

GENERAL INFORMATION SYSTEM
Center for Employment and Economic Supports

November 5, 2008

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TO: Commissioners; TA Directors; CAP/TOP Coordinators; Staff Development Coordinators;
WMS Coordinators; HEAP Coordinators

FROM: Russell Sykes, Deputy Commissioner, Center for Employment and Economic Supports

SUBJECT: Suspending Enforcement of Utility Repayment Agreements during the Cold Weather
Period

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau at 1-800-343-8859; ext. 4-9344

Certain households with a utility (electric or natural gas) emergency are required to sign a repayment agreement as a condition of eligibility for an emergency utility arrears payment, in accordance with SSL § 131-s(1) and 18 NYCRR § 352.5(e). To receive subsequent utility arrears payments, the household must have repaid the previous payment or be current on the payment obligations of any previous utility arrears repayment agreement.

An emergency filing of an amendment to 18 NYCRR § 352.5(e), on November 5, 2008, allows districts to suspend enforcement of previous and new repayment agreements during the cold weather period for individuals who have defaulted on an existing repayment agreement and are facing a new utility emergency. For the purpose of this suspension, the cold weather period is defined as November 1st of each year and ending April 15th of the following year. The suspension allows subsequent utility arrears payments without regard to the status of the repayment obligations of any previous repayment agreement. This suspension does not uniformly suspend the repayment terms of all the district's utility arrears repayment agreements, but just those where the repayment obligations have not been met and the applicant is applying for assistance to meet a subsequent utility emergency. Additionally, the suspension does not preclude the requirement for certain households to sign a new repayment agreement during the suspension period, as a condition of eligibility for a utility arrears payment. The terms of new repayment agreements signed during this period would begin on April 16th with a one year term, regardless of when the assistance was granted. For any previous repayment agreements, the repayment terms will resume on April 16th, adjusted to compensate for the suspension period. This could result in some individuals having more than one repayment agreement in effect at the end of the suspension.

If a district chooses to suspend enforcement of repayment agreements for an upcoming cold weather period, the suspension must be uniformly applied to all applicants of emergency utility assistance under all TA programs. This policy does not affect a district's ability to secure a lien for emergency energy assistance as granted under Family Assistance, Safety Net Assistance, Emergency Safety Net Assistance or Emergency Assistance to Families.

Applicants facing non-utility (other than electric or natural gas) heating emergencies are not required to sign repayment agreements.

This policy is not applicable to Emergency Safety Net Assistance shelter arrears repayment agreements.

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Initially, for those districts choosing to suspend enforcement of the terms of the utility arrears repayment agreements, please notify this Center of your decision. You may send the information in writing to:

Office of Temporary and Disability Assistance
Center for Employment and Economic Supports
Temporary Assistance Bureau
40 North Pearl Street
Albany, New York 12243

Or by e-mail to tom.homovich@otda.state.ny.us

An Administrative Directive will be forthcoming.