LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)
STATE PLAN
PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2011

GRANTEE: New York State Office of Temporary and Disability Assistance (NYS OTDA)

EIN: 1-14-601-3200-K1

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PLEASE CHECK ONE: TRIBE ___ STATE _X_ INSULAR AREA ___

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075
Expiration Date:

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)
Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

GRANTEE: New York State Office of Temporary and Disability Assistance

FFY: 2011

The **NYS Office of Temporary and Disability Assistance** agrees to:

(1) Use the funds available under this title to:

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) Make payments under this title only with respect to:

(A) households in which one or more individuals are receiving:

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of:

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries

out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection.

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to:

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measure to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that:

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that:

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in states where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

(16) use up to five percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended. By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature: David A. Paterson

Title: Governor, State of New York

Date: 8/30/2010

In the above assurances which are quoted from the law, "State" means the 50 states, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

2605(a)
2605(b)(1)

Please check which components you will operate under the LIHEAP program. (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

-Use of Funds-

		Dates of Operation
X*	Heating Assistance	11/1/10 – 3/31/11
n/a	Cooling Assistance	
X	Crisis Assistance	11/1/10 – 3/31/11
X	Weatherization Assistance	10/1/10 – 9/30/11

* If NYS determines that there are sufficient funds available, the heating and/or crisis components may operate beyond the stated closing dates. If funds are insufficient, the heating and/or crisis component may close earlier than 3/31/11. Early mail-out to households that received HEAP in 2009-10 will begin in August 2010.

During FFY 2000, FFY 2001, FFY 2003 and FFYs 2005-2010, contingency funds were released to New York State and other states for heating or cooling purposes. In addition, the FFY 2011 President's Budget proposes to create a new trigger mechanism to provide automatic increases in energy assistance whenever there is a spike in energy costs. In order to obtain public input, the New York State HEAP Plan is including regular and crisis HEAP program changes which New York State would consider making if additional funds were to become available through contingency and/or "triggered" funds, during FFY 2011. The selection of any of the listed program changes is dependent upon factors that include, but are not limited to: 1) the amount of additional funding; 2) parameters or conditions attached to the funds; 3) the season (i.e., heating or cooling) during which the funds become available and 4) the timing of the release of funding.

If additional funds become available in advance of or during the heating season, OTDA may:

- Issue additional regular and/or emergency benefits. Such benefit amounts may be less than, equal to, or greater than the amount of the first regular and/or first emergency benefit;
- Increase the regular and/or emergency benefit amounts;
- Provide a supplemental benefit to any household receiving a regular HEAP benefit during the most recent/current program year; and/or
- Implement additional outreach and referral activities.

If additional funds become available during the cooling season, OTDA may:

- Provide a benefit for cooling energy costs to eligible households, either as a supplement or as a separate benefit type;
- Purchase and install cooling equipment for HEAP eligible, medically needy households;
- Implement energy conservation measures as approved by HHS and/or DOE; and/or
- Implement additional outreach and referral activities.

In implementing HEAP, NYS operates four direct benefit components: Regular Direct Heating, Regular Heat Included, Heating Equipment Repair and Replacement, and Crisis.

The NYS HEAP program is structured to accommodate two basic household types:

- Direct Heating: Those households responsible for direct payment of their primary heating costs. For example, a household whose main heating source is an oil-fired boiler/furnace would have fuel oil as a primary heating fuel. If a HEAP applicant in such a circumstance is responsible for paying for the household's fuel oil supply, the applicant would be considered a "direct heating" household.

- Heat Included: Those households that are not directly responsible for the payment of their primary heating costs but make undesignated payments for heat in the form of rent.

Benefits will be targeted through outreach activities to households with a vulnerable member. Vulnerable is defined as an elderly person (age 60 or older), a disabled individual, or a child less than 6 years of age. To target assistance to those households with the highest home energy burden, NYS has developed a benefit structure that directs higher benefits to "direct heating" households.

2605(c)(1)(C)

Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: ***The total of all percentages must add up to 100%.***

-Use of Funds-

	44.52%	Heating Assistance
	-0-	Cooling Assistance
	30.4%	Crisis Assistance
2606(k)(1)	15%	Weatherization Assistance
	-0-	Carryover to the following fiscal year
2605(b)(9)	10%	Administrative and planning costs*
2605(b)(16)	-0-	Services to reduce home energy needs including needs assessment (assurance 16)
	.08%	Used to develop and implement leveraging activities (limited to the greater of 0.08% or $35,000 for States, the greater of 2% or $100 for territories, tribes and tribal organizations).
	100%	**TOTAL**

*New York State will limit use of funds for planning and administering HEAP to no more than 10% of the combined total of NYS's FFY 2011 allocation plus any LIHEAP leveraging funds awarded to the State. New York State will pay from non-federal sources any remaining costs of planning and administering the LIHEAP program and will not use Federal funds for any such remaining costs (except for the costs of the activities described in Assurance 16).

2605(c)(1)(C)

The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

-Alternate use of crisis assistance funds-

	Heating Assistance
	Cooling Assistance
	Weatherization Assistance
X	Other (specify): Funds not expended by 3/15 will remain available in the crisis component until the 2010-11 crisis component is closed.

Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

X	Yes		No

The following percentage estimates for heating and crisis assistance have been tentatively established based on a national appropriation of $2.51 billion.

HEATING ASSISTANCE	44.52%
CRISIS ASSISTANCE	30.4%

The final funding allocated for heating and crisis will ultimately be dependent on several factors currently beyond NYS's control including, but not limited to:

- The final amount of LIHEAP funding received by NYS for FFY 2011;
- The number of households submitting applications in each program component;
- Weather conditions during the upcoming winter season;
- Fuel price changes during the upcoming winter season; and/or
- The final carry forward identified for FFY 2010 and utilized during the FFY 2011 program year.

REGULAR DIRECT HEATING COMPONENT

Benefits to direct heating households take into account the following criteria:

- Income Tier;
- Existence of a vulnerable population member;
- Household size (in determining Income Tier); and
- Heating fuel type.

To be eligible for a direct heating regular HEAP benefit, the applicant must be the customer of record or the individual with the primary responsibility for the home energy bill. The amount of the bill must be based on the applicant's actual usage.

REGULAR HEAT INCLUDED COMPONENT

In an effort to enhance participation and benefits for Food Stamp recipients, an annual HEAP regular benefit of $1.00 is available for income eligible households that make undesignated payments for heat in the form of rent in certain living arrangement categories. Households in all other eligible living arrangements which are not directly responsible for the payment of their primary heating costs but which pay for heat through an undesignated portion of their rent will receive a benefit based on a two-tier payment structure. A household's tier is determined based on the household's gross monthly income taking into account household size.

HEATING EQUIPMENT REPLACEMENT AND REPAIR COMPONENT

Benefits will be made available for the repair or replacement of inoperable or unsafe applicant owned essential heating equipment. For HEAP purposes, applicant owned is defined as holding the current deed or title to the premises, or having deeded life use of the premises. Applicants must currently be residing full-time in the dwelling for which assistance is being requested and the dwelling must be the applicant's primary residence. All applications for heating equipment repair or replacement must be made in person; mail-in applications are not permitted for this component.

The maximum total benefit provided for replacement of essential heating equipment may not exceed $6,000. OTDA approval is required for benefits in excess of $4,500. Eligibility is limited to one replacement per applicant, per dwelling in a ten year period. The maximum total benefit provided for repair of essential heating equipment may not exceed $3,000.

A portion of the weatherization set-aside may be used to fund the heating equipment replacement and repair component.

CRISIS COMPONENT

The crisis component establishes crisis benefit levels by fuel type. The crisis structure has been designed to provide a benefit in an amount sufficient to effectively alleviate an eligible household's energy crisis situation.

2605(b)(2)
2605(c)(1)(A)
-Eligibility-

What are your maximum eligibility limits? (Please check the components to which they apply.)
Current year guidelines must be used.

	150% of the poverty guidelines:							
		heating		cooling		crisis		wx
	125% of the poverty guidelines:							
		heating		cooling		crisis		wx
	110% of the poverty guidelines:							
		heating		cooling		crisis		wx
X	60% of the State's median income :							
	X	heating		cooling	X	crisis	X	wx
X	Households categorically income eligible if one person is receiving:							
	X	TANF	X	SSI Code A			X	Food Stamps
	X	heating		cooling	X	crisis	X	wx

Households in which one or more household members are in receipt of Safety Net Assistance, Family Assistance (TANF) , SSI (categorized as Code A "living alone") or Food Stamps are categorically income eligible for HEAP.

For income tested households, the maximum income eligibility limit for regular HEAP benefits will be set at the greater of 150% of the federal poverty level or 60% of the State's Median Income.

MAXIMUM MONTHLY INCOME LEVELS
FOR RECEIPT OF TIER I AND II REGULAR HEAP BENEFITS IN 2010-11

Household Size	Tier I*	Tier II**
1	$0 - $1,173	$1,174 - $2,129
2	$0 - $1,578	$1,579 - $2,784
3	$0 - $1,984	$1,985 - $3,439
4	$0 - $2,389	$2,390 - $4,094
5	$0 - $2,794	$2,795 - $4,749
6	$0 - $3,199	$3,200 - $5,404
7	$0 - $3,604	$3,605 - $5,527
8	$0 - $4,009	$4,010 - $5,650
9	$0 - $4,415	$4,416 - $5,773
10	$0 - $4,820	$4,821 - $5,896
11***	$0 - $5,225	$5,226 - $6,029
11+***	$405	$468

*Tier I figures represent 130% of the federal poverty level (derived from the 2009 HHS poverty guidelines).

**Tier II figures for households up to and including 10 members are based on 60% of the State Median Income derived from the State Median Estimates for use in FFY 2011.

***Figures for households of 11 members and above are based on 150% of the federal poverty level (derived from the 2009 HHS poverty guidelines).

For income tested households, the maximum income eligibility limit for crisis HEAP benefits will be set at the greater of 150% of the federal poverty level or 60% of the State's Median Income.

MAXIMUM MONTHLY INCOME LEVELS
FOR RECEIPT OF CRISIS HEAP BENEFITS IN 2010-11

Household Size	Maximum Monthly Income*
1	$2,129
2	$2,784
3	$3,439
4	$4,094
5	$4,749
6	$5,404
7	$5,527
8	$5,650
9	$5,773
10	$5,896
11***	$6,029
11+***	$468

*Figures for households up to and including 10 members are based on 60% of the State Median Income derived from the State Median Estimates for use in FFY 2011. Figures for households of 11 members and above are based on 150% of the federal poverty level (derived from the 2009 HHS poverty guidelines).

2605(c)(1)(A)
2605(b)(2)

-Eligibility-

		Yes	No
Do you have additional eligibility requirements for: ***HEATING ASSISTANCE***		X	
Do you use:			
	Assets Test		X
Do you give priority in eligibility to:			
	Elderly	X	
	Disabled	X	
	Young Children	X	
	Other (If Yes, please describe)		X

In addition to income testing (or the determination of categorical income eligibility based upon receipt of certain means-tested programs), the following criteria will be utilized to determine eligibility for HEAP benefits:

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 that makes undesignated payments for energy in the form of rent and such individual or group of individuals occupy a housing unit. 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 is defined as a household member. Any individual residing in a housing unit who is related by blood, marriage or adoption to any other household member shall be presumed to be a household member in determining HEAP eligibility unless he/she supplies 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, stepsister; and
- Grandparent, grandchild.

  NOTE: For a residential dwelling unit in a multiple family dwelling, all persons related by definition and residing in any one unit are parts of a single household for HEAP purposes.

Ineligible Living Arrangements

Households in the following living arrangements are not eligible to receive HEAP benefits:

- individuals who have no responsibility for heating costs and do not make undesignated payments for heat in the form of rent;
- individuals paying room or room and board in a private residence;
- individuals temporarily housed in a hotel/motel;
- individuals living in cars, vans, or temporarily living in recreational vehicles;
- residents of government provided housing on military bases with no heat or utility bills in their names;
- 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 ensure safe, healthy habitation; and
- residents of congregate care facilities (licensed or unlicensed), dormitories, agency boarding homes, group homes, institutions or title XIX facilities, except that income eligible households that make undesignated payments for heat in the form of rent in the following living arrangements are eligible for a maximum annual HEAP regular benefit of $1.00:

  - government subsidized housing with heat included in the rent;
  - publicly operated or State-certified private nonprofit residential drug or alcoholic treatment facilities;
  - private nonprofit residential drug or alcoholic treatment facilities that are authorized as a food stamp retailer by the United States Department of Agriculture or are in receipt of a letter from the certifying State agency stating that the facility operates to further the goals of Title XIX;
  - publicly operated or State-certified private nonprofit enriched housing;
  - publicly operated or State-certified private nonprofit residential group living facilities serving no more than 16 residents;

- publicly operated or State-certified private nonprofit supervised or supportive living arrangements; and
- State-Operated Community Residences.

Households residing in these seven living arrangement exception categories are only eligible for a maximum annual HEAP regular benefit of $1.00 and are not eligible for emergency HEAP or any other benefit under HEAP, except that eligible households in government subsidized housing with heat included in the rent that pay a supplier directly for heat-related utility service may be eligible for a HEAP heat-related emergency benefit if such benefit is necessary to resolve the heat-related energy crisis of the household.

Citizenship Requirements

In addition to the above criteria, an individual is not eligible for HEAP unless he or she is a United States citizen, a United States non-citizen national as defined by the Federal government under 8 U.S.C. 1401, et. seq. or a qualified alien as defined by the Federal government under 8 U.S.C. § 1641 (b) and (c). (United States Code Annotated, Title 8, § 1641 (b) and (c); Thomson West, West Headquarters, 610 Opperman Drive, Eagan, Minnesota 55123. Copies may be obtained from the Office of Temporary and Disability Assistance, Public Information Office, 40 North Pearl Street, Albany, New York 12243-0001.)

Households Heating with Oil and/or Kerosene

OTDA has established a HEAP Oil Buying Component in New York State. The purpose of this component is to expand the buying power of HEAP dollars by obtaining a lower price for HEAP funded oil and kerosene gallons. This discounted price materially enhances the purchasing power of HEAP eligible households. In addition to the above eligibility criteria, to obtain a HEAP funded oil and/or kerosene delivery, otherwise eligible households whose primary heating fuel is oil and/or kerosene must utilize a vendor that is participating in the HEAP Oil Buying Component.

2605(c)(1)(A)
2605(b)(2)

-Eligibility-

		Yes	No	N/A
Do you have additional eligibility requirements ***COOLING ASSISTANCE***				X
Do you use:				
	Assets Test			
Do you give priority in eligibility to:				
	Elderly			
	Disabled			
	Young Children			
	Other (If Yes, please describe			

2604(c)
2605(c)(1)(A)

-Eligibility-

		Yes	No
Do you have additional eligibility requirements for: ***CRISIS ASSISTANCE***		X	
Do you use:			
	Assets Test	X	
	Must the household have received a shut-off notice or have an empty tank	X	
	Must the household have exhausted regular benefit (or the regular benefit is not available)	X	
	Must the household have received a rent eviction notice		X
	Must heating/cooling be medically necessary		X
	Other (Please explain):		X

The emergency benefit component has been designed to resolve energy crisis situations including weather-related and supply shortage emergencies and other household energy emergencies. A variety of potential emergency benefits, when used in conjunction with each other and/or the household's regular benefit, will effectively alleviate utility termination threats, the lack of non-utility heating fuel, temporary emergency shelter/relocation needs, propane installations and reconnections and supply shortages.

To be eligible for a HEAP emergency benefit, the applicant must be the customer of record. The term "customer of record" means a person who has an account in their name with a home energy vendor. In addition, 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. To be eligible for an emergency benefit, the applicant household must also:

- Meet HEAP eligibility criteria. Households with at least one active TA recipient, Code A SSI recipient, and/or Food Stamp recipient are categorically income eligible. A customer of record who is ineligible for regular HEAP benefits because they are not a United States citizen or a qualified alien may receive emergency HEAP benefits on behalf of members of the household who are United States citizens or qualified aliens.

AND

- Be currently without heating fuel or have an amount of heating fuel that is equal to or less than one-quarter of the household's fuel tank (for oil, kerosene and propane) or have a heating fuel supply that will last less than 10 calendar days (for wood and coal) and be unable to obtain a delivery.

OR

- Have heat-related utility service (primary heating source or electricity essential to operate the heating equipment) currently disconnected or scheduled for disconnection.

OR

- Be in an emergency home heating situation that is deemed by the local social services department to be detrimental to the health or safety of household members if temporary emergency shelter or relocation is not provided.

AND

- Not have available liquid resources in an amount greater than $2,000 ($3,000 for households with a member age 60 or older and for households applying for replacement of essential heating equipment that are otherwise eligible for such equipment replacement). 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

  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
  - 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
  - Account, 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 (IDAs)
  - Payments from reverse annuity mortgages

An emergency HEAP benefit may only be issued when it is determined that a regular HEAP benefit is either not available or has been previously exhausted, except that a regular benefit to a heat included

household that is otherwise eligible for a HEAP emergency benefit may be issued at the same time as an emergency benefit.

The emergency energy crisis of an eligible household must be resolved within 18 hours of application if the applicant's residence is without power or a fuel for heating supply. Imminent loss of heat-related service or fuel supply for all other eligible households must be resolved within 48 hours of application. In some instances, provision of assistance in resolving the immediate energy need may include temporary relocation, obtaining an extension of service from the household's utility company, or other appropriate temporary remedies in order to fully evaluate the scope of the emergency or the applicant household's eligibility. However, the primary objective shall be to continue/restore heat to an eligible applicant's residence.

All applications for heating equipment repair and/or replacement must be made in person.

Each local district, in designing its local certification network, must provide the means by which a disabled/ill and homebound individual can apply for a HEAP heating equipment repair and/or replacement benefit. This may be accomplished at the discretion of the local district by a home visit or, if the applicant is physically able, by arranging transportation for the applicant to a site where HEAP applications are taken although exemptions may be granted in circumstances where an in-person application poses an undue hardship for an applicant. Authorized representatives may apply on behalf of disabled/ill individuals when a home visit or special transportation of the disabled/ill individual is not feasible.

Households Heating with Oil and/or Kerosene

OTDA has established a HEAP Oil Buying Component in New York State. The purpose of this component is to expand the buying power of HEAP dollars by obtaining a lower price for HEAP funded oil and kerosene gallons. This discounted price materially enhances the purchasing power of HEAP eligible households. In addition to the above eligibility criteria, to obtain a HEAP funded oil and/or kerosene delivery, otherwise eligible households whose primary heating fuel is oil and/or kerosene must utilize a vendor that is participating in the HEAP Oil Buying Component.

What constitutes a crisis? (Please describe)

To constitute a crisis, a household must:

- Be currently without heating fuel or have an amount of heating fuel that is equal to or less than one-quarter of the household's fuel tank (for oil, kerosene and propane) or have a heating fuel supply that will last less than 10 calendar days (for wood and coal) and be unable to obtain a delivery.

OR

- Have heat-related utility service (primary heating source or electricity essential to operate the heating equipment) currently disconnected or scheduled for disconnection.

OR

- Be in an emergency home heating situation that is deemed by the local social services department to be detrimental to the health or safety of household members if temporary emergency shelter or relocation is not provided.

AND

- Not have available liquid resources in an amount greater than $2,000 ($3,000 for households with a member age 60 or older and for households applying for replacement of essential heating equipment that are otherwise eligible for such equipment replacement).

2605(c)(1)(A)
-Eligibility-

		Yes	No
Do you have additional eligibility requirements for: ***WEATHERIZATION***			X
Do you use:			
	Assets Test		X
	Priority groups (Please list) Households with elderly members Households with young children Households with disabled members	X	
	Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules to establish eligibility to establish priority eligibility for households with certain characteristics	X	
	If Yes, are there exceptions Please list below.		X

2605(b)(3)
-Outreach-

Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:	
X	Provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).
X	Place posters/flyers in local and county social service offices, Office of Aging, Social Security office, VA, etc.
X	Publish articles in local newspapers or broadcast media announcements
X	Include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
X	Make mass mailing to past recipients of LIHEAP.
X	Inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.
X	Execute interagency agreements with other low-income program offices to perform outreach to target groups.
X	Other (Please specify)
	• Toll free information hotline operated by NYS Office of Temporary and Disability Assistance and NYS Office for the Aging.
	• Information about the program and a printable application are available on the OTDA internet site when the program is open.
	• Identification of households potentially eligible for LIHEAP funded weatherization services and assessing the scope of need for identified households.
	• State and local resources dedicated to implementing mandated outreach plans and program dissemination activities.
	• Targeting efforts to provide program information and access to vulnerable households.

2605(b)(4)

Please describe how you will assure the LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

HEAP activities will be coordinated with other low income programs administered by other State and local agencies. A HEAP Interagency Task Force provides a forum for developing the HEAP State Plan and coordinating energy-related programs. The Task Force includes: NYS OTDA; NYS Department of Public Service; NYS Energy Research and Development Authority; NYS Office for the Aging; NYS Division of Housing and Community Renewal; Governor's Office; NYS Division of the Budget; and NYS Consumer Protection Board.

In addition, the NYS HEAP Block Grant Advisory Council, which is composed of representatives from State and local government, energy suppliers, and low income advocates, is consulted in the development of the HEAP State Plan and coordination of energy-related programs.

2605(b)(5)
2605(b)(2)
2605(b)(8)(A)

The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

For regular and crisis benefits, New York State has adopted maximum income guidelines equal to the greater of 150% of the federal poverty level or 60% of the State's Median Income. No household at or below 110% of the federal poverty level will be denied access to any program component solely on the basis of income.

Non-income related eligibility criteria for each program component is applied uniformly to all applicant households.

To limit administrative costs while maximizing HEAP accessibility and/or targeting benefits to the lowest income households and households that contain a vulnerable member, the following outreach and certification components will be utilized:

A) **Temporary Assistance Outreach Component**

As part of their outreach efforts and to minimize workload and associated administrative costs, local social services districts will authorize regular HEAP benefits through the automatic payment process to Temporary Assistance (TA) recipients whose cases are in active status at the time of the TA pull-down and who meet all other HEAP eligibility criteria.

B) **Food Stamp Outreach Component**

As part of their outreach efforts and to minimize workload and associated administrative costs, local social services districts will authorize regular HEAP benefits through the automatic payment process to Food Stamp (FS) recipients whose cases are in active status at the time of the FS pull-down and who meet all other HEAP eligibility criteria.

C) **Supplemental Security Income (SSI) Code A Outreach Component**

In New York City, the New York City Human Resources Administration will be responsible for automating the authorization of HEAP benefits to eligible New York City Code A SSI households in active status at the time of the pull-down.

D) **Mail-In Applications**

The following have the option of applying for regular HEAP benefits by mail:

- Code A SSI households;
- Temporary Assistance and Food Stamp 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; and
- Heads of household under 60 who received a HEAP benefit in the prior year.

E) **Electronic Filing**

Local districts may opt to participate in a pilot allowing electronic filing of HEAP applications. E-filed applications from applicants who are permitted mail-in access will be treated in the same manner as mail-in applications. Electronic applications from all other applicants will not be accepted via the Internet. These applicants will require an in-person interview and must provide full documentation.

REGULAR DIRECT HEATING COMPONENT

2605(b)(5)

Please check the variables you use to determine your benefit levels (check all that apply).

-Determination of Benefits-

X	Income
X	Family household size
X	Home energy cost or need
X	Fuel type
	Climate/region
	Individual bill
	Dwelling type
	Energy burden (% of income spent on home energy)
X	Other (describe) Presence of a vulnerable individual (children under 6, individuals aged 60 or older and disabled individuals).

2605(b)(5)
2605(c)(1)(B)

Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

In accordance with 42 USC 8621(a), New York State's regular HEAP benefit structure assists

households that pay a high proportion of household income for energy. As research has shown that heat included households consume less energy than households that pay directly for heat and are therefore less likely to have a high home energy burden, higher benefit levels are provided to households that pay directly for heat than to heat included households. In addition, to target high burden households, higher benefits are provided to those households that have the lowest income.

REGULAR DIRECT HEATING COMPONENT

For households that pay directly for heat, base benefit amounts are established by fuel type, which recognizes the differential proportion of household income for energy expended by customers heating with fuels of varying price levels. Higher benefits are provided to those households that include a vulnerable individual and have the lowest income.

Otherwise eligible households that pay directly for heat and heat with a deliverable fuel (e.g., oil, kerosene, propane, wood or coal) receive a $600 regular base benefit. Households with income at or below 130 percent of the Federal poverty level receive an additional $50 in the benefit calculation. Households that include a vulnerable member (defined as an individual age 60 or older, a young child under age 6, or an individual who is disabled) receive an additional $50 in the benefit calculation.

Otherwise eligible households that pay directly for heat and have natural gas or electric heat provided by a PSC regulated utility or municipal electric company receive a $400 regular base benefit. Households with income at or below 130 percent of the Federal poverty level receive an additional $50 in the benefit calculation. Households that include a vulnerable member (defined as an individual age 60 or older, a young child under age 6, or an individual who is disabled) receive an additional $50 in the benefit calculation.

New York State reserves the right to adjust the above base benefit amounts to reflect changes in fuel prices and changes in federal LIHEAP funding levels between the time the HEAP State Plan is submitted to the U.S. Department of Health and Human Services (U.S. DHHS) and the closing date of the 2010-11 HEAP season. New York State will notify U.S. DHHS in writing of any such benefit amount changes.

REGULAR HEAT INCLUDED COMPONENT

$40/$50 Heat Included Benefit

Households that are not directly responsible for the payment of their primary heating costs but that pay for heat through an undesignated portion of their rent and are in an eligible living arrangement other than one of the living arrangements listed below under "$1.00 Heat Included Benefit" will receive a benefit based on a two-tier payment structure. A household's tier is determined based on the household's gross monthly income taking into account household size.

Tier I households (gross monthly income at or below 130% of the federal poverty level), the lowest income grouping, will receive a heat included benefit of $50. Tier II households (gross monthly income between 130% of the federal poverty level and 60% of the State Median Income) will receive a heat included benefit of $40. In this manner, heat included households in the lowest income grouping, which generally pay a higher percentage of their income for indirect heating costs, will receive a higher benefit than those heat included households in the higher income grouping (Tier II).

$1.00 Heat Included Benefit

To enhance participation and benefits for Food Stamp recipients, an annual regular HEAP benefit of $1.00 is available for income eligible households that make undesignated payments for heat in the form of rent in the following living arrangements:

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

Households residing in these seven living arrangement categories are only eligible for a maximum annual HEAP regular benefit of $1.00 and are not eligible for emergency HEAP or any other benefit under HEAP, except that eligible households in government subsidized housing with heat included in the rent that pay a supplier directly for heat-related utility service may be eligible for a HEAP heat-related emergency benefit if such benefit is necessary to resolve the heat-related energy crisis of the household.

By Federal Food Stamp regulation, receipt of a HEAP benefit, regardless of the amount of the HEAP benefit, enables FS applicants or recipients to maximize the FS Standard Utility Allowance (SUA). Households receiving the $1.00 HEAP benefit who are also applicants or recipients of FS will receive the highest FS SUA. Using the highest allowable SUA in the FS benefit calculation may make an applicant eligible for FS who would not otherwise be eligible and may significantly increase FS benefits for many households. The annual $1.00 HEAP benefit will qualify the household for the maximum FS SUA for twelve months.

COOLING COMPONENT

2605(b)(5)
2605(c)(1)(B)

Please check the variables you use to determine your benefit levels (check all that apply): **N/A**
-Determination of Benefits-

	Income
	Family (household) size
	Home energy cost or need
	Fuel type
	Climate/region
	Individual bill
	Dwelling type
	Energy burden (% of income spent on home energy)
	Energy need
	Other (describe)

-Benefit Levels-

Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix. **N/A**

Do you provide in kind (e.g. fans) and/or other forms of benefits?

	Yes (please describe	X	No

CRISIS COMPONENT

2605(b)(5)
2605(c)(1)(B)

-Determination of Benefits-

How do you handle crisis situations?

X	Separate Component		Other (please explain)

If you have a separate component, how do you determine crisis assistance benefits?

X	Amount to resolve crisis, up to maximum
	Other, (please describe)

-Benefit Levels-

Please indicate the maximum benefit for each type of crisis assistance offered.

Heating	$600	Maximum benefit
Cooling		Maximum benefit
Year-round		Maximum benefit

The HEAP crisis component consists of three benefit types designed to address the heat-related emergency needs of eligible households. For the purposes of the 2010-2011 Plan, they are as follows:

Fuel/Utility Supply Related

Emergency Situation	2010-11 Total Amounts	
Heat Related Domestic Only		$160
Natural Gas or Electric Heat		$400
Deliverable Fuel (e.g., oil, kerosene, propane, wood or co		$600

New York State reserves the right to adjust the above emergency benefit amounts to reflect changes in fuel prices and changes in federal LIHEAP funding levels between the time the HEAP State Plan is submitted to the U.S. Department of Health and Human Services (U.S.

DHHS) and the closing date of the 2010-11 HEAP season. New York State will notify U.S. DHHS in writing of any such benefit amount changes.

Other Heat-Related Emergencies

- **Temporary Emergency Shelter or Relocation**

  The maximum total benefit may not exceed $500 during the HEAP season.

- **Propane Installation/Reconnection**

  The maximum total benefit may not exceed $500 during the HEAP season.

- **Weather-Related and Supply Shortage**

Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

X	Yes (please describe		No

In the event of weather-related emergencies and/or temporary fuel shortages, the local departments of social services are authorized to purchase an appropriate supply of safe, supplemental heating devices that meet local building codes and can be loaned to eligible households until such time as a delivery of the household's primary heating fuel can be obtained. Provision of emergency shelter or emergency relocation is also an acceptable form of assistance when appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of heating fuel is obtained.

2605(b)(5)
2605(c)(1)(B) & (D)

WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

-Types of Assistance-

What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)

X	Weatherization needs assessments/audits
X	Caulking, insulation, storm windows, etc.
X	Furnace/heating system modifications/repairs
X	Furnace replacement
X	Cooling efficiency modifications/repairs/replacements (LIHEAP funds under the weatherization component may be used to provide air conditioners in situations where at least one member of an otherwise HEAP eligible household has an acute medical condition that is exacerbated by extreme heat and documented by a physician. The number of air conditioners to be provided would be limited by the amount of funds set aside for this purpose. Funds may also be used to provide wrap-around services to reduce the energy consumption of the household receiving the air conditioning unit.)

X	Other (please describe) Weatherization where necessary. Energy related repairs not included in DOE LIWAP regulations.

-Benefit Levels-

Do you have a maximum LIHEAP weatherization benefit/expenditure per household?

	Yes If yes, what is the maximum amount? $	X	No

-Types of Rules-

Under what rules do you administer LIHEAP weatherization? (check only one)

	Entirely under LIHEAP (not DOE) rules
	Entirely under DOE LIWAP rules
	Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (check all that apply):
	Weatherize buildings if at least 66% of units (50% in 2 & 4 unit buildings) are eligible units or will become eligible within 180 days)
	Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).
	Other (please describe)
X	Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (check all that apply).
X	Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.
	Other (please describe)

2605(b)(6)

-Agency Designation-

The state or tribe administers LIHEAP through the following local agencies:

X	County welfare offices
X	Community Action agencies (weatherization component only)
	Community Action agencies (heating, cooling or crisis)
	Charitable organizations
	Not applicable (i.e. State Energy Office)
	Tribal Office
X	Other (describe): Neighborhood based, not for profit agencies and local area aging offices (weatherization component only)

Have you changed local administering agencies from last year?

	Yes	X	No

2605(b)(7)

-Energy Suppliers-

Do you make payments directly to home energy suppliers?

Heating	X	Yes		No	
Cooling		Yes		No	N/A
Crisis	X	Yes		No	
If yes are there exceptions?		Yes	X	No	

Regular and emergency HEAP payments are made directly to home energy suppliers on behalf of eligible households that pay directly for their energy costs. These payments are made primarily via check or electronic funds transfer through the New York State Office of the State Comptroller's central accounting system for all districts except New York City, and through New York City's payment system for NYC recipients. Local districts are authorized to issue two-party checks to home energy suppliers in certain circumstances.

2605(b)(7)(A)

If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

All applicants are provided with a notice, for both the regular and emergency components, advising of their eligibility and the amount paid on their behalf.

2605(b)(7)(B), (C) and (D)

How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

The term "home energy supplier" means 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. For the regular benefit component of HEAP, the term "home energy supplier" also includes companies and/or landlords that have been approved by the New York State Public Service Commission (PSC) for submetering and/or billing when it can be demonstrated that the benefit is credited to the recipient's usage.

Each home energy supplier must sign a New York State HEAP vendor agreement to participate in both the regular and emergency components of HEAP. The vendor agreement requires the home energy supplier to commit to:

- charging HEAP recipients, in the normal billing process, the difference between the cost of the home energy and the amount of the HEAP payment made;

- not adversely treating households receiving assistance from HEAP because of such assistance under applicable provisions of State law or public regulatory requirements; and
- not discriminating, either in costs of goods supplied or the services provided, against the household on whose behalf HEAP payments are made.

2605(b)(8)(B)

-Owners and Renters-

Is there any difference in the way owners and renters are treated? If Yes, please describe.

HEATING ASSISTANCE

	Yes	X	No

COOLING ASSISTANCE

	Yes		No	X	N/A

CRISIS ASSISTANCE

	Yes	X	No

WEATHERIZATION

	Yes	X	No

2605(b)(10)

How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

NYS OTDA utilizes fiscal and fund accounting procedures similar to those utilized by NYS OTDA and local social services districts in the administration of other income-tested assistance programs. Districts are provided with allocations for administration and for district payments, and claims are monitored by OTDA fiscal staff to ensure that allocation levels are not exceeded. The NYS OTDA Welfare Management System (WMS) is used to monitor application activity and benefits authorized outside of NYC. Since NYC utilizes its own computer system to authorize and pay HEAP benefits, NYC provides reports from its system to OTDA for review.

The use of LIHEAP funds suballocated to the New York State Division of Housing and Community Renewal (DHCR) and the New York State Office for the Aging (NYSOFA) is governed by a Cooperative Agreement which OTDA enters into with these agencies on an annual basis. The Cooperative Agreements require that DHCR and NYSOFA transmit fiscal reports to OTDA on a quarterly basis that show the amount of LIHEAP funds obligated and expended by category of expenditure.

-Program, Fiscal Monitoring, and Audit-

How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

At a minimum, OTDA will conduct annual on-site monitoring reviews of at least ten local social services districts. Districts will be chosen for review based upon factors that include, but are not limited to, the number of application approvals during the immediately preceding HEAP program year and non-compliance in resolving issues identified in previous monitoring reviews. OTDA will also conduct audits of a sample of participating HEAP vendors to ensure compliance with the terms and conditions of the HEAP vendor agreement.

OTDA will conduct periodic reviews of DHCR's administration of LIHEAP funded weatherization programs and of the New York State Office for the Aging's administration of LIHEAP funded outreach and weatherization referral and packaging programs to ensure that funds are obligated and expended in compliance with LIHEAP rules.

How is your LIHEAP program audited?

Under the Single Audit Act?

X	Yes		No If not, please describe

For States and Territories:

Is there an annual audit of local administering agencies?

X	Yes		No If not, please explain

2605(b)(12)

-Timely and Meaningful Public Participation-

During February and March 2010, a series of six regional meetings was conducted with our local departments of social services and alternate certifiers across New York State to solicit input into the development of the 2010-11 HEAP program.

To solicit input into the development of the proposed 2010-11 HEAP State Plan, written needs assessment public comments were accepted from February 3, 2010 through close of business, February 17, 2010.

Meetings of the NYS HEAP Block Grant Advisory Council and Interagency Task Force were held on July 28, 2010 to solicit input on the proposed State Plan.

2605(a)(2)

-Public Hearings-

Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

X	Yes		No

Hearings were held in New York City on August 4, 2010 and in Albany, New York on August 5, 2010. A public notice advising of the availability of the proposed State Plan for public inspection and the public hearing appeared in the newspapers two weeks prior to the public hearings. Written comments were also accepted.

A report on the HEAP State Plan was submitted to the NYS Legislature prior to the submission of the plan to the Secretary of the U.S. Department of Health and Human Services.

2605(b)(13)

-Fair Hearings-

Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

Denials

Individuals whose applications for HEAP benefits are denied are afforded an opportunity for a fair hearing conducted by NYS OTDA. Households whose applications for weatherization assistance have been denied are provided an opportunity to appeal before the NYS DHCR.

Applications Not Acted On In a Timely Manner

Local social services districts are required to make determinations of eligibility on applications for regular HEAP benefits within 30 business days after the filing of such application. Local social services districts are required to expedite determinations of eligibility for emergency benefits so as to protect the health and safety of the applicant household. Districts must resolve the emergency energy crisis of an eligible household within 18 hours of application if the applicant's residence is without power or a fuel for heating supply. Imminent loss of heat-related service or fuel supply for all other eligible households must be resolved within 48 hours of application.

Individuals whose applications for HEAP benefits are not acted upon within the established timeframes are afforded an opportunity for a fair hearing conducted by NYS OTDA.

Applicants are advised of fair hearing rights on the timeliness of the eligibility decision at the time of the application by the provision of the "Application Rights" notice. Additionally, the "Notice of Eligibility Decision" provided to all applicants, both approved and denied, contains fair hearing rights language.

2606(b)(15)

-Alternate Outreach and Intake-

Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

HEATING ASSISTANCE

X	Yes If yes, describe alternate process for outreach and intake.		No

As with other income-tested assistance programs administered by the NYS OTDA, HEAP is State supervised/locally administered with 58 local departments of social services (LDSS) designated as the lead local agencies for outreach, certification and payment. Prior to program start-up, each LDSS must establish a local certification network that provides for an alternative non-LDSS site(s) for a reasonable share of outreach and intake for regular and emergency HEAP assistance. LDSS may contract with other State or local government entities or community-based organizations to fulfill this mandate. Examples of community-based organizations include not-for-profit neighborhood-based organizations, local offices for the aging and community action agencies.

COOLING ASSISTANCE

	Yes If yes, describe alternate process for outreach and intake.		No	X	N/A

CRISIS ASSISTANCE

X	Yes If yes, please describe alternate process for outreach and intake.		No

As with other income-tested assistance programs administered by the NYS OTDA, HEAP is State supervised/locally administered with 58 local departments of social services (LDSS) designated as the lead local agencies for outreach, certification and payment. Prior to program start-up, each LDSS must establish a local certification network that provides for an alternative non-LDSS site(s) for a reasonable share of outreach and intake for regular and emergency HEAP assistance. LDSS may contract with other State or local government entities or community-based organizations to fulfill this mandate. Examples of community-based organizations include not-for-profit neighborhood-based organizations, local offices for the aging and community action agencies.

2605(b)(16)

Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

	Yes	X	No

2607A

-Leveraging-

Please describe leveraging activities planned for the fiscal year. Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

(1) Identify and describe each resource/benefit
(2) Identify the source(s) of each resource; and
(3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with one or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

New York State has developed a variety of leveraged resources which meet the basic criteria of the LIHEAP leveraging incentive program. The following State and locally funded resources/benefits are provided to HEAP eligible households in coordination, cooperation and conjunction with the 2010-11 (FFY 2011) HEAP program.

(1) Each year, part of NYS's LIHEAP appropriation is utilized by the NYS DHCR to provide weatherization services to HEAP eligible households through the Weatherization Assistance Program (WAP). The WAP program is able to leverage additional weatherization services for each eligible household as a result of mandated landlord contributions above and beyond LIHEAP funding earmarked for the household. This additional private funding, which allows the purchase, delivery and/or installation of weatherization material, is a countable leveraged resource. This resource is countable under either criterion (ii) or (iii) as specified in 45 CFR 96.87(d)(2).

(2) Federal guidelines provide that State cash resources that are used in any base period for cash benefits to or on behalf of HEAP benefit recipients for heating, cooling, energy crisis or weatherization assistance, including payment towards recipient households' home energy costs, are countable as leveraged resources. New York State, as part of its fully State and locally funded Safety Net Assistance (SNA) program, directly provides households responsible for paying heating costs with a basic fuel allowance each month. In addition, all SNA recipient households are given a home energy allowance and a supplemental home energy allowance which, by definition, are provided to eligible households to cover increases in the cost of energy. These same benefits are also provided to Temporary Assistance for Needy Families (TANF) recipients with State and local expenditures comprising 50% of the total cost.

In addition, New York State Social Services Law section 131-s provides for the payment of up to four months of utility arrearages to eligible households in order to prevent termination of utility service. Such payments on behalf of applicants are

funded through the SNA and Emergency Assistance to Adults (EAA) programs, which are entirely State and locally funded, and through the Emergency Assistance for Families (EAF) and Temporary Assistance for Needy Families (TANF) programs, where the 50% non-federal share is funded by State and local dollars. Ineligibility for New York's LIHEAP program or denial of LIHEAP assistance in the base period because of the unavailability of LIHEAP funds is necessary to receive assistance from these resources (45 CFR 96.87(d)(2)(iii)(C)). To the extent that these SNA, EAA, EAF and TANF payments are made on behalf of HEAP eligible households, NYS considers them leveraged resources.

These resources are provided to SNA/EAA/EAF/TANF/LIHEAP-eligible households and are supplements and/or alternatives to the benefits provided by or through New York's LIHEAP program, and are provided outside the LIHEAP program. The resource is integrated and coordinated with New York's LIHEAP program in the following way:

New York State has developed a wholly interactive process to assure that the energy-related needs of SNA/TANF recipients are met. During the period when New York's LIHEAP program is operational, local social services district staff responsible for coordinating the provision of LIHEAP benefits to SNA/TANF recipients and for authorizing this resource or benefit are one and the same. The local social services district case worker(s) assigned to each individual SNA/TANF recipient are responsible for addressing the individual household's home energy needs. Through access to New York's Welfare Management System (WMS), all case workers are able to determine, at any point in time, all LIHEAP and non-LIHEAP benefit payments issued to each individual case. In addition, the WMS computer system that is used to authorize and track payments contains case specific historical, demographic and income information, all of which are readily available to the caseworker by simple system inquiry. Because of this comprehensive system access capability, the documentation of LIHEAP eligibility and the amount of assistance received or to be received by the individual/case is always known and is a system-documented fact before, during and after assistance is provided to each household to be served by the resource.

(3) All Public Service Commission (PSC) regulated utilities in NYS operate non-public funded fuel funds to assist their service territory population with payment of energy bills. These resources are targeted to HEAP-eligible households that have exhausted their HEAP eligibility or are ineligible because of the unavailability of LIHEAP funding. As such, this resource meets the integration/coordination requirement as contained in 45 CFR 96.87(d)(2)(iii)(C).

(4) New York has exempted the collection of sales taxes from Public Assistance (PA) recipients whose ongoing utility/fuel bills are restricted and paid by the local department of social services. OTDA was instrumental in pursuing and obtaining this exemption several years ago. The purchasing power of these PA recipients is materially enhanced by the fact that they do not have to pay any sales tax. This resource meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

(5) Several New York utility companies have recently implemented low-income customer assistance plans. The plans consist of two components: rate moderation and uncollectible initiatives, including a negotiated percentage of income plan coupled with an arrearage forgiveness arrangement. The plan is a product of extensive discussions among PSC staff, utility companies, the NYS Consumer Protection Board, OTDA, the Public Utility Law Project, and Multiple Interveners. To the extent that these leveraged resources are quantifiable, NYS intends to include them in our

application for Leveraging Incentive Funds. Where New York's LIHEAP program had an active substantive role in developing and/or acquiring the resource/benefits from home energy vendors, an effort will also be made to quantify and submit any such activity as leveraged resources for New York State HEAP-eligible households. This resource is a direct result of HEAP staff involvement in negotiations and regulation development and meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

(6) New York State LIHEAP officials, in conjunction with various local social services districts, the NYS Public Service Commission and the National Fuel Gas Distribution Corporation have established the Public Assistance Cooperative for Energy (PACE) program. PACE is a natural gas aggregation program for certain public assistance recipients in Erie, Chautauqua and Niagara Counties in New York State. The program's objective is to provide the benefits of competition to low-income, payment-troubled customers by offering the opportunity to reduce energy costs through aggregation. This resource(s) meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

(7) OTDA has established a HEAP Oil Buying Component in New York State. The purpose of this component is to expand the buying power of LIHEAP dollars by obtaining a lower price for HEAP funded oil and kerosene gallons. This discounted price materially enhances the purchasing power of LIHEAP eligible households. This resource meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

Attachment 1: **Lobbying Certification** must be filed by all states and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. (**Tribes and tribal organizations are EXEMPT.**)

Attachment 2: **Debarment and Suspension Certification** must be filed by all grantees.

Attachment 3: **Drug-free Workplace Requirement Certification** must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **States Only:** If you have filed a statewide certification for the drug-free workplace requirement, please check here: ___

Attachment 4: **LIHEAP Household Report**. One of the new requirements included in the 1994 reauthorization of the statue is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

All Tribes and those territories with allotments of less than $200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.

Attachment 1

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: David A. Paterson

Title: _____ Organization: _____

Attachment 2

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

Instructions for Certification:

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by

   the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

   (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any Federal department or agency.

   (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

   (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

   (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, (Page 33043) should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFRT part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-Procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Whether the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Attachment 3

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR part 76, subpart F sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

   Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statues.

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants, or independent contractors not on the grantee's payroll; or employees of sub-recipients or subcontractors in covered workplaces).

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Certification Regarding Drug-Free Workplace Requirements
Alternate I (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about:

   (a) The dangers of drug abuse in the workplace;

   (b) The grantee's policy of maintaining a drug-free workplace;

   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and

   (d) The penalties that maybe imposed upon employees for drug abuse violations occurring in the workplace;

   (e) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

   (f) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

      (1) Abide by the terms of the statement; and

      (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statue occurring in the workplace no later than five calendar days after such conviction.

   (g) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such

conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

(h) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(i) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c); (d), (e) and (f).

(j) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance: (Street address, city, county, state, zip code): **40 North Pearl Street, Albany New York 12243**

Check if there are workplaces on file that are not identified here.
Alternate II. (Grantees Who Are Individuals)

1. The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.

2. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within ten calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55FR 21690, 21702, May 25, 1990]