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Center for Employment & Economic Supports

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

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

SUBJECT: REISSUED - Processing Requests for Energy Related Emergencies

EFFECTIVE DATE: November 1, 2010

CONTACT PERSON: Questions, dial 1-800-343-8859; TA extension 4-9344; HEAP, extension 3-0332; HPRP, extension 4-3080

The purpose of this message is to reiterate a Temporary Assistance (TA) requirement that with the November 1, 2010 opening of the Home Energy Assistance Program (HEAP), districts must explore the availability of and individual eligibility for HEAP benefits before issuing a Family Assistance (FA), Safety Net Assistance (SNA), Emergency Assistance to Needy Families with Children (EAF), Emergency Safety Net Assistance (ESNA) or Emergency Assistance for Adults (EAA) payment to meet utility or non-utility energy related emergencies. Districts must utilize HEAP to meet an energy emergency if:

- HEAP is available (November 1, 2010 or later), and
- HEAP eligibility is affirmed, and
- the HEAP benefit available meets the energy emergency

Districts must utilize the following procedures when addressing energy emergencies associated with heating, heat-related domestic energy, heating equipment repair/replacement, and/or alternative housing accommodations:

- Explore the availability of regular HEAP before considering emergency HEAP;
- If regular HEAP is not available, or the energy vendor will not accept a regular HEAP benefit to meet the emergency, explore the availability of emergency HEAP;
- If HEAP, both regular and emergency, is not available or the energy vendor will not accept the regular and emergency HEAP benefit to meet the emergency, determine TA or EAA eligibility to meet the emergency.

For example: the applicant/recipient has exhausted his/her HEAP benefits for the current program year or the HEAP program is closed for the current program year, districts must determine the applicant's/recipient's eligibility for TA or EAA benefits.

To determine eligibility for a TA or EAA benefit to meet an energy emergency, districts must follow the policy and procedures outlined in the Energy Manual and the Revised LDSS-4884, "TA Energy Emergencies Comparison Table" released in 10 INF-18.

09 ADM- 17 provides information regarding a district's option to suspend the enforcement of utility repayment agreements during the cold weather period for households defaulting on an existing utility repayment agreement and applying for assistance with a current utility (natural gas and/or electricity) related emergency. For the purposes of this suspension **only**, the cold weather period is defined as beginning on November 1st of each year and ending April 15th of the following year. Additionally, Chapter 318 of the Laws of 2009 amended Social Services Law § 131-s by requiring

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the term of any utility repayment agreement signed on or after August 11, 2009 be extended from 12 months to 24 months.

When meeting **any** emergency, including energy emergencies, using TA funds, districts must issue a same day notice, "Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance" (LDSS-4002) or an approved local equivalent. This notice must clearly explain to the applicant/recipient how the emergency/immediate need will be met. It must be completed and provided to the applicant/recipient even if the district does not meet the emergency with TA, but meets the need through a referral. For example, the district may meet the declared energy emergency of an applicant through a referral to the HEAP unit if HEAP is available, if the applicant has not exhausted his/her current HEAP benefit and if the applicant appears otherwise eligible for HEAP. The LDSS-4002, or approved local equivalent must state that the referral is available and meets the emergency need. If the district denies the application, the notice must note the reason for the decision, including those instances when the emergency is not an immediate need and that the district will address the emergency need later, for example, at the eligibility interview. When the district defers the resolution of the emergency to a later date, the district must issue another LDSS-4002, or approved local equivalent, at the time the district meets the emergency need. The LDSS 4002 is required for TA applicants who declare on the LDSS-2921, "Common Application" their intention of applying for emergency assistance only by checking the box "Emergency Payment Only (EMRG)" or when the district discovers and documents this fact during the interview. For further information and policy on processing emergency/immediate needs requests, please see 02 ADM-02, "Meeting the Emergency/Immediate Needs of Temporary Assistance (TA) Applicants/Recipients".

Districts must issue a guarantee when authorizing utility arrears payments using TA or EAA funds for all active TA and SSI households for a period of six months or until the TA or SSI case closes, whichever is sooner. When a recipient moves from one dwelling unit to another, regardless of whether that unit is in the same district authorizing the guarantee, and remains in continuous receipt of TA or SSI, the district making the guarantee must continue to honor that guarantee as long as the utility company remains the same, regardless of whether the account number changes. Out of State moves are not covered by this policy even when the utility company remains the same. The period of this guarantee begins on the date disconnected service is restored, or on the first day of the new billing period following the last day of the billing period the district used to calculate the arrears payment.

Any applicant for regular or emergency HEAP who fails to comply with HEAP eligibility requirements is deemed to have failed to apply for and utilize a benefit or resource that will eliminate the need for TA in accordance with 18 NYCRR § 351.1(b)(2)(iii) and is ineligible for any TA benefit to meet the energy emergency, including housing accommodations.

Honoring Commitments Made to Energy Providers

To reiterate from previous releases, districts are obligated to make those TA and HEAP payments to utility and non-utility energy providers when meeting energy related emergency/immediate needs for applicants of or recipients of temporary assistance once the district makes a commitment to the energy provider. This is important when the energy provider agrees to continue or restore natural gas or electric service, or makes a fuel delivery based on this commitment.

If, after making the commitment, further investigation determines that the recipient was not eligible for such assistance, districts must still make the payment that they committed to make, and then pursue recovery from the recipient. The only exception is when the district

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contacts the energy provider and the energy provider agrees to allow the district to rescind the commitment. In this situation, the district is not obligated to make the payment.

Homeless Prevention and Rapid Re-housing Program (HPRP)

Another source of financial assistance for paying for heat and utility bills is the Homelessness Prevention and Rapid Re-housing program (HPRP). This is federal stimulus funding from the U.S. Department of Housing and Urban Development (HUD) which is meant to prevent homelessness as well as help those who have become homeless to obtain new housing as quickly as possible. The program is targeted to those at 50% of the Area Medium Income or below. HPRP funding has been distributed to large municipalities directly by HUD; OTDA serves as the administrator for the balance of the state portion, which was in excess of \$26 million. The program will only be in effect until July 2011 because it is a stimulus program, but until then, can be a very valuable resource.

HPRP funding can be used to pay for current utility bills or for six months of arrears. Clients can be referred to the local HPRP administrator for program application forms and guidelines. Questions about HPRP can be answered by Rick Umboltz, Assistant Director of Support Services within the OTDA Bureau of Housing and Supportive Services Unit at (518) 474-3080 or Richard.Umboltz@otda.state.ny.us.

Note: Accessing the HPRP funds as described above does not eliminate the requirement to explore the use of emergency or recurring TA benefits, or the availability of HEAP, when preventing a shut-off or restoring utility (natural gas/electricity) service under Social Services Law § 131-s. The availability of and potential eligibility for HPRP funds is not a basis for denial of emergency TA benefits unless the utility company chooses to accept the payment made using HPRP funds and establishes or restores utility service based on such payment. The use of HPRP to meet current utility bills does not eliminate the requirement that districts provide recipients of recurring TA with a fuel allowance when the recipient meets both the customer and tenant of record requirements found in 18 NYCRR § 352.5(a). In accordance with program requirements, HPRP funds are to be used as a last resource; all other resources should be exhausted first.