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TRANSMITTAL: 99 INF-13

TO: Commissioners of  
 Social Services

DIVISION: Temporary  
 Assistance

DATE: July 12, 1999

SUBJECT: Questions and Answers on Temporary Assistance Energy  
 Policy

SUGGESTED

DISTRIBUTION: Temporary Assistance Directors  
 Medical Assistance Directors  
 Food Stamp Directors  
 Staff Development Coordinators  
 CAP Coordinators

CONTACT PERSON: Regional Representatives: Region I (518-473-0332);  
 Region II (518-474-9344); Region III (518-474-9307);  
 Region IV (518-474-9300); Region V (518-473-1469);  
 Region VI (212-383-1658)

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
96 ADM-9		352.5	SSL 131-s		
87 ADM-51		352.29	Home		
86 ADM-13			Energy Fair Practices Act (HEFPA) Chapter 895 of the Laws 1981		

During the winter of 1998, New York State Electric and Gas Corporation (NYSEG) conducted a series of regional roundtable discussions. These discussions dealt with New York State Office of Temporary and Disability Assistance utility policies and their impact on social service districts (SSDs) and utility companies. Several questions arose during the regional roundtable discussions.

The purpose of this INF is to answer these questions and clarify policy that should be implemented statewide. A Temporary Assistance (TA) Energy/HEAP manual is currently under development and will include explanations of all TA energy policies/procedures. Upon release of the manual, training sessions will be offered to SSDs to introduce the new manual and provide necessary clarifications.

1Q. If a residence with a utility shut-off contains a sanctioned TA customer/tenant of record household and a NTA household, can the SSD authorize a shut-off payment and if so, what would be the category of assistance?

A. Social Services Law (SSL) 131-s takes precedence over any Office regulations when there is need to make a payment for utility (natural gas and/or electric) service. Therefore, a sanctioned Temporary Assistance (TA) recipient may be eligible for a utility payment when the conditions of SSL 131-s are met. The TA category of payment is based on the customer and tenant of record's household composition, regardless of the sanction status.

2Q. If the energy (natural gas/electric) provided by a utility company is not used as the primary heating source but is required to operate the primary heating equipment, can the SSD make a payment to prevent the shut-off of the energy which is not the primary heating source?

A. Yes, energy provided by a utility company is under the scope of SSL 131-s, regardless of its intended use (heating/domestic energy).

3Q. What is the mandated restricted payment hierarchy of non-cash Safety Net Assistance (SNA)?

A. The Welfare Reform Act (WRA) of 1997 established the Safety Net Assistance (SNA) program with a cash and a non-cash component. The Act clearly defines a hierarchy of restricted payments required for non-cash SNA. The hierarchy is: 1. Shelter, 2. Utilities (including heat), 3. Personal Needs Allowance (PNA) and 4. Other Assistance. Therefore, shelter is restricted prior to utilities (including heat).

Note: As with all TA categories of assistance, recoupment of an overpayment takes precedence before any restrictions or grant payment.

4Q. If the TA grant is insufficient to restrict the appropriate energy amounts in their entirety, what policy does the SSD follow?

A. SSDs continue to have several options:

- a. restrict the available grant and pay that restricted amount, or
- b. restrict what is available in the grant and pay the entire actual bill, even when the bill is greater than the restricted amount, or

Note: The above options also apply to cases when the grant is sufficient to restrict the entire appropriate amount. With any option, reconciliation of restricted and paid amounts is required.

- c. not to restrict payment when the grant is insufficient to restrict the required amount from the grant. However, for non-cash Safety Net Assistance, the SSD must restrict any remaining grant after the mandated shelter restriction and utilize option a or b.

5Q. Can a billing period, after the application date, be added to the four-month period used to determine a utility arrearage payment?

A. No, SSL 131-s clearly states that payment must be made for utility services provided to a person "up to, but not exceeding four months immediately preceding the month of application."

6Q. Is a SSD obligated to pay the portion of a four-month utility arrearage payment that is not in the A/R's name?

A. No, if the A/R did not meet the "customer of record" requirement for the entire period, a payment may be authorized only for that portion which the A/R met the "customer of record" requirement.

7Q. Is all household income (i.e. SSI, NTA, SSA) considered when a TA A/R completes a financial statement (DSS-3596)?

A. Yes.

8Q. If a TA recipient was TA active only during a portion of the utility arrearage payment period, what amount of the payment is recoupable?

A. The management test determines if a utility arrearage is recoupable. The management test must be applied to the portion of the bill when the customer and tenant of record is a TA recipient. If the TA recipient fails the management test, the entire arrearage payment is recoupable. If the TA recipient passes the management test, the entire arrearage payment is non-recoupable.

- 9Q. If there is a NTA customer and tenant of record whose spouse is a SSI recipient, should the SSI spouse sign the "Utility Arrears Repayment Agreement"?
- A. Yes, if the household is subject to a "Utility Arrears Repayment Agreement", the applicant and their spouse must sign the agreement".
- 10Q. What is the definition of TA "recipient"?
- A. For energy policy purposes, a person is considered a TA recipient if they are in receipt of TA benefits on the day of application for energy assistance.
- 11Q. If a SSI household's utility service is guaranteed by a "letter of guarantee" and the children in the household later become TA active, must the "letter of guarantee" be changed to restricted payment?
- A. No, however the SSD may consider a voluntary request for restricted payment from the SSI recipient.
- 12Q. Does a verbal commitment to an energy provider have to be honored?
- A. Yes, any verbal agreement with an energy provider should be followed up with written documentation with the "from date" that was verbally agreed to.

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Patricia A. Stevens  
Deputy Commissioner  
Division of Temporary Assistance