

**GENERAL INFORMATION SYSTEM**  
**Center for Employment and Economic Supports**

**June 2, 2010**

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

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

**SUBJECT:** Authorization of Energy Assistance for Emergencies for Grantees Receiving  
Supplemental Security Income (SSI)

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344

Social Services Law (SSL) Section 131-s outlines a social services district's responsibility for meeting utility (natural gas and/or electricity) emergencies for recipients of Supplemental Security Income (SSI) and additional State payments. Prior to authorizing such a payment to restore service or prevent a disconnection of utility service, the district must first determine that the recipient of such a payment is not entitled, at the time the request is made, to a grant pursuant to Titles one, three, eight or ten of Article five of the SSL. Therefore, districts must first explore eligibility for Emergency Assistance for Adults (EAA) for those applicants seeking utility emergency relief, who are recipients of SSI or additional State payments with a verified customer and tenant of record status. This requirement also applies in those situations in which the applicant in receipt of SSI functions as a legally or non-legally responsible grantee for children for whom the grantee receives TA, regardless of whether the TA case is budgeted with a fuel allowance under 18 NYCRR §352.5(a) and 18 NYCRR§352.5(b).

Sections of the Energy Manual may reflect a less than clear interpretation of this policy and are in the process of being clarified. Districts must cease authorizing utility related emergency payments under the child's category of assistance, and must not meet the period of guarantee obligation outlined in 18 NYCRR §397.5(k)(2) under the child's TA case. This policy also precludes districts from determining the mismanagement of the TA grant resulting in any subsequent recoupment from the child's TA grant.

For the ease of administering requests for non-utility (other than natural gas or electricity) emergencies, this release requires that districts apply this policy to non-utility emergency applicants. Again, districts must explore the individual's eligibility for EAA for applicants for such relief receiving SSI, acting as a legally or non-legally responsible grantee for children in receipt of TA, with or without a fuel allowance and meeting the customer and tenant of record requirements found in 18 NYCRR §352.5(a). A tenant of record is a person with primary responsibility for payment of the monthly rent or mortgage for the dwelling and may not include those who contribute a portion of such payment to the person with primary responsibility. For example, a non-spouse applicant residing with a homeowner is not a tenant of record. A customer of record is a person who has an account in his/her name with a home energy vendor.

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For administrative ease, districts may continue restricting and authorizing payments for heating (and domestic utility service only when the grantee has a combined utility bill) residential accounts to the respective distribution utility companies, energy services companies (ESCO), municipals, companies who legally sub-meter electric service and other non-utility home energy vendors, for any TA case budgeted with a fuel allowance. Districts must not authorize payment that exceeds the amount restricted for the actual bill as submitted by the vendor, unless requested to do so by the grantee.

Districts must always consider the availability of the Home Energy Assistance Program (HEAP) prior to authorizing any payment under TA, including Emergency Assistance to Needy Families (EAF) and Emergency Safety Net Assistance (ESNA), or EAA.

Districts must also remember policy regarding liens and utility arrears repayment agreements do not apply when granting relief by authorizing payment under EAA.