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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 92 LCM-49

Date: March 13, 1992

Division: Income Maintenance

TO: Local District Commissioners

SUBJECT: Public Hearing on the Proposed Amendment to the 1991-92 HEAP
State Plan

ATTACHMENTS: Attachment A: Copy of Public Notice - available on-line
Attachment B: Registration Form - available on-line
Attachment C: Proposed Amendment to the 1991-92 HEAP
State Plan - available on-line

The purpose of this memorandum is to advise you that the New York State Department of Social Services will conduct a public hearing on a proposed amendment to the 1991-92 New York State Plan for the Home Energy Assistance Program.

The hearing will take place on March 26, 1992 at 40 North Pearl St., 7th Floor Conference Room, Albany, NY 12243, from 10:00 a.m. to 12:00 p.m. An informational notice appeared in newspapers statewide and in the NYS Register on March 11, 1992.

Copies of the public notice, the registration form and the proposed amendment are enclosed.

We encourage you to comment on the proposed amendment. Written comments will be accepted through March 31, 1992.

If you have any questions regarding the hearing or proposed amendments, you may contact the Bureau of Energy Programs at 1-800-342-4100, extension 4-9321.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance

PUBLIC NOTICE

1991-92 Home Energy Assistance Program
Proposed Amendment

Public Hearing Scheduled
Amendment Available for Review

In accordance with the Low-Income Home Energy Assistance Act of 1981, the State of New York publishes a notice of intent to amend the 1991-92 New York State Plan for Low-Income Home Energy Assistance.

REVIEWING OR OBTAINING THE PROPOSED AMENDMENT TO THE STATE PLAN: The proposed amendment will be available for inspection at local Department of Social Services offices. Copies of the proposed amendment may be requested by calling, toll-free, 1-800-342-3715, extension 4-9321 or by writing to the Bureau of Energy Programs, New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243.

PUBLIC HEARING: A Public Hearing on the proposed amendment will be conducted on:

- o Thursday, March 26, 1992 from 10 A.M. to 12 P.M., 40 North Pearl Street, 7th Floor Conference Room, Albany, New York 12243.

Individuals/organizations wishing to present their views at this hearing should register by calling 1-800-342-3715, extension 4-9321. Persons who have pre-registered will be called upon to speak first. Others will be called in the order in which they register.

Statements should be limited to the proposed amendment only. Testimony is limited to five minutes. Speakers must submit three (3) written copies of their statements.

There will be no photocopying facilities available at the hearing.

WRITTEN COMMENTS: Written comments on the proposed amendment will be accepted no later than March 31, 1992 and should be addressed to: John C. Fredericks, Director, Bureau of Energy Programs, New York State Department of Social Services, 40 N. Pearl Street, Albany, NY 12243. Written comments received by the Department will be available for public inspection.

Amendment of the 1991-92 (FFY 1992)
New York State Plan
for the
Low Income Home Energy
Assistance Program

In accordance with the Low Income Home Energy Assistance Act of 1981 (Title XXVI of the Omnibus Budget Reconciliation Act) as reauthorized and amended by Title VII of the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Public Law 98-558), New York State hereby submits an amendment to the previously submitted New York State Plan for the 1991-92 (FFY 1992) Low Income Home Energy Assistance Program (HEAP).

New York State (NYS) requests that the following pages be amended to reflect the identified program changes:

- o Page 3, Attachment I of the `91 - `92 State HEAP Plan

Section 2605(b)(12) has been modified to include details regarding the state plan amendment public comment process

- o Page 7, Attachment I of the `91 - `92 State HEAP Plan

Section D (Energy Benefits) has been modified to remove the current prohibition of payment of an emergency benefit(s) where an energy bill applies to more than the applicant's own residential unit.

- o Page 3, Attachment III of the `91 - `92 State HEAP Plan

Sections A, B, and C of the Emergency Benefit Section have been modified to reflect the increase of the maximum emergency benefit from \$175 to \$200.

- o Attachment V of the `91 - `92 State HEAP Plan

This attachment has been added to identify and describe leveraging resources which, while not distributed to low income households as part of New York State's Home Energy Assistance Program (HEAP), are provided to HEAP eligible households in coordination, cooperation and conjunction with the FFY 1992 HEAP program.

The NYSDSS Welfare Management System (WMS) will be utilized to monitor application activity and benefits authorized. Since New York City does not utilize WMS for HEAP, New York City will provide manual reports of its activity.

Each year, NYSDSS staff will conduct on-site monitoring reviews in the 10 largest local districts based on HEAP statistics from the most recently completed program year. One half of remaining local districts will receive an on-site visit on an alternating program year basis. For those local districts not scheduled for a monitoring visit during a particular program year, a desk audit in Albany will be conducted which will involve a review of sample applications and the completion of a program questionnaire by each local district. The NYS Department of State (DOS) staff are responsible for monitoring local weatherization subgrantees. On-site inspections will be conducted of completed work for at least 10% of the grants.

In monitoring other state agencies, NYSDSS will require regular program and fiscal reports and may review program operations as needed.

As required, New York State will prepare an audit of its HEAP expenditures.

Section 2605(b)(11)

New York State will permit and cooperate with Federal investigations undertaken in accordance with Section 2608.

Section 2605(b)(12)

To solicit public input in the development of the proposed 1991-92 State Plan, needs assessment hearings were conducted in New York City, Buffalo and Albany on May 13-15, 1991 respectively. In addition, written comments were solicited and received through 5/24/91. Public notice of needs assessment process was published in the New York State Register.

A public notice, advising of the availability of the proposed State Plan for public inspection and the public hearings, appeared in the newspapers on August 13, 1991. Two public hearings were held in New York City and Albany on August 27 and 29, 1991 respectively. Written comments were accepted through August 30, 1991.

To solicit public comment regarding the proposed plan amendment a public notice, advising of the availability of the proposed State Plan amendment for public inspection and the public hearing, appeared in newspapers and the New York State Register on 3/11/92. One public hearing was held on 3/26/92 in Albany. Written comments were accepted through 3/31/92.

The NYSDSS HEAP Block Grant Advisory Council and Inter-Agency Task Force have been consulted in the development of the HEAP State Plan. The HEAP State Plan was submitted to the New York State Legislature prior to the submission of the plan to the Secretary of the U.S. Department of Health and Human Services.

Section 2605(b)(13)

Individuals whose applications for HEAP benefits are denied or not acted upon with reasonable promptness are afforded an opportunity for a fair hearing conducted by NYSDSS. For the weatherization component, households have an opportunity for appeal before the NYS Department of State (DOS).

An emergency HEAP benefit may only be issued when it is determined that a regular HEAP benefit is either not available, has been previously exhausted, or is insufficient to ameliorate the household's emergency.

All emergency applications must be made in person. Mail-in applications are not permitted for the emergency component. Authorized representatives may apply on behalf of disabled/ill individuals when there is no other adult household members available. A signed, dated note from the applicant authorizing the representative to apply on their behalf is required and the authorized representative must verify his/her own identity.

Each local district, in designing its local certification network, must provide the means by which a disabled/ill and homebound individual, who has no one to act as an authorized representative, can apply for a HEAP emergency 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 emergency HEAP applications are taken.

To be eligible for a HEAP emergency benefit, the applicant must document that he/she is the tenant of record with primary responsibility for the payment of his/her residential energy bill. A tenant of record is a person who has or persons who have primary responsibility for payment of the rent/mortgage for their dwelling unit. Individuals who contribute a portion of the monthly rent/mortgage to a person responsible for payment of the monthly rent/mortgage will not be considered a tenant of record. To have primary responsibility for the payment of residential energy costs the applicant must be the customer of record with a home energy vendor. The term customer of record means a person or persons who have an account, in their name, with a home energy vendor. [No emergency benefit may be provided for an energy bill that applies to more than the applicant's own residential unit].

Essential heating equipment repair is limited to applicant-owned heating equipment.

NOTE: 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.

Benefit amounts were determined utilizing the annual energy costs and the income level of the eligible households. For categorically eligible public assistance and Code A SSI households and income-tested households with gross monthly income at or below the Tier I income maximum and directly paying for their heating fuel, the regular benefit was determined utilizing 18% of the annual costs for fuel oil or natural gas. For income tested households with gross monthly income between the Tier I limit and the maximum income guidelines and directly paying for their heating fuel, the regular benefit was determined utilizing 15% of the annual costs for fuel oil or natural gas. (NOTE: Categorically eligible food stamp households will be in either Tier I or Tier II, depending on the income shown on their food stamp budget.) The regular benefits for households with heat included in rent is 64% of the average of the fuel oil and natural gas benefit for the household's appropriate income level. Subsidized housing tenants which pay directly for heat shall be provided the "rent with heat" included benefit since they are already receiving a shelter/fuel subsidy.

The methodology utilized to estimate annual heating costs is the same as that utilized in previous HEAP State Plans. Such methodology is available upon request.

Emergency Benefits

A household meeting the eligibility criteria outlined in this State Plan may receive each of the following emergency benefits during the 1991-92 HEAP program year.

(A) Domestic Utility Disconnection

When an eligible household's domestic utility service is necessary to operate its primary heating equipment, an emergency benefit of \$200 or the Total Balance Due, whichever is less, may be authorized to resolve a utility termination threat or disconnection.

(B) Heating Utility Disconnection

When an eligible household's utility service is its primary heating fuel an emergency benefit of \$200 or the Total Balance Due, whichever is less, may be authorized to resolve a utility termination threat or disconnection.

(C) Non-Utility Heating Fuel

A benefit of \$200 may be issued to obtain a delivery of an eligible household's primary heating fuel.

(D) Repair/Replacement of Primary Heating Equipment

The maximum benefit for replacement of primary applicant owned heating equipment may not exceed \$2,500 except in situations where the local department of social services has received a

case-by-case waiver from NYSDSS. The household's heating equipment must be applicant owned, inoperable, and not repairable.

The maximum benefit provided for repair of essential primary applicant owned heating equipment may not exceed \$500.

Leveraged Resources

New York State has developed a variety of leveraged resources which it believes meet the basic criteria of the LIHEAP leveraging incentive program for FFY 1992. The following resources as identified and described, while not provided to low income households as part of (through or within) New York State's HEAP program, are distributed to HEAP eligible households in coordination, cooperation, and conjunction with 1991-92 (FFY 1992) HEAP.

1. New York State Public Service Commission (PSC) regulations and/or State law prohibit collection by regulated utilities of security deposits and in some cases reconnect fees from any person known to be a recipient of public assistance, supplemental security income (SSI), or additional state payments. This population is categorically income eligible for HEAP under New York State HEAP state plan and the resulting leveraged benefit to the household is readily quantifiable.
2. Each year part of NYS's LIHEAP appropriation is utilized by the New York State Department of State (DOS) 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.
3. 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, weatherization assistance including payment towards recipient household's home energy costs are countable as leverage resources. New York State as part of its fully state/locally funded Home Relief (HR) assistance program provides eligible households with a basic annual fuel for heating allowance to pay household heating costs. In addition each eligible household is given a home energy allowance and supplemental home energy allowance which by definition are provided to eligible households to cover increases in the cost of energy. All HR recipients are categorically income eligible for HEAP under the NYS HEAP State Plan and these benefits are provided over and above any HEAP related benefit which the household may receive. As such they represent a net addition to the total home energy resources available to these low income households.

In addition New York State Law requires the payment of up to four months of utility arrearages to eligible households in order to prevent termination of utility service. Two state/local funded programs of financial assistance HR and Emergency Assistance to Adults (EAA) are utilized to make such payments on behalf of applicants who do not meet the eligibility criteria for other federally funded assistance programs. To the extent that these HR and EAA payments are made on behalf of HEAP eligible households, NYS intends to consider them as leveraged resources.

4. Many PSC regulated utility companies in New York State operate non-public funded fuel funds to assist their service territory population with the payment of energy bills. Most are targeted to some segment of the HEAP eligible population as established for the current program year. These benefits are provided to households which have exhausted their eligibility for other public forms of crisis assistance and, to the extent they are provided to HEAP eligible households, will be counted as leveraged resources.
5. New York State has exempted the collection of sales taxes from public assistance recipients whose ongoing utility/fuel bills are restricted and paid by the local department of social services. The NYS Department of Social Services Energy Bureau which coordinates the State's HEAP program 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. The exemption is in effect a discounted price available to a specific segment of the categorically HEAP eligible population in New York State.