRAME

a. 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 processing time for applications received prior to November 1, 2007 begins November 1, 2007.

b. 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 processing time for applications received prior to November 1, 2007 begins November 1, 2007.

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

NOTE: A phone request for emergency benefits made by a TA or FS recipient is considered to be an application and the processing time begins on the date of the request by the recipient.

c. Additional 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.

d. Processing

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

3. PENDED APPLICATIONS

a. Time Limit

- An application or phone certification may be pended for a maximum of ten business days.
- Applications or phone certifications 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.

b. 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 certifications, 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.

c. 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 certification 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

a. Certifier Date Stamp

- All mail in applications must be date stamped upon receipt by the certifier.

b. DSS Date Stamp

- In addition, the DSS must date stamp all applications received from other certifiers. This date stamp is placed in the “Agency Use Only” section on page 4 of the application.

B. FORMS

1. OVERVIEW

a. 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 the TA/FS Request for Benefits.

b. Local Equivalent

- Any local equivalent must be approved, in writing, by OTDA.

2. APPLICATION

a. DSS-3421

- The DSS-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 (5/07) may be used for 2007-2008.

- 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.

b. 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 CERTIFICATION FORM

a. Use of Form

- This form is used by the certifier to determine eligibility for those heads of household over age 60 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.

b. Required Language

- Certifiers must use the language provided by OTDA for the Phone Certification 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 participated in e-filing during 2007-08: **Chemung, Chenango, Clinton, Columbia, Cortland, Greene, Herkimer, Jefferson, Livingston, Madison, Monroe, Montgomery, Onondaga, Orleans, St. Lawrence, Steuben**

5. TA/FS REQUEST FOR BENEFITS

Recipients of recurring TA and/or FS may apply for regular benefits using this form.

C. MAIL IN APPLICATION PROCESSING

1. DEFINITION AND MAIL IN ACCESS

- a. 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.
- b. 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 reside 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 households who received a benefit in the prior year but whose household doesn't contain a vulnerable to apply in person.

2. DATE STAMP AND LOG REQUIREMENTS FOR MAIL IN APPLICATIONS

- a. Date Stamp
 - All mail in applications must be date stamped on page 1 of the application form upon receipt by the certifier.
 - The "mail in" box on page 1 of the application must also be checked.
- b. 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 processing time begins upon receipt of the application by the certifier. Processing time for applications received prior to November 1, 2007 begins November 1, 2007.

3. PRE-SCREENING OF APPLICATIONS

a. 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.
- Page 4 of the application is completed to indicate this screening.

b. 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

a. 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

a. 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.

b. 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 on page 4 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.

c. 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 “Zero 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/stepparent 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 in a county that has implemented the Oil Buying Component.

6. DOCUMENTATION REQUIREMENTS

a. General Policy

- Although documentation is generally not required for mail-in applications, documentation must be obtained for items listed in b, below.

b. Required Documentation

- Any earned income (this includes wages, self-employment, and rental income).
- Income from roomer or roomer/boarder.
 - A signed statement must be obtained from the applicant regarding the amount paid to the household.
- Adults with zero income.

- The applicant must provide a signed statement for any adult household member with zero income stating the adult has no income.

7. AGENCY USE ONLY SECTION

All resolution, verification, and documentation issues must be clearly noted in the “Agency Use Only” section on page 4 of the application.

8. PENDING PROCESS

a. Time Frames

- Applications may be pending no longer than 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 on page 4 of the application.

b. 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

a. Eligibility

- Eligibility criteria is the same for all HEAP applicants.

b. Benefits

- Benefits for mail in applications are based on income and circumstances for the month of application receipt.

- Only regular benefits may be certified through the mail in process.
- 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 CEES' written approval.

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

10. COMPLETION OF THE AGENCY USE ONLY SECTIONS

a. Page 1 of the Application

- The certifier should check the box marked "mail in".
- The certifier may be required to enter the HEAP Income Code.
- The certifier should complete any other section as outlined in local procedures.

b. Page 4 of the Application--Once an application is complete and the benefit calculated, the certifier must complete the "Agency Use Only" section on page 4 of the application.

- 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 DSS

a. Time Frames

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

12. DSS RESPONSIBILITIES

- a. Date Stamp
- The DSS must date stamp all applications received from other certifiers on page 4 of the application.
- b. WMS Inquiry
- The DSS 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.
- c. Notices
- The DSS must issue approval/denial notices within the 30 business day processing time.
 - The DSS may permit Alternate Certifiers to issue notices.
- d. Final Determinations
- The DSS retains the responsibility for making all final eligibility determinations.

e. Benefit Issuances

- All benefits are issued by the DSS. Please refer to the Benefit Issuance Section of this manual for specific information.

D. PHONE CERTIFICATION PROCESS**1. DEFINITION AND ACCESS**

a. Definition

- The phone certification process is limited to those heads of household in receipt of Code A SSI or aged 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 certification is conducted in lieu of the mail in process.

b. Optional Use

- For 2007-08 an approved waiver from OTDA is required for counties opting for phone certifications rather than CNS early mail out.

c. 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.
- This process is used to certify regular benefits only.
- If it is not possible to conduct the phone certification for a household prior to September 28, 2007, a mail in application must be sent to the household.

2. FORMS AND NOTICES

- a. Phone Certification Questionnaire
 - The Phone Certification Questionnaire language dated 7/07 must be used to conduct this process. Any modifications must be approved, in writing, by OTDA.
- b. Request for Information/Documentation
 - Any phone certification that is pended and cannot be completed on the first day of the pending period must be sent a "Request for Information/Documentation" letter.
- c. Benefit Calculation Worksheet
 - 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 certification questionnaire is completed by the certifier via a phone certification.
- 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.
- Applicants must be advised of the following:
 - Fair hearing rights
 - Right to document energy costs, if applicable
 - 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 certifications.

5. PROCESSING TIME/PENDED PHONE CERTIFICATIONS

a. 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 28, 2007
- Phone certifications must be transmitted to the DSS 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.

b. Pending Time

- A phone certification 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 certifications 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

a. Eligibility

- Eligibility is determined in accordance with normal HEAP procedures.

b. Benefits

- Benefits for mail in applications are based on income and circumstances for the month of application receipt.

- Only regular benefits may be certified through the mail in process.
- 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 CEES' written approval.

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

8. TRANSMITTAL TO THE DSS

- Once the phone certification has been completed and the benefit calculated, the questionnaire, along with any original documentation, and the heating benefit calculation worksheet, if applicable, must be transmitted to the DSS.
- It is recommended that a locally developed transmittal form be used.

9. DSS RESPONSIBILITIES

a. Date Stamp

- The DSS must date stamp the phone certification form upon receipt.

b. WMS Inquiry

- The DSS 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.

c. Notices

- The DSS must issue approval/denial notices within the 30 business day processing time.
- The DSS may permit Alternate Certifiers to issue preliminary notices.

d. Final Determinations

- The DSS retains the responsibility for making all final eligibility determinations.

e. Benefit Issuances

- All benefits are issued by the DSS. 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, 2007.
- The application link will be disabled when the program closes.
- Only those applicants who received a benefit in HEAP 2006-07 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

In cases where the applicant files multiple on-line applications, only the first application is processed, no action is necessary on the other applications. If an applicant files an on-line application and also files a paper application, the on-line application takes priority.

3. TRANSFER OF CASES

An application submitted to the incorrect district must be transferred to the appropriate district using the transfer function on the electronic workbook.

4. 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, Important Notice about Energy costs, 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 DSS.

5. 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.

6. PENDING

On-line applications may be pended for 10 business days. The pending period does not count in the 30-day processing time. Applications that remain incomplete after 10 business days must be denied.

7. 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.

8. APPLICATION LOG

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

9. 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 DSS 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 certification) access must apply in person and must have an interview.

NOTE: Heads of households under 60 must apply in person even if they received HEAP in the previous season- if they did not receive HEAP through the application process, and/or are not residing in the same county.

- All applications for emergency benefits must be in person except that a TA or FS recipient who is the customer and tenant record may request heat or heat-related emergency benefits via a phone certification.
- 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

- a. 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.
- The “walk in” box on page 1 is checked by the certifier.
- A new application form is **not** required when:
 - **The applicant was denied and re-applies during the same calendar month; or**
 - **An applicant who has an application on file and re-applies for emergency benefits within the same calendar month.**
- Applications (and other required forms) may be provided prior to the interview according to local procedures.

b. Other Notices

- Each applicant must be provided with a copy of the Application Rights Notice, the Important Notice about Energy Costs, and Qualified Alien Information.
- In addition, each application must contain a Voter Registration Form.

c. 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 and the resource section signed by the applicant for emergency benefit applications.
- Only Section B must be completed for TA and FS recipients requesting emergency benefits via the phone and for applicants that are eligible for income deeming.

d. HEAP Benefit Calculation Worksheet/ABEL/HBC

- An ABEL budget is required for all benefits except for furnace estimates or relocation.
- Alternate certifiers may use HBC or the Benefit Calculation Worksheet if HBC is not available.

NOTE: Since ABEL budgets are stored by the system, a printed copy is not required.

e. 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 a face-to-face interview with the applicant.

5. DOCUMENTATION

a. Requirement

- All in person applicants must provide full documentation.

b. Documented Items

- Documentation is required for:
 - Household composition/identity
 - Residence
 - Income

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

- Vendor relationship
- Vulnerability

c. Additional Requirements for Emergency Benefits

- Applicants for emergency benefits must also document:
 - Customer and tenant of record status
 - Resources
 - Emergency situation
 - Ownership, for Furnace Replacement and Repair

6. PROCESSING/PENDING TIME

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

7. ELIGIBILITY/BENEFIT CALCULATION

a. Eligibility

- Eligibility is determined in accordance with normal HEAP procedure.

b. Benefits

- Benefits are calculated in accordance with HEAP rules and procedures.

8. COMPLETION OF THE “AGENCY USE ONLY” SECTIONS

a. Page 1 of the Application

- The certifier should check the box marked “walk in”
- The certifier may be required to enter the HEAP Income Code.
- The certifier should complete any other section as outlined in local procedures.

b. Page 4 of the Application

- Once an application is complete and the benefit calculated, the certifier must complete the “Agency Use Only” section on page 4 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.

NOTE: If using ABEL, only the certifier's and supervisor's signatures are required.

9. TRANSMITTAL TO THE DSS

a. Time Frames

- Certifiers must submit applications to the DSS no later than 15 calendar days after receipt. Pending time is not included in the 15 days.

b. Transmittal of Original Files

- Certifiers must transmit the original application, any other applicable forms and notices, and documentation/information to the DSS unless the district has an approved written waiver allowing the certifier to maintain original files.

c. Voter Registration Form

- The Voter Registration form is left attached to the application and transmitted to the DSS.

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I. APPLYING FOR HEAP

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- B. WAYS TO APPLY**
- C. AUTOMATIC PAYMENTS**
- D. OVERVIEW**
- E. INCOME LIMITS/CATEGORICALLY ELIGIBLE**
- F. CITIZENSHIP/ALIEN REQUIREMENTS**
- G. LIVING SITUATIONS**

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 agreed in writing to participate in the phone certification process.
- A TA or FS recipient who requests emergency benefits via the phone process is considered an applicant.

2. AUTHORIZED REPRESENTATIVES

a. Use of authorized representative

- An authorized representative may apply on behalf of disabled/ill individuals or for individuals whose employment schedule makes it difficult or impossible to appear for an in-person interview when there is no other adult household member available.
- An authorized representative is not permitted to apply for heating equipment repair/replacement benefits.

b. Authorization

- A dated and signed note from the applicant authorizing the individual to apply on their behalf is required.

c. 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.

B. WAYS TO APPLY

1. GENERAL REQUIREMENT

- Applicants must request benefits using a State prescribed form. This includes applications printed from the OTDA Website, e-filed applications, and the TA/FS Short form.
- Households in receipt of TA or FS may have benefits authorized through the automatic payment process. See section “2d” below for more information.

2. APPLICATION OPTIONS FOR REGULAR BENEFITS

a. Mail in Applications

The following households have the option of applying 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 in the prior year.

b. Phone Applications

- The SSD may opt to use the phone application process for heads of household who are age 60 or older or who are in receipt of Code A SSI and who received a benefit in the prior year and who have agreed in writing to participate in the process.
- In this process, applicants access benefits via a phone interview and are not required to complete a paper application form.

c. In person Applications

- Applicants who are not permitted mail in (or phone application) access and who are not TA or FS recipients must apply in person on the State prescribed application form. The printed version of the electronic application must be accepted by all certifiers.

d. Temporary Assistance and Food Stamp recipients

- Eligible TA and FS households who are included in the autopay process will receive regular benefits through this process.
- Districts must authorize a regular benefit for those eligible TA or FS recipients whose case for recurring benefits opens after the autopay or who become HEAP eligible after the autopay. HEAP eligible TA or FS recipients are required to complete a short form HEAP application.

NOTE: Households that receive only expedited FS or emergency TA payments are not eligible for this process.

- e. Electronically filed applications. Applicants who received a benefit in the previous year and residing in the pilot districts may opt to file electronically.

C. AUTOMATIC PAYMENT COMPONENT**1. GENERAL INFORMATION**

a. General process

- 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 an application and benefits are calculated using information in the WMS case file.

D. OVERVIEW**1. GENERAL REQUIREMENTS**

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

2. BASIC ELIGIBILITY REQUIREMENTS

a. Eligibility Factors

In order to determine eligibility, all of the following factors must be considered:

- Determination of the HEAP household and establishment of the household size (see Household Composition section for specific information); 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; and
- Review of the citizenship/alien status of household members and determination of status for each member.

E. INCOME LIMITS/CATEGORICAL ELIGIBILITY

1. INCOME GUIDELINES AND TIERS

- Gross income for the month of application for the applicant 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 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 2007-2008 program are set as follows:

Monthly Income Eligibility Guidelines		
Household Size	Tier I	Tier II
1	0 - \$1,106	\$1,107 - \$1,876
2	0 - \$1,483	\$1,484 - \$2,454
3	0 - \$1,860	\$1,861 - \$3,031
4	0 - \$2,237	\$2,238 - \$3,609
5	0 - \$2,614	\$2,615 - \$4,186
6	0 - \$2,991	\$2,992 - \$4,763
7	0 - \$3,368	\$3,370 - \$4,871
8	0 - \$3,745	\$3,746 - \$4,980
9	0 - \$4,122	\$4,123 - \$5,088
10	0 - \$4,499	\$4,500 - \$5,196
11	0 - \$4,876	\$4,877 - \$5,626
11+	+ \$377	+ \$435

- These income guidelines are based on 60% of State Median Income for household sizes 1–10 and on 150% of the OMB Poverty Guidelines for household size 11 and up.

2. CATEGORICAL ELIGIBILITY

a. 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.

b. 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.

c. 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.

F. CITIZENSHIP/ALIEN REQUIREMENTS

1. GENERAL REQUIREMENTS

- 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.

2. QUALIFIED ALIEN DEFINITIONS

a. Definition

For HEAP purposes, a qualified alien is an individual who meets any of the following:

- An alien granted Permanent Resident Alien Status under the Immigration and Nationality Act (INA);
 - An alien granted asylum under Section 208 of INA;
 - A refugee admitted to the United States under Section 207 of INA;
 - An alien paroled into the United States under Section 212(d)(5) of 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, 1980, or whose removal is being withheld under Sections 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 Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;
 - An alien who or whose child or parent has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 164(c).
 - In addition, Native North American Indians born in Canada or who are members of a federally recognized Indian tribe born outside of the United States are treated as Permanent Resident Aliens and meet the citizen/alien qualifications for HEAP.
- b. All applicants must be provided with the definition of qualified aliens.

3. DOCUMENTATION

a. Documentation Requirement

- 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.

b. Documentation

- Documentation must be original, not a photocopy.
- The certifier may photocopy original documentation and must retain the copies in the file.
- 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.
- Certifiers must attempt to assist individuals in obtaining documentation when necessary.

c. Documentation Guidelines

Documentation, based on status, includes, but is not limited to, the following:

- 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.

4. INCOME CALCULATION

Income of non-qualified aliens is counted in determining eligibility and income tier and for determining annual income when calculating the energy burden ration, unless such income would normally be excluded under HEAP income calculation rules.

5. DETERMINING HOUSEHOLD SIZE

- 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.)

6. RESOURCES

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

7. BENEFIT DETERMINATION

- a. A benefit is not issued in those cases where all household members are non-qualified aliens or where all aliens fail to provide required documentation.
- b. 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 qualified aliens. The household size for the energy burden determination is based on the number of citizens and qualified aliens.

NOTE: Applications may be pended for a maximum of ten business days. If required documentation of alien status is not provided, the case and benefit determinations are processed excluding the individual 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 point 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 and tenant of record is a non-qualified alien and the household is otherwise eligible.

G. LIVING SITUATIONS**1. RESIDENCE**

a. Requirement

- The applicant must be residing in the dwelling for which assistance is requested at the time of the request.
- An applicant who is temporarily absent is considered to meet this requirement.
- The dwelling must be the applicant's primary home.

b. 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

a. 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 below.

b. Special circumstances

The following arrangements are considered eligible living arrangements:

- Tenants of subsidized housing who pay an energy supplier directly for heating costs.

- 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.

a. Tenants of Subsidized Housing

- Tenants of government-subsidized housing who do **not** pay an energy supplier directly for heat are not eligible for Regular HEAP benefits. Payments to third party billing entities meet this qualification when the heating bill is based on the tenant's individual usage and the tenant pays the third party billing company directly. Energy surcharges or fees paid to housing authorities do not qualify as heating accounts.
- A household is considered to reside in subsidized housing if the rental payment is based on the household's income. A household that does not receive an individual subsidy but resides in a building with a shallow subsidy is HEAP eligible.
- These households may receive emergency benefits if otherwise eligible and the applicant is the tenant and customer of record for a utility bill and the electric is necessary to operate the primary heating equipment for the applicant's own dwelling.

b. 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.
- c. Individuals/households living in cars, or vans, or temporarily living in recreational vehicles.
- d. Individuals/households temporarily living in hotels/motels.
- e. Residents of congregate care facilities, including Title XIX facilities, dormitories, and unlicensed congregate care facilities.
- f. 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.
- g. 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.
- h. Households that have no responsibility for heating costs and do not make undesignated payments for heat in the form of rent.
- i. 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.
- j. Students residing in dormitories.
- k. Dependent students residing in private housing. These students are members of their family's household.
- l. 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.

II. DOCUMENTATION AND VERIFICATION

SECTION CONTENTS

- A. GENERAL REQUIREMENTS**
- B. CITIZENSHIP/ALIEN REQUIREMENTS**
- C. RESIDENCE**
- D. HOUSEHOLD COMPOSITION**
- E. VULNERABILITY**
- F. INCOME**
- G. VENDOR RELATIONSHIP**
- H. ANNUAL ENERGY EXPENSES**
- I. PENDING TIME**
- J. VERIFICATION**
- K. FORMS AND NOTICES**

A. GENERAL REQUIREMENTS

1. MAIL IN APPLICATIONS/PHONE CERTIFICATION

In general, documentation is not required for mail in applications/phone certifications 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
- Vulnerability, if applicable
- Income
- Vendor relationship
- In addition, individuals must provide documentation of alien/citizenship status when required by the certifier and/or DSS.

3. ANNUAL ENERGY EXPENSES

Households paying separately for heat may choose to document annual energy costs for use in calculating the energy burden ratio.

4. 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.

5. FAILURE TO PROVIDE DOCUMENTATION

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.
- See Section on Basic Eligibility, Citizen/Alien Requirements for additional information.

2. DOCUMENTATION

Documentation includes, but is not limited to:

- INS form I-551
- Unexpired temporary I-551 stamp in a foreign passport or on form I-94
- INS form I-94 annotated with a stamp showing grant of asylum under section 208
- Grant letter from INS Asylum Office
- Order granting asylum from an immigration judge
- INS form I-688B with code 274a12(a)(5)
- INS form I-766 coded A5
- INS form I-94 annotated with a stamp showing admission under section 207
- INS form I-688B with the code 274a12 (a)(3)
- INS form I-766 coded A3
- INS form I-571
- INS form I-94 with a stamp showing admission under section 212(d)(5)
- INS form I-688B coded 274a12(c)(11)
- INS form I-766 coded C11
- Immigrations judge's order showing deportation 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 274a12(a)(10)
- INS form I-766 coded A10
- INS form I-94 with a stamp showing admission under sections 203(a)(7)

- INS form I-94 with a stamp showing parole as Cuban/Haitian entrant under section 121(d)(5)
- INS form I-94 showing parole into the U.S. on or after October 10, 1980 and reasonable evidence that the parole had been a national of Cuba or Haiti.
- Petition filed with the INS from a battered spouse 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
- 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 tribe
- Satisfactory evidence of birth in Canada and tribal document certifying at least 50% American Indian blood.

Please refer to the section on Basic Eligibility, Citizen/Alien status for specifics on applying documentation to different alien statuses.

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

Fleeing Felons: Fleeing felons are invisible to the household count, but if they have earned income, their income is counted to determine eligibility for HEAP.

1. DOCUMENTATION

Household composition 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

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

E. VULNERABILITY

1. GENERAL REQUIREMENT

Vulnerability must be documented in order for the household to receive the vulnerability point in the benefit calculation.

2. DEFINITIONS

- a. Vulnerability is defined as:
 - A child under age 6; or

- An individual age 60 or older; or
- An individual who is disabled.

b. 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.

c. 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 refer 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

F. 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.
- 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 but may be needed to calculate income in determining the energy burden ratio.

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

2. WAGE DOCUMENTATION

a. Time frame for documentation

- Documentation is obtained for the most recent pay periods proceeding the date of application.

b. 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

Documentation must be obtained for the most recent three months prior to the month of application and includes:

- 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” must 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.

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
- Signed statement from person making payments (this should only be used if other documentation is not available)

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

a. Zero Income

- 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.
- The Low Income Worksheet must also be completed when the household's income is zero or when rent/mortgage costs exceed income.

b. Contributions from someone outside the household

- The file must contain a signed statement from the person making the contribution.

c. Excluded income of dependent minors under 18 and dependent students

- In order to exclude 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.

d. Other excluded income

- It may sometimes be necessary to obtain documentation of income in order to determine if it is actually excluded.

G. 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.

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.

H. ANNUAL ENERGY EXPENSES

1. OVERVIEW

- A household paying directly for heat and receiving less than the maximum

number of points for the energy burden ratio may choose to document annual energy expenses for the 12 months preceding the month of application for use in calculating the energy burden ratio.

- Energy costs include heating, electricity for all purposes, costs for cooking, heating water and supplemental heating costs.

2. DOCUMENTATION

Acceptable documentation:

- Receipts for costs
- Bills for costs (paid or unpaid)
- Vendor statements or printouts
- Budget billing amounts for the 12 months preceding the month of application.

I. PENDING TIME

1. APPLICATION PENDING

Applications may be pended for a maximum of ten business days for documentation. If the documentation is not received, the application must be denied and the applicant may reapply at any time.

2. SPECIAL CIRCUMSTANCES

- Applications for households who fail to provide documentation of annual energy costs are processed using the statewide standard energy cost chart.
- 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.

J. 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 certification 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 zero/low income worksheet must be completed.

- An adult member of the household has zero income. A signed statement from the applicant is required in these cases.

3. NOTATIONS ON VERIFICATION

Notations regarding verification are recorded on page 4 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.

K. FORMS AND NOTICES

1. BUDGET WORKSHEET (DSS 3594)

- All documentation for in person applications must be recorded on the HEAP Budget Worksheet. Districts should record earned income and any other documentation for mail in applications on page 4 of the application form.
- A budget worksheet may be used if documentation is extensive.
- The emergency application checklist section must be completed for all emergency applications. The applicant must sign the resource section (unless the applicant is a TA or FS recipient not required to apply in person).

2. DOCUMENTATION REQUIREMENTS (DSS-3431)

- 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.

3. REQUEST FOR INFORMATION/DOCUMENTATION LETTER (LDSS-4282)

- 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 i

III. HOUSEHOLD COMPOSITION

SECTION CONTENTS

- A. HEAP HOUSEHOLD DEFINITION**
- B. HOUSEHOLD MEMBERS**
- C. EXCEPTIONS**
- D. NON-HOUSEHOLD MEMBERS**
- E. CLARIFICATIONS**

A. 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 occupy a housing unit.

B. HOUSEHOLD MEMBERS

1. 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, marriage, or adoption to any other household member is presumed to be a household member.
- Relationship by blood, marriage, or adoption includes, but is not limited to, the following:
 - Spouse;
 - Father, mother;
 - Son, daughter;
 - Brother, sister;
 - Stepmother, stepfather, stepbrother, stepsister;
 - Grandparent;
 - Grandchild.

2. 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.

C. EXCEPTIONS

1. 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, marriage, or adoption, are household members.

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

2. 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 tenant of record or co-owner of the dwelling, that individual must be a household member.
- 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.

D. 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 room/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 Felons—are invisible to the household count but if they have earned income, their income is counted to determine eligibility for HEAP.

E. CLARIFICATIONS**1. 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.

2. STUDENTS**a. 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.

b. 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.

3. 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.

IV. INCOME**SECTION CONTENTS**

- A. COUNTABLE INCOME**
- B. EXCLUDED INCOME**
- C. INCOME DOCUMENTATION**
- D. INCOME CALCULATION**
- E. ZERO OR LOW INCOME**
- F. INCOME DEEMING**

A. 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.

B. 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
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 is 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 such 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

C. INCOME DOCUMENTATION/VERIFICATION

1. DOCUMENTATION REQUIREMENT

a. Basic Requirement

- Income must be documented for all in person applications.

NOTE: Income documentation will not be required for households eligible to participate in the income deeming process for emergency applications.

- When documentation is required, documentation must be obtained for each source of income in the household.

b. Earned income documentation requirement

- Earned income must be documented for all applications, including mail ins, electronic filers, and phone certifications. Earned income includes rental income and self-employment.

c. Documentation of other income

- 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 but

may be needed to calculate income in determining the energy burden ratio.

2. VERIFICATION REQUIREMENTS

Although unearned income documentation is generally not required for mail in applications; certifiers should verify the income when the income has changed from the previous year.

3. WAGES

- 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.

4. SELF-EMPLOYMENT

Documentation must be obtained for the last three months prior to the month of application and includes:

- 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” must also be completed but is not considered documentation.

5. BENEFITS (SOCIAL SECURITY, SSI, VETERAN'S, DISABILITY, UIB, RAILROAD RETIREMENT)

Acceptable documentation includes:

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

6. 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)

7. ALIMONY

Acceptable documentation includes:

- Court order
- Separation/divorce decree
- Signed statement from person making payments (this should only be used if other documentation is not available)

8. INTEREST/DIVIDENDS/IRA

Acceptable documentation includes:

- Bankbooks

- Interest statements
- Bank statements
- Tax statements

9. 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

10. ROOM OR ROOM AND BOARD

Acceptable documentation includes:

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

11. 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

12. OTHER

a. Zero Income

- 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.

- b. Contributions from someone outside the household
 - The file must contain a signed statement from the person making the contribution.
- c. Excluded income of dependent minors and dependent students
 - In order to exclude 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.
- d. Other excluded income
 - It may sometimes be necessary to obtain documentation of excluded income in order to determine if it is excluded.

D. INCOME CALCULATION

1. 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.

2. ROUNDING

All final calculations are rounded down to the nearest dollar.

3. 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. For 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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, amount if the amount varies.
- Divide the average by 12, or the number of months the interest/dividends have been earned, to determine a monthly amount.

9. 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.

10. RENTAL INCOME

- a. Determine the rental income received for the 12 months prior to the month of application.
- b. Deduct allowable expenses.
- c. Divide the total net income by 12 to arrive at a monthly amount.
- d. 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.
- e. The following are not allowable deductions:
 - Payments on loan principals
 - Depreciation
 - Net loss
 - Non-essential repairs/improvements
- f. 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.

11. LUMP SUM PAYMENTS

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

12. SEVERANCE PAY/VACATION PAY

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

13. STRIKER'S INCOME

- If on strike more than six weeks, count only the current monthly income. Income prior to the strike is not counted.
- If on strike less than six weeks, determine income on day prior to strike. Compare to current income and count the higher amount.

14. SELF EMPLOYMENT INCOME

- Determine 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 (for example, heat for a home in which a day care is operated).

15. ONEIDA INDIAN NATION STIPENDS

Stipends are prorated over the period they are intended to cover.

E. ZERO OR LOW INCOME

1. REQUIREMENT

Basic maintenance must be explored when:

- The household's income is zero; or
- The household's shelter expenses exceed household income.

2. 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.

3. REQUIRED FORM

The Zero/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 certifications, and e-filed applications based on information from the applicant.

V. DETERMINING REGULAR HEAP BENEFITS

SECTION CONTENTS

- A. OVERVIEW**
- B. AVAILABLE BENEFITS**
- C. NON-HEATER'S BENEFIT**
- D. HEATER'S BENEFIT**
- E. ELEMENTS OF HEATER'S BENEFIT**
- F. DETERMINING ENERGY COSTS**
- G. CALCULATION OF THE ENERGY BURDEN RATIO**
- H. CALCULATING THE HEATER'S BENEFIT**
- I. HEATING BENEFIT CALCULATION WORKSHEET**

A. OVERVIEW

- 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.
- 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.

B. AVAILABLE BENEFITS

1. NUMBER OF BENEFITS

Regular benefits are available once during the 2007-08 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 reside 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 or their energy costs have increased after the month of application.

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 received less than five points for energy burden ratio and can document a higher cost; 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 reside 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.

C. HEAT INCLUDED BENEFIT AMOUNT (RENTER'S BENEFIT)**1. 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.

2. BENEFIT AMOUNT

Benefits are as follows:

- Tier I-\$50
- Tier II-\$40

D. HEATER'S BENEFITS**1. DEFINITION**

- Heater's benefits are available to those households that pay separately for heat, 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 their proportionate share of heating costs can receive a Regular heating benefit (e.g. lease states clients pay share, cancelled checks, etc.)

2. BENEFIT RANGES

The benefit amount for households who pay separately for heat will vary from \$120 to \$540 depending on income tier, energy burden ratio, and presence of a vulnerable individual.

E. ELEMENTS OF THE HEATER'S BENEFIT**1. BASIC CRITERIA**

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

- Income tier
- Energy burden ratio based on income_and type of heat
- Presence of a vulnerable individual

2. DEFINITION OF TERMS

a. 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.

b. Energy Burden Ratio

- The energy burden ratio is the percentage of household income spent on energy costs. It is determined by calculating a household's annual income and determining an annual amount for energy. Energy costs are determined by use of the energy cost standard or by actual documentation of the energy costs for the 12 months prior to the month of application. Energy costs are then divided by the annual income to determine a percentage.
- Energy costs include costs for heat and for heat-related domestic energy.
- Costs are for residential use only. Business related energy costs are not included.

c. Income Tier refers to the income levels designated by the eligibility guidelines.

F. DETERMINING ENERGY COSTS

1. ENERGY COST STANDARD

The following standards may be used to determine a household's annual energy cost:

PRIMARY HEAT SOURCE

Household	Oil, Kerosene, Propane	Natural Gas, Coal, Wood	Municipal Electric Heat	PSC Regulated & Village of Greenport Electric Heat
1	\$3,617	\$2,485	\$551	\$2,143
2	\$3,936	\$2,700	\$613	\$2,331
3	\$4,256	\$2,895	\$676	\$2,506
4	\$4,575	\$3,100	\$739	\$2,787
5	\$4,895	\$3,305	\$802	\$3,086
6	\$5,214	\$3,509	\$865	\$3,391
7	\$5,534	\$3,714	\$927	\$3,706
8 PLUS	\$5,853	\$3,919	\$990	\$4,001

2. DOCUMENTATION OF ENERGY COSTS

a. Who should document

- In cases where the household receives less than the maximum number of points for the energy burden ratio, the household may choose to document actual costs.

b. Documentation

- Documentation must be in writing and include: receipts, bills (paid or unpaid), or vendor statements.
- If the individual has moved within the last 12 months, the costs for the 12 months or the budgeted billing amount for the current residence are used.
- If the applicant does not provide documentation for the entire 12 months, the certifier must use the available documentation.

c. Documented costs lower than standard

- If documented costs are lower than the standard, however, the standard amount is used in calculating the benefit.

d. Time period

- Energy costs for the 12 months immediately prior to the month of application are used.

e. Energy costs

- Costs include heating costs and costs for domestic energy for lights, cooking, and hot water.
- Only residential costs are used. Business related energy costs are not included in the calculation.

f. Pending time frame

- Applications may be pending for a maximum of ten business days for energy cost documentation.
- If documentation is not received within the ten days or is incomplete, the energy cost standard is used to determine annual energy costs.

G. CALCULATION OF THE ENERGY BURDEN RATIO**1. DEFINITION**

The energy burden ratio represents the percentage of the household's annual income used to meet annual energy expenses.

2. ENERGY BURDEN RATIO LEVELS

Five energy burden ranges are used in calculating the benefit.

Income Energy Burden Ratio	
Up to 5%	1 Point
5.1 – 10%	3 Points
10.1 – 20%	4 Points
20.1 – 30%	5 Points
30.1% and over	6 Points

NOTE: Households with zero income receive 6 points

3. DETERMINING THE ENERGY BURDEN RATIO

- The energy burden ratio is calculated by dividing the annual energy costs by the annual income.
- Energy cost _____ divided by annual income _____ equals _____%

- Calculations should be carried out to only one decimal point.

NOTE: Households with zero income automatically receive the maximum number of points.

H. CALCULATING THE HEATER’S BENEFIT

1. DETERMINE THE ANNUAL INCOME AND INCOME TIER

- Determine the monthly income calculated for eligibility purposes.
- Determine the income tier based on the monthly income and based on the eligibility guidelines for the current program year.

2. CALCULATE THE ENERGY BURDEN RATIO

3. DETERMINE IF THE HEAP HOUSEHOLD INCLUDES A VULNERABLE INDIVIDUAL

4. POINT SYSTEM

The heater’s benefit is calculated by allocating points to the household based on the income tier, the energy burden ratio, and the presence of a vulnerable individual.

5. ALLOCATING POINTS

CRITERIA	NUMBER OF POINTS
Income Tier I	2
Income Tier II	1
Energy Burden Ratio of:	
Up to 5%	1
5.1 – 10%	3
10.1 – 20%	4
20.1 – 30%	5
30.1% and over	6
NOTE: Households with zero income automatically receive 6 points	
HH has a vulnerable person	1

NOTE: Even if the household has more than one vulnerable person, only one point is allowed.

6. POINT VALUE

Each point is valued at \$60.

7. BENEFIT AMOUNT

The household's total point allocation is multiplied by \$60 to determine the dollar amount of the benefit.

I. HEATING BENEFIT CALCULATION WORKSHEET

- Alternate Certifiers must use and store HEAP ABEL to calculate the benefit. The HEAP Benefit Calculator (HBC) may also be used to calculate a benefit and store an ABEL budget.
- Alternate Certifiers may use the Benefit Calculation Worksheet to determine heater's benefits. A copy of the worksheet must be retained in the case file.
- Alternate Certifiers utilizing a local automated version of the benefit calculation must ensure that benefits are calculated in accordance with the methodology outlined in this section.

VI. BENEFIT ISSUANCE

SECTION CONTENTS

- A. GENERAL REQUIREMENTS**
- B. REGULAR BENEFITS**
- C. RECOVERY OF BENEFITS**
- D. REISSUANCE AND TRANSFER OF BENEFITS**
- E. PROHIBITED PAYMENTS**

A. GENERAL REQUIREMENTS

- The SSD 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 Chapter XIV, Vendor Information and Requirements.

B. REGULAR BENEFITS

1. HEATING BENEFITS

a. 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.

b. 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 SSD.

c. 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 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.
- 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)

a. 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.

b. 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**a. 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.
- 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.

b. Household Moves

- If the head of household (designated as applicant/payee relationship code 01), who has received a HEAP benefit, establishes a new household, they are not entitled to another HEAP benefit. If a household member from the original household establishes a new household or becomes a member in another household, they may be eligible to receive a HEAP benefit.

C. RECOVERY OF BENEFITS**1. POLICY**

- The SSD must attempt to recover incorrect, misdirected, or inappropriate payments made to vendors or recipients.
- HEAP benefits may not be recouped from TA grants.
- The SSD 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.

D. REISSUANCE AND TRANSFER OF BENEFITS**1. LOST OR STOLEN CHECKS/BENEFITS**

Local SSD 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 household member.
- If there are no other adult household members, the Regular benefit must be returned to the SSD 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 SSD 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).

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.

E. 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

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I. APPLYING FOR HEAP

SECTION CONTENTS

- A. HEAP APPLICANT REQUIREMENTS
- B. WAYS TO APPLY
- C. INCOME LIMITS/CATEGORICAL ELIGIBILITY
- D. CITIZENSHIP/ALIEN REQUIREMENTS
- E. LIVING SITUATIONS

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 agreed in writing to participate in the phone certification process.
- A TA or FS recipient who requests emergency benefits via the phone process is considered an applicant.

2. AUTHORIZED REPRESENTATIVES

a. Use of authorized representative

- An authorized representative may apply on behalf of disabled/ill individuals or for individuals whose employment schedule makes it difficult or impossible to appear for an in-person interview when there is no other adult household member available.
- An authorized representative is not permitted to apply for heating equipment repair/replacement benefits.

b. Authorization

- A dated and signed note from the applicant authorizing the individual to apply on their behalf is required.

c. 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.
- A power of attorney may not apply for heating equipment repair/replacement benefits unless it is verified that the applicant is mentally or physically unable to complete the application.

B. WAYS TO APPLY

1. GENERAL REQUIREMENTS

Applicants must request benefits using a state prescribed form.

2. APPLICATION OPTIONS FOR EMERGENCY BENEFITS

a. TA and FS recipients

- Recipients of recurring TA or FS may request emergency benefits via the phone when the recipient is the documented customer and tenant of record, except that application for heating equipment repair and/or replacement must be in person.
- This request is considered an application and must be processed in accordance with all rules governing applications, including time frames and notice requirements.

b. In person applications

- Applicants must apply in person for emergency benefits, except that a TA or FS recipient who is the customer and tenant of record may request heat or heat-related emergency benefits by phone request.
- The applicant must meet the customer and tenant of record requirements.
- Full documentation is required.

- Applicants applying for heating equipment repair and/or replacement must apply in person; this includes TA and FS recipients.

3. BASIC ELIGIBILITY REQUIREMENTS

- Households must meet all of the eligibility criteria outlined in this section in order to receive emergency HEAP benefits.
- Eligibility is determined based on income and household circumstances for the month of application.
- Benefits are based on the household's primary source of heat. In those situations where the household received a regular heater's benefit, the same primary heat source designated for the regular benefit must be used for the emergency benefit.

For example, a household has both oil and wood heat. The household receives a regular benefit for oil. If the household applies for an emergency, the primary heat source will be considered to be oil, not wood. The household cannot receive an emergency benefit for wood.

- Portable space heaters are not considered a primary heating source for emergency benefits.

4. ELIGIBILITY FACTORS

In order to determine eligibility, all of the following factors must be considered:

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

C. INCOME LIMITS/CATEGORICAL ELIGIBILITY

1. INCOME GUIDELINES AND TIERS

- Gross income for the month of application for the applicant 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 emergency HEAP benefits. Income deeming may also apply in some cases.
- Income limits and tiers for the 2007-2008 program are set as follows:

Household Size	Maximum Income Limits
1	\$1,876
2	\$2,454
3	\$3,031
4	\$3,609
5	\$4,186
6	\$4,763
7	\$4,871
8	\$4,980
9	\$5,088
10	\$5,196
11	\$5,626
11+	+435

- These income guidelines are based on 60% of State Median Income for household sizes 1–10 and on 150% of the OMB Poverty Guidelines for household size 11 and up.

2. CATEGORICAL ELIGIBILITY

a. 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.

b. Categorically Eligible Households

- A household is categorically eligible if at least one HEAP 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.
- The household 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.

c. 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 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 DEEMING

a. Policy

- Households who have been determined eligible for a regular benefit for 2007-2008 are deemed income eligible for emergency benefits unless the household meets one of the exceptions outlined below. This policy applies regardless of the method used to access the regular benefit. Income deeming applies to income eligibility only.
- Eligibility and benefit calculation for households eligible for the deeming process is based on the income used for determining the regular benefit. However, a household may opt to provide new income documentation. If a household does opt to provide new information, eligibility and benefit calculation for the emergency benefit is based on the new information, even if this results in ineligibility or a lesser benefit.
- Please see the Income section of this manual for full procedures and policy regarding the income deeming process.

b. Exceptions

Households in any of the following circumstances are not eligible for the deeming process:

- The household has a change in total gross monthly income that exceeds \$500; or
- The household has moved (even if the move is within the same county); or
- There has been a change in household composition; or eligibility for the regular benefit was based on categorical eligibility and the household is not categorically eligible at the time of application for emergency benefits.

D. CITIZENSHIP/ALIEN REQUIREMENTS

1. GENERAL REQUIREMENTS

- 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.

2. QUALIFIED ALIEN DEFINITIONS

a. Definition

For HEAP purposes, a qualified alien is an individual who meets any of the following:

- An alien granted Permanent Resident Alien Status under the Immigration and Nationality Act (INA);
- An alien granted asylum under Section 208 of INA;
- A refugee admitted to the United States under Section 207 of INA;
- An alien paroled into the United States under Section 212(d)(5) of 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, 1980 or whose removal is being withheld under Sections 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 Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;
- An alien who or whose child or parent has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 164(c).
- In addition, Native North American Indians born in Canada or who are members of a federally recognized Indian tribe born outside of the United States are treated as Permanent Resident Aliens and meet the citizen/alien qualifications for HEAP.

b. All applicants must be provided with the definition of qualified aliens.

3. DOCUMENTATION

a. Documentation Requirement

- 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.

b. Documentation

- Documentation must be original, not a photocopy.
- The certifier may photocopy original documentation and must retain the copies in the file.
- 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.
- Certifiers must attempt to assist individuals in obtaining documentation when necessary.

c. Documentation Guidelines

Documentation, based on status, includes, but is not limited to, the following:

- 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.

4. INCOME CALCULATION

Income of non-qualified aliens is counted in determining eligibility and income tier and for determining annual income when calculating the energy burden ration.

5. DETERMINING HOUSEHOLD SIZE

- 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.)

6. RESOURCES

Resources on non-qualified aliens or aliens who fail to provide required documentation are still explored and counted.

7. BENEFIT DETERMINATION

- a. All household members are non-qualified aliens or all aliens fail to provide required documentation.
 - In these cases, a HEAP benefit may not be issued.
- b. 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 qualified aliens. The household size for the energy burden determination is based on the number of citizens and qualified aliens.

NOTE: Applications may be pended for a maximum of ten business days. If required documentation of alien status is not provided, the case and benefit determinations are processed excluding the individual 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 point 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 and tenant of record is a non-qualified alien and the household is otherwise eligible.

E. LIVING SITUATIONS

1. RESIDENCE

a. Requirement

- The applicant must be residing in the dwelling for which assistance is requested at the time of the request.
- An applicant who is temporarily absent is considered to meet this requirement.
- The dwelling must be the applicant's primary home.

b. 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

a. 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 below.

b. Special circumstances

The following arrangements are considered eligible living arrangements:

- Tenants of subsidized housing who pay an energy supplier directly for heating costs.
- 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:

a. Tenants of Subsidized Housing

- Tenants of government subsidized housing that do not pay an energy supplier directly for heat are not eligible for regular HEAP benefits. These households may receive emergency benefits if otherwise eligible and the applicant is the tenant and customer of record for a utility bill and the electric is necessary to operate the primary heating equipment for the applicant's own dwelling. Energy surcharges or fees paid to housing authorities do not qualify as heating accounts.
- A household is considered to reside in subsidized housing if the rental payment is based on the household's income. A household that does not receive an individual subsidy but resides in a building with a shallow subsidy is HEAP eligible.

c. 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.

c. Individuals/households living in cars, or vans, or temporarily living in recreational vehicles.

d. Individuals/households temporarily living in hotels/motels.

- e. Residents of congregate care facilities, including Title XIX facilities, dormitories, and unlicensed congregate care facilities.
- f. 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.
- g. 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.
- h. Households that have no responsibility for heating costs and do not make undesignated payments for heat in the form of rent.
- i. 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.
- j. Students residing in dormitories.
- k. Dependent students residing in private housing. These students are members of their family's household.
- l. 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.

Households residing in an ineligible living situation are not eligible for HEAP. This applies even if the household meets all other eligibility criteria.

II. EMERGENCY HEAP—ELIGIBILITY REQUIREMENTS

SECTION CONTENTS

- A. GENERAL ELIGIBILITY REQUIREMENTS
- B. LIVING ARRANGEMENTS
- C. INCOME ELIGIBILITY
- D. CUSTOMER AND TENANT OF RECORD REQUIREMENT
- E. RESOURCES
- F. SHARED METER SITUATIONS

A. GENERAL ELIGIBILITY REQUIREMENTS

1. USE OF REGULAR BENEFIT

a. Availability/Adequacy of Regular Benefit

- Utility Emergencies

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, the regular benefit only is issued for those households in a utility heating emergency.

Regular benefits are coupled with emergency benefits for those households that when the regular benefit is a “heat-included” benefit. 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 SSD.

- 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 if the regular benefit is not sufficient to obtain a delivery, provided the household is otherwise eligible for emergency benefits.

2. POLICY

Applicants for emergency HEAP must meet all of the criteria outlined in the Basic Eligibility section of this manual and in this section in order to be eligible for emergency benefits. Eligibility criteria includes:

- The household must be in an emergency situation as defined below; and
- Alternative payment arrangements cannot be made; and
- The household meets citizenship/qualified alien status; and
- The household must live in an eligible living situation; and
- The household must be currently residing in the dwelling; and
- The dwelling must be the applicant's primary home; and
- The household's income is at or below the established income limits for the household size or the household is eligible for income deeming; and
- The applicant meets the customer and tenant of record requirements; and
- The household's resources are at or below established limits.

NOTE: The requirement to explore Alternate Housing was eliminated in 2003-2004.

3. EMERGENCY SITUATION

a. Requirements

Households must be in an emergency situation(s) as defined below in order to receive emergency benefits:

- 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 to insure heat is delivered to the individual applicant's apartment 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 a seven days' supply of fuel 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 SSD to be detrimental to the health and/or safety of household members if temporary shelter or relocation is not provided.

b. 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 in a timely manner by the company through its normal termination process.

c. 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.

4. ALTERNATIVE HOUSING

Districts are not required to explore alternate housing except that:

- 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 SSD opts to relocate the household, assistance must be provided with locating new housing and with moving expenses, if necessary.

5. CITIZENSHIP/ALIEN REQUIREMENTS

- Emergency benefits may only be provided on behalf of households meeting the HEAP citizenship/alien requirements.
- In cases where the customer and/or tenant of record does not meet the Citizenship/Alien requirements, benefits may be issued on behalf of household members who are citizens or qualified aliens.
- Please see the Basic Eligibility section for specific information.

B. LIVING ARRANGEMENTS

1. ELIGIBLE LIVING SITUATIONS

a. Basic Policy

- Households must reside in an eligible living situation in order to receive emergency benefits.

b. Ineligible Living Arrangements

Households in the following living arrangements are not eligible:

- Tenants of government subsidized housing with heat included in the rent unless such household pays a supplier directly for heat-related utility service.

NOTE: These households are not eligible for regular benefits but may be eligible for heat-related emergency benefits.

- Individuals paying room or room and board in a private residence.
- Individuals temporarily housed in a motel/hotel.
- Individuals living in cars, vans, or temporarily living in recreational vehicles.

- Residents of congregate care facilities (licensed or unlicensed), dormitories, agency boarding homes, group homes, or institutions.
- Residents of government provided housing on military bases with no heat or utility bills in their names.
- Migrant/seasonal farm workers with no heating or heat related expenses.
- Individuals who have no responsibilities for heating costs and do not make undesignated payments for heat in the form of rent.
- Individuals living in an unsafe and/or condemned dwelling where the district is aware of the living conditions and has determined that the deficiencies cannot be reasonably corrected in a manner to insure safe, healthy habitation.

2. OTHER REQUIREMENTS

- The applicant must be residing in the household for which assistance is requested at the time of application for emergency assistance. A household who has temporarily relocated due to the lack of heat or unsafe conditions is considered to meet this requirement.
- In addition, the residence must be the applicant's primary home.
- The applicant's household must not be considered to be unsafe and/or unfit for habitation. Please see the Prohibited payments section for additional information.

C. INCOME ELIGIBILITY REQUIREMENTS

1. GENERAL REQUIREMENTS

- Households must meet the HEAP income guidelines to be eligible for emergency benefits.
- Please see the sections on Basic Eligibility and Income for specific information on income eligibility and calculation.

2. CATEGORICAL ELIGIBILITY

- A HEAP household containing a member in recurring receipt of TA, FS, or Code A SSI is considered to meet the income eligibility guidelines and is deemed to be in the Tier I income range.

- Please see the section on Basic Eligibility for more information on categorical eligibility.

3. INCOME TESTED HOUSEHOLDS

- All non-categorically income eligible households must have income at or below the following guidelines in order to be eligible for emergency benefits:

Household Size	Maximum Income Guidelines
1	\$1,876
2	\$2,454
3	\$3,031
4	\$3,609
5	\$4,186
6	\$4,763
7	\$4,871
8	\$4,980
9	\$5,088
10	\$5,196
11	\$5,626
11+	+435

4. DETERMINING INCOME

- Income is determined and calculated in the same manner for both regular and emergency benefits.
- See section on Income for specific information.

5. INCOME DEEMING

a. Policy

- A household that has been determined eligible for regular HEAP and subsequently applies for emergency benefits will generally not have to provide new income documentation/information and the certifier will not have to re-determine income eligibility or income tier.

- The income used to determine eligibility for the regular benefit is also used to determine eligibility and benefit amount for the emergency benefit.
- Income deeming does not apply to those TA and FS recipients eligible to request emergency benefits via a phone request since these households are categorically eligible.

b. Exceptions

- New documentation, eligibility, and benefit calculation will be required when one of the following situations occurs between the month of application for regular benefits and the subsequent application for emergency benefits:
 - The household has had a change in total monthly income that exceeds \$500; or
 - The household has moved, even if the move is within the same county; or
 - There has been a change in household composition, either additions or deletions; or
 - Eligibility for the regular benefit was based on categorical eligibility and the household is not categorically eligible at the time of application for emergency benefits.
- An applicant may also choose to provide new documentation and have eligibility and benefit calculation based on the new information. If a household opts to provide new information, income eligibility and benefit calculation are based on the new income information even if the new information makes the household ineligible or results in a lower benefit.

c. Procedures and forms

- See section on Income for specific procedures and forms for income deeming.

D. CUSTOMER AND TENANT REQUIREMENTS

1. GENERAL REQUIREMENTS

The applicant for emergency benefits must meet both the customer and tenant of record requirements.

2. CUSTOMER OF RECORD

a. Definition

- A customer of record is the person(s) who has an account in their name with an energy vendor.

b. Additional Information

- 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.

3. TENANT OF RECORD

a. Definition

- The tenant of record is the person(s) who has primary responsibility for the payment of the monthly rent or mortgage for the dwelling unit, as evidenced by their name on the deed; mortgage payment book; lease; landlord agreements; landlord statements; or rent receipts.
- The homeowner is always the tenant of record when they reside in the dwelling.

NOTE: An individual who makes a payment to the homeowner or contributes a portion of the mortgage payment is not the tenant of record when the homeowner resides in the dwelling.

- An individual who contributes a portion of the rent or makes payment to the primary tenant is not considered the tenant of record.

E. RESOURCES

1. RESOURCE LIMITS

- In order to be eligible for an emergency benefit, an applicant household must utilize all available liquid resources in meeting the emergency.
- In addition to other allowable resource exclusions, up to \$3,000 in resources are also excluded for households applying for heating equipment replacement.

2. RESOURCES

The following are considered 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

3. 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
- Loans (including college loans)
- Credit cards or advances from credit cards
- Individual Development Accounts (IDA)
- Payments from reverse annuity mortgages

4. APPLYING AVAILABLE RESOURCES

- A household must apply any resources determined available towards the emergency.
- If the household's resources are insufficient to resolve the emergency, a full HEAP benefit is issued after verification that the household has applied available resources if the household is otherwise eligible.
- 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. For 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.

F. SHARED METER SITUATIONS

1. 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.

2. 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:

- a. Determine if the applicant household meets all eligibility criteria for emergency HEAP benefits.
- b. 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.
- c. 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.

3. 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.

III. DOCUMENTATION AND VERIFICATION

SECTION CONTENTS

- A. GENERAL REQUIREMENTS**
- B. CITIZENSHIP/ALIEN REQUIREMENTS**
- C. RESIDENCE**
- D. HOUSEHOLD COMPOSITION**
- E. VULNERABILITY**
- F. INCOME**
- G. VENDOR RELATIONSHIP**
- H. ANNUAL ENERGY EXPENSES**
- I. EMERGENCY HEAP – ADDITIONAL DOCUMENTATION**
- J. PENDING TIME**
- K. VERIFICATION**
- L. FORMS AND NOTICES**

A. GENERAL REQUIREMENTS

1. EMERGENCY BENEFIT APPLICATIONS

Households applying for emergency HEAP benefits must document the following:

- Residence
- Household composition
- Vulnerability, if applicable
- Income (unless the income deeming procedure is applicable)
- Emergency situation
- Customer and tenant of record status
- Resources
- Individuals must provide documentation of alien/citizenship status when required by the certifier and/or DSS.

2. 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.

3. FAILURE TO PROVIDE DOCUMENTATION

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.
- See Section on Basic Eligibility, Citizen/Alien Requirements for additional information.

2. DOCUMENTATION

Documentation includes, but is not limited to:

- INS form I-551
- Unexpired temporary I-551 stamp in a foreign passport or on form I-94
- INS form I-94 annotated with a stamp showing grant of asylum under section 208
- Grant letter from INS Asylum Office
- Order granting asylum from an immigration judge

- INS form I-688B with code 274a12(a)(5)
- INS form I-766 coded A5
- INS form I-94 annotated with a stamp showing admission under section 207
- INS form I-688B with the code 274a12 (a)(3)
- INS form I-766 coded A3
- INS form I-571
- INS form I-94 with a stamp showing admission under section 212(d)(5)
- INS form I-688B coded 274a12(c)(11)
- INS form I-766 coded C11
- Immigrations judge's order showing deportation 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 274a12(a)(10)
- INS form I-766 coded A10
- INS form I-94 with a stamp showing admission under sections 203(a)(7)
- INS form I-94 with a stamp showing parole as Cuban/Haitian entrant under section 121(d)(5)
- INS form I-94 showing parole into the U.S. on or after October 10, 1980 and reasonable evidence that the parole had been a national of Cuba or Haiti.
- Petition filed with the INS from a battered spouse 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

- 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 tribe
- Satisfactory evidence of birth in Canada and tribal document certifying at least 50% American Indian blood.

Please refer to the section on Basic Eligibility, Citizen/Alien status for specifics on applying documentation to different alien statuses.

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 section on Household Composition for determination of the HEAP household.

2. DOCUMENTATION

Household composition 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

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

E. VULNERABILITY

1. GENERAL REQUIREMENTS

Vulnerability must be documented in order for the household to receive the vulnerability point in the benefit calculation.

2. DEFINITIONS

a. Vulnerability is defined as:

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

b. 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.

c. 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 (110%) 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 a 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 refer 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 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

F. INCOME DOCUMENTATION

1. DOCUMENTATION REQUIREMENTS

- 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.
- 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 but may be needed to calculate income in determining the energy burden ratio.

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

2. WAGE DOCUMENTATION

a. Time frame for documentation

- Documentation is obtained for the most recent pay periods proceeding the date of application.

b. 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

Documentation must be obtained for the most recent three months prior to the month of application and includes:

- 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” must 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.

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
- Signed statement from person making payments (this should only be used if other documentation is not available)

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

a. Zero Income

- 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.
- The Low Income Worksheet must also be completed when the household's income is zero or when shelter costs exceed income.

b. Contributions from someone outside the household

- The file must contain a signed statement from the person making the contribution.

c. Excluded income of dependent minors under 18 and dependent students

- In order to exclude 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.

d. Other excluded income

- It may sometimes be necessary to obtain documentation of income in order to determine if it is actually excluded.

G. 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.

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.

H. ANNUAL ENERGY EXPENSES

1. OVERVIEW

- A household paying directly for heat and receiving less than the maximum number of points for the energy burden ratio may choose to document annual energy expenses for the 12 months preceding the month of application for use in calculating the energy burden ratio.

- Energy costs include heating, electricity for all purposes, costs for cooking, heating water and supplemental heating costs.

2. DOCUMENTATION

Acceptable documentation:

- Receipts for costs
- Bills for costs (paid or unpaid)
- Vendor statements or printouts
- Budget billing amounts for the 12 months preceding the month of application.

I. EMERGENCY HEAP–ADDITIONAL DOCUMENTATION

1. GENERAL REQUIREMENTS

- Emergency applications for HEAP applicants must be in person and fully documented. A TA or FS recipient who is the customer and tenant of record may be exempted from the requirement to apply in person and may request emergency benefits via the phone, except that applications for heating equipment repair/replacement must be in person.
- In addition to the other basic documentation listed in this section, the following must also be documented:
 - Emergency situation
 - Customer and tenant of record status
 - Resources

2. 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 or has less than a ten days' supply.

- 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/Repairs” 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.

3. CUSTOMER OF RECORD

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

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

4. TENANT OF RECORD

The tenant of record status must be documented by one of the following:

- Current landlord statement or collateral contact
- Rent receipt
- Mortgage payment book or receipt

- Homeowner's insurance policy
- Deed
- Tax bill or receipt

5. RESOURCES

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

6. OWNERSHIP

Applicants for heating equipment repair or replacement benefit must document ownership. Documentation includes:

- Deed (may include life use provision)
- Title
- Bill of sale in conjunction with at least one of the following:
 - Tax bill or receipts
 - Mortgage or loan papers or payment book/loan payment receipts
 - Homeowner's insurance policy
 - Mobile home lot rent receipts/statement from park owner

J. PENDING TIME

1. APPLICATION PENDING

Applications may be pending for a maximum of ten business days for documentation. If the documentation is not received, the application must be denied and the applicant may reapply at any time.

2. SPECIAL CIRCUMSTANCES

- Applications for households who fail to provide documentation of annual energy costs are processed using the statewide standard energy cost chart.
- 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.

NOTE: For heating equipment repair/replacement, the homeowner must be a U.S. citizen/qualified alien. In those cases, the case must be denied if documentation is required and not provided.

K. FORMS AND NOTICES

1. BUDGET WORKSHEET (DSS 3594)

- All documentation for in person applications must be recorded on the HEAP Budget Worksheet. Districts should record earned income and any other documentation for mail in applications on page 4 of the application form.
- A budget worksheet may be used if documentation is extensive.
- The emergency application checklist section must be completed for all emergency applications. The applicant must sign the resource section (unless the applicant is a TA or FS recipient not required to apply in person).

2. DOCUMENTATION REQUIREMENTS (DSS-3431)

- 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.

IV. HOUSEHOLD COMPOSITION

SECTION CONTENTS

- A. HEAP HOUSEHOLD DEFINITION**
- B. HOUSEHOLD MEMBERS**
- C. EXCEPTIONS**
- D. NON-HOUSEHOLD MEMBERS**
- E. CLARIFICATIONS**

A. 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 occupy a housing unit.

B. HOUSEHOLD MEMBERS

1. 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, marriage, or adoption to any other household member is presumed to be a household member.
- Relationship by blood, marriage, or adoption includes, but is not limited to, the following:
 - Spouse;
 - Father, mother;
 - Son, daughter;
 - Brother, sister;
 - Stepmother, stepfather, stepbrother, stepsister;
 - Grandparent;
 - Grandchild.

2. 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.
- Fleeing Felons are invisible to the household count, but if they have earned income, their income is counted to determine eligibility for HEAP.

C. EXCEPTIONS

1. 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, marriage, or adoption, are household members.

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

2. 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 tenant of record or co-owner of the dwelling, that individual must be a household member.

- 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.

D. 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 room/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 Felons are invisible to the household count, but if they have earned income, their income is counted to determine eligibility for HEAP.

E. CLARIFICATIONS

1. JOINT CUSTODY OF CHILDREN

When determining household composition when 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.

2. STUDENTS

- a. 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.

b. 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.

3. 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.

V. INCOME**SECTION CONTENTS**

- A. COUNTABLE INCOME**
- B. EXCLUDED INCOME**
- C. INCOME DOCUMENTATION**
- D. INCOME CALCULATION**
- E. ZERO OR LOW INCOME**
- F. INCOME DEEMING**

A. 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 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.

B. 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
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 spina bifida
27. Income committed to the payment of inpatient hospital or skilled nursing facility care
28. Income committed to home health care services which is 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 such 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 which is not mature
33. Attica settlement payments
34. Interest accrued on 401 (K) or other retirement accounts, which are not mature
35. Americorp living stipends
36. Interest accrued on individual development accounts for TA recipients
37. Interest accrued on prepaid burial accounts

C. INCOME DOCUMENTATION/VERIFICATION

1. DOCUMENTATION REQUIREMENTS

a. Basic Requirement

- Income must be documented for all in person applications.

NOTE: Income documentation will not be required for households eligible to participate in the income deeming process for emergency applications.

- When documentation is required, documentation must be obtained for each source of income in the household.

b. Earned income documentation requirement

- Earned income must be documented for all applications, including mail-ins, electronic filers, and phone certifications. Earned income includes rental income and self-employment.

c. Documentation of other income

- 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 but may be needed to calculate income in determining the energy burden ratio.

2. VERIFICATION REQUIREMENTS

Although unearned income documentation is generally not required for mail-in applications, certifiers should verify the income when the income has changed from the previous year.

3. WAGES

- 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.

4. SELF-EMPLOYMENT

Documentation must be obtained for the last three months prior to the month of application and includes:

- 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" must also be completed but is not considered documentation.

5. BENEFITS (SOCIAL SECURITY, SSI, VETERAN'S, DISABILITY, UIB, RAILROAD RETIREMENT)

Acceptable documentation includes:

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

6. 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)

7. ALIMONY

Acceptable documentation includes:

- Court order
- Separation/divorce decree
- Signed statement from person making payments (this should only be used if other documentation is not available)

8. INTEREST/DIVIDENDS/IRA

Acceptable documentation includes:

- Bankbooks

- Interest statements
- Bank statements
- Tax statements

9. 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

10. ROOM OR ROOM AND BOARD

Acceptable documentation includes:

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

11. 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

12. OTHER

a. Zero Income

- 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.

- b. Contributions from someone outside the household
 - The file must contain a signed statement from the person making the contribution.
- c. Excluded income of dependent minors and dependent students
 - In order to exclude 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.
- d. Other excluded income
 - It may sometimes be necessary to obtain documentation of excluded income in order to determine if it is excluded.

D. INCOME CALCULATION

1. 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.

2. ROUNDING

All final calculations are rounded down to the nearest dollar.

3. CHANGE IN INCOME

- Although income for the past four weeks 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. For 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.

4. 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, 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, the averaged amount is entered.

5. 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.

6. 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.

7. SOCIAL SECURITY INCOME

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

8. DIVIDENDS/INTEREST INCOME

- Determine the interest or dividends earned for the 12 months prior to the month of application or for 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 the interest/dividends have been earned, to determine a monthly amount.

9. 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.

10. RENTAL INCOME

- a. Determine the rental income received for the 12 months prior to the month of application.
- b. Deduct allowable expenses.
- c. Divide the total net income by 12 to arrive at a monthly amount.
- d. 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.
- e. The following are not allowable deductions:
- Payments on loan principals
 - Depreciation
 - Net loss
 - Non-essential repairs/improvements
- f. 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 households. Expenses for the applicant's own unit is not an allowable deduction.

11. LUMP SUM PAYMENTS

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

12. SEVERANCE PAY/VACATION PAY

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

13. STRIKER'S INCOME

- If on strike more than six weeks, count only the current monthly income. Income prior to the strike is not counted.
- If on strike less than six weeks, determine income on day prior to strike. Compare to current income and count the higher amount.

14. SELF EMPLOYMENT INCOME

- Determine 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 (for example, heat for a home in which a day care is operated).

15. ONEIDA INDIAN NATION STIPENDS

Stipends are pro-rated over the period they are intended to cover.

E. ZERO OR LOW INCOME**1. REQUIREMENT**

Basic maintenance must be explored when:

- The household's income is zero; or
- The household's shelter expenses exceed household income.

2. 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.

3. REQUIRED FORM

The Zero/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 certifications, and e-filed applications based on information from the applicant.

F. INCOME DEEMING**1. POLICY**

Income eligibility will be established for the entire 2007-2008 HEAP season for those households that have applied and that have been determined eligible for regular HEAP benefits unless any one of the following occurs:

- The household has a change in total gross monthly income that exceeds \$500; or
- The household has moved (even if the move is within the same county); or

- There has been a change in household composition (either additions or deletions);or
- Eligibility for a regular benefit was based on categorical eligibility and the household is not categorically eligible at the time of the application for emergency benefits.

This policy is applicable for all types of applications (mail in, phone certification, and walk in).

If the household meets any of the four exceptions listed above or is applying for heating equipment repair and/or replacement, the household must provide full income documentation. Income eligibility is re-established based on the current information.

2. PROCEDURES AND FORMS

a. Procedures

- A household that has been determined eligible for regular HEAP and reapplies for emergency benefits will generally not have to provide new income documentation/information.

NOTE: Income deeming does not apply to heating equipment repair and replacement.

- The income information used to determine eligibility for the regular benefit will be used to determine eligibility and benefit amount for the emergency benefit.
- Documentation will be required under the following circumstances:
 - The household has a change in total monthly income that exceeds \$500; or
 - The household has moved (even if the move is within the same county); or
 - There has been a change in household composition; or
 - Eligibility for a regular benefit was based on categorical eligibility and the household is not categorically eligible at the time of the application for emergency benefits.
- The household must complete an application form when re-applying for emergency benefits.

- The certifier does not obtain new income documentation and does not recalculate the monthly income for subsequent applications. The income from the initial application is used for calculation of the emergency benefit.
- Income deeming procedures are not applicable to those TA or FS households eligible to request benefits via the phone.

b. Applicant Attestation

The applicant must complete and sign the “Applicant Attestation” form and the certifier must complete the bottom portion of the form.

c. Budget Worksheet

- A Budget Worksheet must be completed.
- The certifier may note that household composition, residence, and income are the same and is therefore not required to fill out these sections. Total income from the regular benefit application is entered in the “Total Income” box at the bottom of the form.
- The vendor relationship section may also be the same or may need additional information if the emergency payment will be made to a different vendor than the regular benefit.
- The “Emergency Application Checklist” section of the Budget Worksheet must be completed.

d. Heating Benefit Calculation Worksheet

The certifier must complete a Heating Benefit Calculation Worksheet for emergency benefits only if ABEL or HBC are not used..

3. ADDITIONAL REQUIREMENTS

All other procedures and requirements for establishing eligibility for emergency benefits must be followed and additional documentation requirements must be met. These include:

- Documentation of resources
- Determination of available resources
- Documentation of tenant of record

- Documentation of customer of record
- Verification of emergency
- TA and FS recipients who meet the customer and tenant requirements may request emergency benefits by phone, except applications for heating equipment and repair must be made in person.
- All other emergency applications must be in person.

4. EXCEPTIONS

- If a household has had any of the changes in circumstances listed in Part 2.a. of this section or is applying for heating equipment repair and replacements. The household must re-establish income eligibility and must provide full documentation of income. Eligibility and benefit calculation are then based on the current income.
- A household may also choose to provide new income documentation and have eligibility and benefit calculation for the emergency benefit based on current income. If a household opts to provide new income information, income eligibility and benefit calculation are based on the new income even if this makes the household ineligible or results in a lower benefit.

2007-2008 HOME ENERGY ASSISTANCE PROGRAM

**INCOME DEEMING
APPLICANT ATTESTATION**

APPLICANT NAME _____ CASE NUMBER _____

I, _____
(Please Print Name Clearly)

CERTIFY THAT SINCE MY APPLICATION FOR REGULAR HEAP BENEFITS:
(Please Check All That Apply)

_____ MY TOTAL GROSS MONTHLY HOUSEHOLD INCOME HAS NOT
CHANGED MORE THAN \$500

_____ MY ADDRESS HAS NOT CHANGED

_____ THE SAME PEOPLE RESIDE IN MY HOUSEHOLD

I understand that my income eligibility and benefit calculation for this application will be based on the information provided in my application for regular benefits.

I further understand that I may choose to provide new income information and documentation and that by choosing to provide new information, my eligibility and benefit calculation will be based on the new information even if this makes me ineligible for HEAP or results in a lower benefit.

I AM CHOOSING TO PROVIDE NEW INCOME DOCUMENTATION:

_____ NO _____ YES

SIGNED _____ DATE _____

AGENCY USE ONLY

HOUSEHOLD MEETS CRITERIA FOR INCOME DEEMING:

_____ YES _____ NO, REASON _____

WORKER NAME _____ DATE _____

VI. EMERGENCY BENEFITS

SECTION CONTENTS:

- A. OVERVIEW
- B. HEATING EMERGENCY BENEFIT
- C. HEAT-RELATED BENEFIT
- D. COMBINED HEAT AND HEAT-RELATED BENEFIT
- E. PROPANE INSTALLATION
- F. EMPORARY SHELTER/RELOCATION
- G. WEATHER RELATED AND SUPPLY SHORTAGE
- H. HEATING EQUIPMENT REPAIR AND REPLACEMENT

A. OVERVIEW

1. TYPES OF EMERGENCY BENEFITS

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

- Payment to continue or restore heat or heat-related utility service that is currently disconnected or scheduled for disconnection.
- Payment to obtain heating fuel when the household is without heating fuel or has less than a ten day's supply and cannot obtain a delivery.

NOTE: Eligible households are not required to obtain deliveries on a credit basis.

- Payment to repair and/or replace applicant owned essential heating equipment when it is inoperable or unsafe and is in need of repair and/or replacement or it has been medically verified that the current system is directly detrimental to a health condition of a household member.
- Payment for propane tank installation and/or deposit to change companies when the household is without heating fuel and the current company will not make a delivery due to past due bills.
- Payment to provide temporary relocation when the HEAP eligible household is in an emergency home heating situation which is deemed by the SSD to be detrimental to the health and/or safety of household members unless temporary shelter/relocation is provided.

2. BENEFIT AVAILABILITY

- Households may receive each type of emergency benefit, if eligible. Benefits may be available only once during a program or may be accessed multiple times up to the limit, depending on the type of benefit.
- 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.
- During the 2007-2008 program year, one heating and one heat-related emergency benefit per household is available.

NOTE: Effective February 11, 2008, a second heat and heat related emergency benefits were available.

B. HEATING EMERGENCY BENEFIT

1. OVERVIEW

This benefit is used to meet the heating emergency for an eligible household. Heating sources include natural gas, electric, propane, wood, coal, oil, and kerosene.

2. AVAILABILITY

- This benefit is available once during the program year. An applicant who has received a heating emergency benefit cannot receive a second benefit or a supplemental benefit even if the applicant moves or circumstances change during the program year.
- Additional benefits may become available depending on funding. Districts will be notified if additional benefits do become available and will be provided with procedures for implementing the change.

NOTE: A second heat or heat related benefit was provided, effective February 11, 2008.

3. NATURAL GAS, HEAT ONLY, BENEFIT AMOUNT

- Households of 3 or less = \$250
- Households of 4 or more = \$275:

4. MUNICIPAL ELECTRIC HEAT

- Households of 3 or less = \$125
- Households of 4 or more = \$150

5. PSC ELECTRIC HEAT BENEFIT AMOUNT

- Households of 3 or less = \$440
- Households of 4 or more = \$560:

6. NON-UTILITY HEATING FUEL BENEFIT AMOUNT

- Amount: \$600

NOTE: Effective February 11, 2008, the amount was revised to \$700.

C. HEAT-RELATED EMERGENCY BENEFIT**1. OVERVIEW**

This benefit is used to prevent shut-off or restore service for electricity necessary to operate the primary heating equipment. This may include electricity to actually start or run the furnace or boiler; electricity to distribute the heat; or electric to operate the thermostat to ensure heat is delivered to the applicant's apartment.

2. AVAILABILITY

- This benefit is available to otherwise eligible households even if the primary heating equipment is not operable at the time of application for the heat-related benefit.
- This benefit is available once during the program year. An applicant who receives a heat-related benefit cannot receive a second benefit or supplemental amount even if the applicant moves or changes circumstances during the program year.
- Additional benefits may become available during the program depending on HEAP funding. Districts will be notified if additional benefits become available and will be provided with procedures to implement the change.

3. BENEFIT AMOUNT - MUNICIPAL ELECTRIC HEAT RELATED

- Households of 3 or less = \$60

- Households of 4 or more = \$75

4. BENEFIT AMOUNT - PSC REGULATED HEAT RELATED (Includes Village of Greenport)

- Households of 3 or less = \$125
- Households of 4 or more = \$150

D. COMBINED NATURAL GAS HEAT PLUS HEAT RELATED DOMESTIC

1. OVERVIEW

This benefit is used to prevent shut-off or restore service for natural gas heat and for electric to operate the primary heating equipment when both services are provided by the same company.

2. AVAILABILITY

- This benefit is available once per program year. An applicant may not receive a second benefit or a supplemental benefit even if the applicant moves or circumstances change during the program year.
- Additional benefits may become available during the program year depending on HEAP funding. Districts will be notified if additional benefits become available and will be provided with procedures to implement the change.

3. BENEFIT AMOUNT

- Households of 3 or less = \$375
- Households of 4 or more = \$425

E. PROPANE INSTALLATION

1. OVERVIEW

- A payment to provide for propane tank installation and/or deposit is available to eligible households 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 ten day's supply of, propane for heating, and the current company refuses to make delivery due to the customer's arrears and/or history of non-payment.

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

2. AVAILABILITY

This benefit may be accessed more than once in a program.

3. BENEFIT AMOUNT

The benefit authorized is the amount necessary to alleviate the propane emergency, but cannot exceed \$500 in a program year per eligible household.

F. TEMPORARY SHELTER/RELOCATION

1. OVERVIEW

- A HEAP benefit may be issued to eligible households who are in a home heating situation that is deemed by the SSD to be detrimental to the health and/or safety of household members if temporary shelter/relocation is not provided.
- For example, a household without heating fuel in cold weather may be offered temporary shelter if a fuel delivery cannot be obtained until the next day or for a household whose heat/heat-related utilities have been terminated and service cannot be restored until the next day.
- Another common example may occur when a household has been determined eligible for a heating equipment replacement and/or repair but the work cannot be done in the same day and there is a threat to the household's health/safety.
- The SSD should first explore any accommodations that the household could make on their own, for example, staying with friends/relatives.

2. AVAILABILITY

The benefit may be accessed more than once in a program year.

3. BENEFIT AMOUNT

The benefit is limited to the amount necessary to alleviate the emergency but can not exceed \$500 in a program year.

G. WEATHER RELATED AND SUPPLY SHORTAGE

- In the event of weather related emergencies and/or a temporary supply shortage of fuel/propane, the SSD is authorized to purchase a supply of safe, supplemental heating devices which meet local building codes and which 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.
- The SSD may also opt to provide emergency shelter or temporary relocation for the household until the fuel becomes available or the weather allows for a delivery.

VII. BENEFIT ISSUANCES

SECTION CONTENTS

- A. EMERGENCY BENEFITS**
- B. RECOVERY OF BENEFITS**
- C. REISSUANCE AND TRANSFER OF BENEFITS**
- D. PROHIBITED PAYMENTS**
- E. GENERAL REQUIREMENTS**
- F. FORMS**
- G. IN PERSON APPLICATIONS—EMERGENCY**

A. 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: 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 recipients full emergency benefit is issued to the recipients vendor.
- The benefit is issued in full even if this results in a credit on the recipient's account.

B. RECOVERY OF BENEFITS**1. POLICY**

- The SSD must attempt to recover incorrect, misdirected, or inappropriate payments made to vendors or recipients.
- HEAP benefits may not be recouped from TA grants.
- The SSD 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.

C. REISSUANCE AND TRANSFER OF BENEFITS**1. LOST OR STOLEN CHECKS/BENEFITS**

Local SSD procedures are followed for the tracking and re-issuance of lost or stolen checks.

2. STALE DATED CHECKS

Stale dated HEAP checks, 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

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

Emergency Benefits

- Emergency Benefits are not cashed out to recipient.
- Credit from Emergency Benefits must be returned to the SSD 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.
- Credits belong to the applicant of record (WMS relationship code 01 – applicant/payee).

D. 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
- 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 equipment is inoperable due to flood, fire, or other natural disaster,
 - The dwelling does not have, or did not have in the preceding heating season, an operational primary heating system unless the household has been utilizing space heaters,
 - The dwelling was purchased without an operational heating system,
 - The dwelling contains more than two units with a single heat source,
 - The applicant's home is for sale and there is a signed sales contract,
 - Heating equipment was replaced within a ten year period, beginning April 2000,
 - There is homeowner's insurance available to cover the expense.

E. GENERAL REQUIREMENTS

1. PROCESSING TIME FRAME

- a. 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.
- The processing time for walk in applications, including emergencies, begins on the date that the eligibility interview is conducted by the certifier.

NOTE: A phone request for emergency benefits made by a TA or FS recipient is considered to be an application and the processing time begins on the date of the request by the recipient.

b. Additional Time Requirements for Emergency Benefits

- Eligible households in a life-threatening situation must be provided assistance immediately when there are no alternative shelter options. One of the following actions must be taken:
 - Provision of temporary relocation; or
 - Obtaining an extension of service from the utility company; or
 - Other appropriate temporary remedies.
- The emergency situation of an eligible household applying for emergency benefits must be resolved within:
 - 18 hours if the household is without a fuel for heating supply or power
 - 48 hours if the household is facing imminent loss of a fuel for heating supply or power.

c. Processing

Applications must be processed in chronological order.

2. PENDED APPLICATIONS

a. Time Limit

- An application or phone certification may be pended for a maximum of ten business days.
- Applications or phone certifications 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.
- b. 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.
 - Local forms must be approved in writing by OTDA.
- c. 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 certification form, or in the case record for e-filed applications.

3. APPLICATION LOG

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

F. FORMS

1. OVERVIEW

a. State Form

- All applicants must apply on a State prescribed form. Forms include the standard application, including the on line version, the phone certification form, and the TA/FS short form request for benefits.

b. Local Equivalent

- Any local equivalent must be approved, in writing, by OTDA.

2. APPLICATION

a. DSS-3421

- The DSS-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 5/07 may be used for 2007-2008.
- This form is used 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.

b. Completing the Application

- Applicants are responsible for completing all unshaded 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.

G. IN PERSON APPLICATIONS–EMERGENCY

1. REQUIREMENTS

- All applications for emergency benefits must be in person except that a TA or FS recipient who is the customer and tenant record may request heat or heat-related emergency benefits via a phone interview.
- All in person applications require full documentation.
- All applications for heating equipment repair/replacement must be in person.

2. FORMS AND NOTICES

a. 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.
- The “walk in” box on page 1 is checked by the certifier.
- A new application form is not required when:

- The applicant was denied and re-applies during the same calendar month; or
 - An applicant who has an application on file and re-applies for emergency benefits within the same calendar month.
 - Applications (and other required forms) may be provided prior to the interview according to local procedures.
- b. Other Notices
- Each applicant must be provided with a copy of the Application Rights Notice, the Important Notice about Energy Costs, and the Qualified Alien Information.
 - In addition, each application must contain a Voter Registration Form.
- c. Budget Worksheet
- The certifier must complete a HEAP Budget Worksheet (HBC) for all applicants. All documentation and income calculations are recorded on the worksheet.
 - In addition, the emergency checklist section must be completed and the resource section signed by the applicant for emergency benefit applications.
- d. HEAP Benefit Calculation Worksheet (HBC)
- A benefit calculation worksheet must be completed only when the alternate certifier is taking the emergency application and does not use the HBC.
- NOTE: A printed copy of the HBC is not required.**
- e. 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 a face-to-face interview with the applicant.

5. DOCUMENTATION

a. Requirement

- All in person applicants must provide full documentation. Please see the Documentation section of this Manual for a listing of required and acceptable documentation.

b. Documented Items

- Documentation is required for:
 - Household composition
 - Residence
 - Income

NOTE: If the income deeming process is used for the emergency application, documentation of income is not required. See the Income Section of this manual for income deeming procedures.

- Vendor relationship
- Vulnerability
- Alien status

c. Additional Requirements for Emergency Benefits

- Applicants for emergency benefits must also document:
 - Customer and tenant of record status
 - Resources

- Emergency situation
- Ownership, if applicable

6. PROCESSING/PENDING TIME

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

7. ELIGIBILITY/BENEFIT CALCULATION

a. Eligibility

- Eligibility for in-person applicants is outlined in the Basic Eligibility and Emergency HEAP–Eligibility Requirements sections of this manual

b. Benefits

- Benefit calculation is outlined in the Determining Regular Benefits and the Emergency Benefits sections of the manual.

8. COMPLETION OF THE “AGENCY USE ONLY” SECTIONS

a. Page 1 of the Application

- The certifier should check the box marked “walk in”
- The certifier may be required to enter the HEAP Income Code.
- The certifier should complete any other section as outlined in local procedures.

b. Page 4 of the Application

- Once an application is complete and the benefit calculated, the certifier must complete the “Agency Use Only” section on page 4 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 SSD

a. Time Frames

- Certifiers must submit applications to the SSD no later than 15 calendar days after receipt. Pending time is not included in the 15 days.

b. Transmittal of Original Files

- Certifiers must transmit the original application, any other applicable forms and notices, and documentation/information to the SSD unless the district has an approved written waiver allowing the certifier to maintain original files.

d. Voter Registration Form

- The Voter Registration form is left attached to the application and transmitted to the SSD.

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HEATING EQUIPMENT REPAIR & REPLACEMENT

I. 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 medical documentation, to replace systems that are directly detrimental to a household member's health.

II. COMPONENT DATES

The 2007-08 Heating Equipment Repair and Replacement component began October 1, 2007.

III. AVAILABILITY

a. Repair

- Eligible households may access the repair benefit more than once as long as the total benefit amount for the program year does not exceed \$2,500.00 in any one program year.
- In some cases, the cost of repair may exceed or be comparable to the cost of replacement. In these cases, the Social Services District (SSD) should explore replacement. In addition, multiple repairs may warrant the exploration of replacement instead of continued repair.

b. Replacement

- 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.

IV. DEFINITIONS

- Repair—NYS HEAP defines repair of essential primary heating equipment 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.

- For 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.
- Replacement-NYS HEAP defines replacement of essential primary heating equipment 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.
 - For 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.

V. SCOPE OF WORK

- 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 reason; 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.
- Essential heating equipment may be replaced in situations when it is medically documented by a physician that the current heating system is directly detrimental to the health and safety of the applicant and/or household member.
- 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 to replacement with the same system. The final approval for replacement with a different system type is made by the SSD.

- NYSHEAP defines comparable as not exceeding \$250 of the cost of replacement of the existing heating system and fuel type.
- Work is limited to essential and primary heating equipment necessary to insure that the heating system will operate safely 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.
- 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 households must apply in person and be determined eligible for the HEAP repair/replacement component prior to the authorization of any work. Only the DSS may certify these applications.
- 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 the safe, healthy habitation.
- All work, whether repair or replacement, must be approved and authorized by the SSD prior to the commencement of any work.

VI. CERTIFICATION

The SSD is the sole certifier for this component. The SSD may contract with alternate certifiers to assist in the application/outreach process.

VII. 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 (DSS-3421, rev. 5/07) 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 is not permitted to apply for heating equipment repair and/or replacement benefits on behalf of another applicant.
- A power of attorney may not apply for HERR benefits unless it is verified that the applicant is mentally or physically unable to complete the application for assistance.
- Reasonable accommodations should be explored with homebound applicants to assist with application requirements.

VIII. APPLICATION PACKET REQUIREMENTS

Every HEAP application packet must contain the following items:

- The current version of the NYS HEAP Application (LDSS –3421 (REV. 5/07)),
- The Application Rights notice,
- The Important Notice About Energy Costs information,
- Qualified Alien information.

IX. HEATING EQUIPMENT REPAIR AND REPLACEMENT: GENERAL REQUIREMENTS

- Households must meet the established HEAP income guidelines for the program year to be eligible. Income deeming does NOT apply.
- Applicants for heating equipment repair and/or replacement must meet all of the criteria outlined in the Basic Eligibility sections of the NYS Home Energy Assistance Manual and this section in order to be eligible for heating equipment repair and/or replacement benefits.
- Applicant/homeowner must be a New York State resident.
- Applicant must be a US citizen or qualified alien.
- The household's resources must be at or below established limits.

- The dwelling must be the applicant's primary residence.
- The primary heat source must have been operable within the last heating season. In some cases, an exception may be made for those applicants who have been using portable space heaters to compensate for the inoperable primary heating system.
- The primary heating system must have been operable at the time of purchase of the dwelling.
- It must be documented by a licensed heating professional or by the local weatherization sub-grantee that the applicant owned primary heating equipment is inoperable or unsafe and is in need of repair or replacement.

X. ELIGIBILITY

- Ownership requirement/housing condition
- The homeowner must be a US Citizen or Qualified Alien and a NYS resident.
- Heating equipment must be applicant owned and must be the primary source of heat.
- Applicants 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
- Bill of Sale in conjunction with either:
 - 1) Tax bill/receipt; or
 - 2) Mortgage papers/payment book or loan payment receipts; or
 - 3) Mobile home lot rent receipts/statement from park owner; or

4) 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 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.
- 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.
- Dwellings with more than two units with a single heat source are not eligible.

a. Income Eligibility Guidelines

- Income eligibility for heating equipment repair and/or replacement is determined in accordance with Emergency HEAP income guidelines. See the section on Basic and Emergency Eligibility for specific information.
- A household is categorically income eligible only when the homeowner is in active receipt of TA, FS or Code A SSI.
- Income deeming does not apply.

b. Resources

- Repair

A zero resource test applies to all applicants for heating equipment repair. All non-exempt resources must be used for repairs (**all** household members' resources are counted). A common example of resource exemptions allowed under emergency HEAP guidelines are monthly expenses such as mortgage, taxes and a reasonable amount for food. See Resources section of the HEAP Manual for specific information.

- Replacement

In addition to the resource exemptions allowed under emergency HEAP guidelines, such as monthly expenses, up to \$3000 in liquid resources are exempt for applicants for heating equipment replacements. See Resource section of the HEAP Manual for specific resource information.

NOTE: All household members' resources are counted.

- Resource of Co-Owners

- If the equipment is co-owned and the co-owner(s) does not reside in the dwelling, the district must explore the availability of resources and contributions from the co-owner(s).
- Only a pro-rated share of the repair/replacement cost may be paid with HEAP funds when:
 - 1) The co-owner is not accessible
 - 2) The co-owner refuses to provide documentation of resources and/or
 - 3) 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.

- When HEAP is limited to a pro-rated amount, the applicant must provide proof that they have obtained the balance before any HEAP payment is authorized.
- Applicants should be referred to other programs to obtain the balance of a prorated HEAP payment (TA, Catholic Charities, Weatherization, etc.).
- Eligibility for the pro-rated 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: Applicant victims of documented domestic violence situations may be exempted from documenting a co-owners resources if producing the documentation could exacerbate the DV situation and place the applicant at risk.

11. ELIGIBLE LIVING SITUATIONS

- 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's household must not be considered to be unsafe and/or unfit for habitation.
- Please refer to the Prohibited Payments section of the NYS HEAP Manual for additional information.

12. BID/ESTIMATE PROCESS

- Districts should use local procedures for obtaining bids/estimates for repair and/or replacement work. However, two bids are required for replacements that exceed \$2500.00 unless an LDSS contracts with a specific vendor or agency.
- Districts may use an open bid process or may establish contracts with specific vendors and/or the local weatherization sub-grantees.
- If a LDSS contracts out their furnace 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 insure 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 assistance 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.

- Vendors must be licensed as required by State/local codes, fully insured and entered into the “Vendor Agreement” with the LDSS for their bid to be accepted.
- Estimates/bids must be legible and contain the following information:
 - Vendor name, address, phone number, information on insurance and licensing if not already on file in the district;
 - Statement that the current system is inoperable and/or unsafe and is in need of repair and/or replacement. When replacing systems, the statement must specify that the current system cannot be repaired and the reason;
 - Cost of repair or replacement. Parts and labor should be specified;
 - Estimated start and completion dates of work;
 - Warranty information. All warranties must be issued in the name of the homeowner.
- The replacement benefit is limited to \$2500 without approval from the NYS OTDA HEAP Bureau.
- If all bids submitted or if contracted agency (weatherization, for example) submits an estimate that exceeds \$2500, the LDSS must obtain approval from NYS OTDA HEAP Bureau prior to authorizing any work.
- Local district may request a waiver if the average cost consistently exceeds \$2500.00.
- 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.

XIII. BENEFIT AMOUNT/PAYMENT REMITTANCE

- The essential heating equipment repair benefit is capped at \$2500 per applicant annually.

- Essential Heating Equipment replacement benefit is capped at \$6000 and limited to once in a ten-year period per applicant and dwelling.
- Eligible households may be eligible for temporary relocation benefit up to \$500 if it deemed necessary for the health and safety reasons.
- Benefits are issued directly to the vendor, after completion of all work.
- Vendors must submit an itemized final bill, after work is completed. A copy must be retained in the case record (file).
- 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 State sales tax may be charged.
- Costs associated with obtaining and/or documentation of the condition of the system, are allowable expenses. WMS code H0 is used to pay for estimates for vendors that are not chosen to do the work.

XIV. 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 system.
- In general, attempts should be made to have all work completed within five business days from the authorization by the LDSS.

XV. WMS PAYMENT CODES (outside NYC)

- Payment code H7 is used for replacement of essential heating equipment.
- Payment code H5 is used for repair of essential heating equipment.
- Payment code H0 is used for estimates to vendors not doing the repair/replacement work.

XVI. SPECIAL FORMS

Districts must complete a "Heating Equipment Repair/Replacement Guide" (LDSS 4867, Rev 7/07) for every heating equipment repair and/or replacement.

XVII. FILE REQUIREMENT

- All case files must contain:
 - A current signed and dated application;
 - All supporting documentation;
 - Budget Worksheet;
 - Copies of all estimates;
 - Copies of final itemized bills remitted;
 - Furnace Repair/Replacement Guide; and
 - 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: DSS responsibility for this component was resumed in April 2000.

- When the LDSS contacts the State, HEAP workers must note in the case records the date and liaison with whom they spoke to for approval of furnace replacements over \$2500.

XVIII. PROHIBITED 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 insure 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, including those situations where a dwelling was purchased without an operational system.
- 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 multiunit 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 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.
- Payments for benefits to households who purchase a dwelling with a non-working or without a heating system are not eligible for replacement.
- Roadworthy trailers or mobile homes registered with Motor Vehicle 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 Transitional 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.

3. DISTRIBUTION OF APPLICATIONS AND 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 insure 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 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 (DSS 3421, 3421C and 3421S) Revised 5/07

- During the 2007-2008 program, districts must use the 5/07 magenta version.
- The internet version of the application must also be accepted by all certifiers.

2. APPLICATION RIGHTS

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. Revised 7/07

3. AUTOPAY VENDOR INFORMATION A (LDSS 4859A) Revised 5/07

- This form is for use only in districts participating in the Oil Buying Component.
- 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.

4. AUTOPAY VENDOR INFORMATION B (LDSS 4859B) Revised 5/07

- This form is for use only in districts participating in the Oil Buying Component.
- This form is used for TA/FS recipients on the autopay when it is known that their vendor is not participating in HEAP. The district vendor list must be attached. The letter advises households to pick a participating vendor from the list and submit proof that the vendor has accepted them as a customer. The household must be given ten days to submit the required information.

5. BUDGET WORKSHEET (DSS 3594) Revised 7/07 A and B

- 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.

6. CNS NOTICES

CNS notices are available for both approval and denials.

7. COVER LETTER FOR MAIL IN APPLICATIONS

The language provided by CEES must be reproduced locally and the letter used to transmit applications for applicants permitted mail in access. The letter or application packet must also include the “Applications Rights” and “Important Notice about Energy Cost” language. Revised 7/07

8. DOCUMENTATION REQUIREMENTS (DSS 3431, 3431- 1) Revised 8/03

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.

9. HEAP DESK GUIDE (DSS 3862) Revised 10/07

- 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.

10. HEAP MONTHLY HOUSEHOLD INCOME CODES Revised 7/07

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

11. HEATING BENEFIT CALCULATION WORKSHEET Revised 11/07

- This form must be completed for all applicants paying separately for heat unless the HBC or ABEL is used. This includes applicants applying via the mail in process, the phone certification process, or if TA/FS authorized

a benefit after the initial autopay process, or if TA/FS recipients request emergency benefits via the phone process.

- Districts utilizing an electronic calculation, including ABEL or HBC, may substitute a printout of the automated calculation for this form.

12. HEATING EQUIPMENT REPAIR/REPLACEMENT GUIDE Revised 1/06

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

13. IMPORTANT NOTICE ABOUT ENERGY COSTS

This language must be reproduced locally. This language must also be provided to all applicants and may be incorporated into the cover letter language for use with mail in applications or may be provided as a separate form. Revised 7/07

14. INCOME DEEMING ATTESTATION Revised 7/06

This form is used in the income deeming process for applicants who have been determined eligible for a 2007-2008 regular benefit and who are re-applying for emergency benefits.

15. NOTICE OF ELIGIBILITY DECISION (DSS 3494 A and B) Revised 9/04

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.

16. PHONE CERTIFICATION Revised 7/07

- Language for this form must be reproduced locally. Language in the July 2007 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.

NOTE: Only counties with an approved waiver from OTDA are allowed to conduct phone certifications.

17. POSTERS AND BROCHURES

- Both posters and brochures are now available.
- Posters that are available are in two sizes:
 - 8 ½ x 11 (Pub. 4737)
 - 11 x 17 (Pub. 4736)
- Brochures are available in both English and Spanish.
 - English: (Pub. 4737)
 - Spanish: (Pub. 4735-S) Revised 1/07

18. QUALIFIED ALIENS Revised 7/07

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

19. REQUEST FOR INFORMATION/DOCUMENTATION LETTER (DSS 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.

20. SELF-EMPLOYMENT WORKSHEET (DSS 3785) Revised 7/88

This form is required for all self-employment income. Although it is recommended that the applicant complete the form, certifiers may choose to assist or to complete the form.

21. TA AND FS Request for Regular Benefits Revised 7/06

TA and FS recipients who were not included in the autopay process must complete a short form in order to request regular HEAP benefits.

22. VENDOR INFORMATION FORM Revised 7/07

This form may be used to obtain vendor information for TA and/or FS households.

23. Vendor Selection Letter (LDSS 4859) Revised 7/07

- This form is for use only in districts participating in the Oil Buying Component.

- It has been developed for use when an oil/kerosene applicant is using a non-participating vendor to advise them of the need to switch to a vendor that participates in HEAP. This form allows you to give the applicant ten days to switch to a participating vendor and submit proof. The applicant can be denied at the end of the ten day period for failing to comply.

24. ZERO LOW INCOME WORKSHEET (LDSS 3829) Revised 9/04

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

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FAIR HEARINGS**SECTION CONTENTS**

- A. FAIR HEARING RIGHTS**
- B. FAIR HEARING 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.
- However, fair hearing requests received later than 105 days after the district terminates the receipt of applications for the program year will not be accepted.

4. FAIR HEARING SECTION

- Fair hearing requests are directed to:

HEAP
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.state.ny.us/OAH/Forms.asp>

- Fax to: (518) 473-6735

B. 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. APPLICATIONS 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.

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 as DSS conducts all local hearings.

4. HEARING REQUIREMENTS

- When an application is denied and the applicant requests a hearing, the NYS OTDA Fair Hearings Section will require the DSS to provide:
 - 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.

VENDOR INFORMATION and REQUIREMENTS INDEX

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VENDOR INFORMATION AND REQUIREMENTS**SECTION CONTENTS**

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- C REPORTING REQUIREMENTS**
- D VENDOR AGREEMENT FORMS**
- 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.

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 form is required prior to issuance of direct payments to vendors, including payments on lines of credit.

2. EMERGENCY BENEFITS

- HEAP emergency benefits must be issued to the recipient's vendor.

NOTE: In counties participating in the Oil Buying Component, the emergency payment may be issued as a two party check when: the client is exempt from using a non-participating vendor or OTDA has granted permission due to the unavailability of a participating vendor.

- 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 SSD require the vendor to verify the expenditure of the funds.

4. VERBAL PROMISE OF PAYMENT

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

C. 1099 REPORT REQUIREMENT

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 AGREEMENTS

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

Copies of vendor agreements are accessible via Centraport.

2. GENERAL REQUIREMENT

A signed vendor agreement must be on file at the CEES prior to issuance of any HEAP payment to that 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 exhausted, unless that recipient changes vendors or dies.

2. REFUND PROCEDURES

- When a client changes vendors and a benefit amount remains, one of the following actions is taken:

a. 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.

b. 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:
 - a. The recipient closes the original account; and
 - b. The recipient is the customer of record for a new heating and/or heat-related account.
- c. Credits belong to the applicant/payee (WMS relationship code 01).

3. 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 s a credit on the recipient's account.

4. 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 unless the recipient changes vendors or dies. See the section above on refunds for these cases.
- 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.

5. ERRONEOUS PAYMENTS

- Districts are required to attempt recovery of identified erroneous payments. An erroneous payment is a duplicate payment, 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

1. 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 2007-08 program.

2. NON-UTILITY DELIVERIES

- 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 is received.

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

- Non-utility vendors must also agree to accept emergency HEAP when they have previously accepted a regular HEAP benefit for that household in the current program year.

3. UTILITY PAYMENTS

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

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FILES AND CASE RECORDS

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- A. REQUIREMENTS FOR DEPARTMENT OF SOCIAL SERVICES
- B. REQUIREMENTS FOR LOCAL OFFICES FOR THE AGING AND 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.).

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/questionnaire or phone certification form
- The budget worksheet, if it is required to be completed
- The Notice of Eligibility Decision or CNS supervisory report, if generated.

NOTE: A CNS Supervisory Report will not be generated for autopay cases.

- Heating Benefit Calculation Worksheet, if applicable.

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

- Self–Employment Worksheet, if applicable
- The Request for Information/Documentation Letter
- 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 (DSS-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, correspondence, and information.

B. REQUIREMENTS FOR ALTERNATE CERTIFIERS

1. GENERAL POLICY

- a. File retention requirement
 - HEAP policy requires that all original files be retained by the DSS.
- b. Waivers
 - The DSS may request a waiver from OTDA to permit the alternate certifier 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, and local DSS staff upon request.

2. LOCAL ALTERNATE CERTIFIER FILES

a. 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 the comparison 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.

b. 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 local DSS staff, auditors, and State OTDA staff. 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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- E. AUTOMATIC PAYMENT COMPONENT**
- F. BICS LOCKS**
- G. BICS NOTICES**
- H. ADDITIONAL INFORMATION**
- I. HEAP INQUIRY 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
09-	Restricted
11-	Vendor line of credit

NOTE: Payment “to” date must be equal to September 30, 2008.

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:

- Mailed
- 6 – other

4. PAYMENT PERIOD

- “FROM” date cannot be less than October 1, 2008
- “TO” date cannot extend beyond September 30, 2008

NOTE: Payments may be written for the current program (2007-2008) and for the 2006-2007 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 now available on screen 6 of the WMS 3209.
- The field labeled “HVnd/Account” is used to enter information for all H1 (regular) HEAP payments. 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:

CODE	DEFINITION
H0	FURNACE ESTIMATES
H1	REGULAR HEAP BENEFIT
H5	REPAIR HEATING EQUIPMENT
H6	TEMPORARY SHELTER/RELOCATION
H7	REPLACEMENT OF HEATING EQUIPMENT
H8	PROPANE TANK INSTALLATION/DEPOSIT
H9	HEAP SUPPLEMENTAL BENEFIT
J1	HEAP EMERGENCY BENEFIT – ADDITIONAL BENEFIT NOTE: This code was used to issue the second heat and heat related emergency benefits in 2007-08
J2	REISSUE 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

a. At Full Data Entry, the following transactions are permitted:

02-	Opening
03-	Denial
09-	Open/Close
10-	Reopening

b. 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. REASON CODES

a. Required Entry

- Codes are required at denial and closing of HEAP cases.

b. Denial and Closing Codes

F01	HEAP Excess Income
F02	HEAP previously applied for/received through auto pay
F03	HEAP Emergency Denial—not customer of record
F04	HEAP Emergency Denial—not tenant 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
M03	Ineligible living situation
M04	HEAP Emergency Denial
M06	Insufficient information
Y99	Manual Notice

4. AUTHORIZATION PERIOD

Authorization “from” period must be least October 1, 2007 and the “to” period may not extend beyond September 30, 2008

5. HEAP INCOME CODES

a. Required entry for case type 60

- Income codes are required.

b. Codes

- 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%

c. Code Cards

- Updated code cards are provided each HEAP season.

6. SOCIAL SECURITY NUMBER

a. SSN and/or code is a required entry.

b. 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

7. INDIVIDUAL CATEGORICAL CODES

The following codes and definitions are used for HEAP purposes:

09	No ADC deprivation or not aged/disabled
10	Aged
11	Blind or both aged and disabled
12	Disabled, includes blindness

8. INDIVIDUAL DISPOSITION CODES

Codes:

07	Active
11	Denied
20	Case closed, system generated at closings

9. RELATIONSHIP CODES

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
02	Legal Spouse
14	Other
30	Non-legal union with common child

10. 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

Codes Continued	
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 2007-2008 HEAP automatic payment component outside of NYC is contained in the August 2007 "Dear WMS and BICS Coordinator" letter issued by the NYS DTA Upstate WMS unit.

F. BICS LOCKS

1. FUNCTION

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

2. TYPES OF LOCKS

There are four locks:

- TA lock – controls regular HEAP payments to TA cases included in the autopay

- FS lock – controls regular HEAP payments to FS cases included in the autopay
- NPA lock – controls regular HEAP payments to benefits issued on case Type 60 or benefits issued on PA or FS case that was not part of the autopay process
- Emergency lock – controls emergency HEAP payments issued on all case types
- Prior Year lock – controls payments for the prior year for all payment types

3. ACCESS

Locks may be set 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 2007.

2. SYSTEMS UPDATE AND CHANGES

- Information on systems changes for the 2007-2008 program can be found in the Dear WMS Coordinator letter dated July 2007.

H. HEAP INQUIRY SCREEN/HISTORY SCREEN

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 6-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:	
	HEAP Pay Type Code	Mnemonic
	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
	Upstate: H0	ESTIMATE
	Upstate: J1	SPECIAL
	Upstate: J2	REISSUE
	NYC: 97	
	Upstate: 04	NONUTIL

PAY TYPE	Heap Pay Type Code	Mnemonic
	Upstate: 17	UTILEMER
	NYC: 80	
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.	

SCREEN NAME	DEFINITION
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>

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 will last less than seven 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 Burden Ratio - The percentage of the household's annual gross income used to its annual energy expenses. It is determined by dividing the household's annual energy expenses by the household's annual gross income.

Energy Criteria - The three factors used to calculate the applicant household's heating benefit:

- Income tier
- Vulnerable population member(s)
- Energy Burden Ratio

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.

Energy Point - The numerical value assigned to each of the energy criteria to calculate the applicant household's heating benefit. Minimum number of points per criteria is one; maximum number of points is four.

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 occupy a housing unit. Any individual residing in a housing unit who is related by blood, marriage

or adoption to any other household member shall be presumed a household member in determining HEAP eligibility unless they provide reasonable evidence to rebut this presumption. Relationship by blood, marriage or adoption shall be deemed to include the following:

- Father, mother, son, daughter, brother, sister
- Stepfather, stepmother, stepbrother 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 of 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.

Tenant of Record - Person(s) who has/have primary responsibility for payment of the monthly rent or mortgage for their dwelling unit. In addition, a person/persons may be considered the tenant of record if they own their residence. Individuals who contribute a portion of the monthly rent/mortgage to a person responsible for payment of the monthly rent/monthly for their dwelling unit are not considered a tenant for record. In addition, a person or persons residing with a homeowner is not considered a tenant of record.

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 eight 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