

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

DETAILED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2005

GRANTEE NYS Office of Temporary & Disability Assistance

EIN: 1-14-601-3200-K1

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PLEASE CHECK ONE: TRIBE _____ STATE XX 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: 02/28/2005

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 1 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.

Assurances

The NYS OTDA agrees to:
 (grantee name)

(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 Production Act, 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;

(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 measures 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 disbursement 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.

*** This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.**

(16) use up to 5 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 of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature:

Title: Governor

Date: _____

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION of AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

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.

statutory references

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.)

		<u>Dates of Operation</u>
(use of funds)	*x heating assistance	<u>11/3/04 - 3/31/05</u>
	n/a cooling assistance	_____
	*x crisis assistance	<u>11/3/04 - 3/15/05</u>
	x weatherization assistance	<u>10/1/04 - 9/30/05</u>

*If NYS determines that there are sufficient funds available, the heating assistance and crisis assistance components may operate beyond the stated closing dates. If funds are insufficient to continue the heating assistance component, it may be closed prior to 3/31/05.

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)

- 54.92 % heating assistance
- n/a % cooling assistance
- 20 % crisis assistance
- 2605(k)(1) 15 % weatherization assistance
- ** % carryover to the following fiscal year
- 2605(b)(9) 10 % administrative and planning costs
- 2605(b)(16) n/a % 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**

**See Attachment I, page 2

statutory
references

2605(c)(1)(C) ➔The funds reserved for winter crisis assistance
(alternate use of crisis assistance funds)
which have not been expended by March 15 will be reprogrammed to:

heating assistance

cooling assistance

weatherization assistance

Other(specify): Funds not expended by 3/15 will remain available in the crisis component until 2004-2005 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.)

Yes No

2605(b)(2) ➔What are your maximum eligibility limits?
2605(c)(1)(A) (Please check the components to which they apply)
Current year guidelines must be used.

(eligibility)

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

60% of the State's median income:
heating cooling crisis wx

Other (specify for each component)

* Households automatically eligible if one person is receiving TANF, SSI, Food Stamps, Certain means-tested veterans programs (heating cooling crisis wx)

• See Attachment I, Page 8, B

statutory
references

2605(c)(1)(A) →Do you have additional eligibility requirements
2605(b)(2) for: **HEATING ASSISTANCE** x yes _____ no)
(eligibility)

*See Attachment I

→Do you use: Yes No

Assets test? _____ x

→Do you give priority in eligibility to:

Elderly? (Age 60 and above) x

Disabled? x

Young children? x

Other: x
(If yes, please describe)

An eligible household must directly pay an energy supplier for heat or pay rent which includes heat:

NOTE: Elderly households in receipt of a Senior Citizen Rent Increase Exemption (SCRIE) are not considered subsidized tenants.

statutory
references

2605(c)(1)(A)

2605(b)(2)

→Do you have additional eligibility requirements
for: **COOLING ASSISTANCE** (___ yes ___ no _x_ n/a)

(eligibility)

→Do you use: Yes No

Assets test?

→Do you give priority in eligibility to:

Elderly?

Disabled?

Young children?

Other:

(If yes, please describe)

statutory
references

2604(c)

2605(c)(1)(A) →Do you have additional eligibility requirements
for: **CRISIS ASSISTANCE** (x yes no)

(eligibility)

	<u>Yes</u>	<u>No</u>
→Do you use:		
Assets test?	<u> x </u>	
Must the household have received a shut-off notice or have an empty tank?	<u> x </u>	
Must the household have exhausted regular benefit?	<u> * </u>	<u> * </u>
Must the household have received a rent eviction notice?	<u> </u>	<u> x </u>
Must heating/cooling be medically necessary?	<u> </u>	<u> x </u>
Other (Please explain):	<u> * </u>	

*An emergency 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.

→What constitutes a crisis? (Please describe)

*(See Attachment "I", pg. 10, E for the description of a crisis).

statutory
references

2605(c)(1)(A) →Do you have additional eligibility requirements
for: **WEATHERIZATION** (____ yes x no)

(eligibility)

→Do you use: Yes No

Assets test? ____ x

Priority groups? (Please list) x

- Households with elderly members
- Households with young children
- Households with disabled members

→Are you using Department of
Energy (DOE) Low Income
Weatherization Assistance Program
(LIWAP) rules to establish
eligibility or to establish
priority eligibility for households
with certain characteristics?

 x

→If yes, are there exceptions?
Please list below. ____ x

statutory
references

2605(b)(3) ➔Please check the outreach activities that you
2605(c)(3)(A) conduct that are designed to assure that eligible
 households are made aware of all LIHEAP assistance
 available:

(outreach)

 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, offices of aging, Social
Security offices, 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 hotlines operated by the NYS Office of
Temporary and Disability Assistance and the NYS Office for the
Aging.
- Information about the program and a HEAP Application (when the
program is open) is available on the OTDA web page.
- Identification of households potentially eligible for LIHEAP
funded weatherization services and assessing the scope of need
for identified households.
- State/local resources dedicated to implementing mandated
outreach plans and program information dissemination
activities.

- Targeting efforts to provide program information and access to "vulnerable households".

statutory
references

2605(b)(4) ➔Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

(coordination)

HEAP activities will be coordinated with other low-income programs administered by other state and local agencies. A HEAP Interagency Task Force composed of the State Agencies (NYS Office of Temporary & Disability Assistance, NYS Public Service Commission, NYS Energy Research and Development Authority, NYS Office for the Aging, NYS Division of Housing & Community Renewal, Governor's Office, NYS Division of the Budget, NYS Office of Advocate for the Disabled, the NYS Consumer Protection Board and NYS Department of Labor) provides a forum for developing the HEAP State Plan and coordinating energy-related programs.

In addition, NYS OTDA's HEAP Block Grant Advisory Council 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) ➔The statute requires that there be no difference
2605(b)(2) in the treatment of households eligible because of
2605(b)(8A) 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.

(benefit
levels)

See Attachment I and III

statutory
references

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

x individual bill

— dwelling type

x energy burden

(% of income spent on home energy)

x energy need

— other (describe)

2605(b)(5) → Describe how you will assure that the highest
2605(c)(1)(B) benefits go to households with the lowest incomes
and the highest energy costs or needs in relation
(benefit to income, taking into account family size.
levels) Please describe benefit levels or attach a copy of
your payment matrix.

See Attachments I, III and V.

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

x Yes — No If yes, please describe.

In the event of weather-related emergencies and/or a temporary
fuel shortage, the local Department of Social Services is
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 temporary relocation is also an acceptable
form of assistance, which is appropriate to resolve such
household's immediate energy needs until the weather improves
sufficiently or a supply of fuel is obtained.

statutory
references

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

CRISIS COMPONENT

➔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

 x * other (please describe)

*See Attachment I, page 10, E.

(benefit
levels)

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

heating	\$ <u> x* </u>	maximum benefit
cooling	\$ <u> </u>	maximum benefit
year-round	\$ <u> </u>	maximum benefit

*See Attachment III

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

 x Yes No If yes, please describe.

In the event of weather-related emergencies and/or a temporary fuel shortage, the local Department of Social Services is 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 temporary relocation is also an acceptable form of assistance, which is appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of fuel is obtained.

statutory
references

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

**WEATHERIZATION &
OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS**

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

(types of
assistance)

- Weatherization needs assessments/audits.
- Caulking, insulation, storm windows, etc.
- Furnace/heating system modifications/repairs
- Furnace replacement
- Cooling efficiency mods/repairs/replacement
- Other (Please describe)

- Weatherization where necessary
- Energy related repairs not included in DOE LIWRAP regulations.

(benefit
levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure per household? ___ Yes no

If yes, what is the maximum amount? \$_____

➔Under what rules do you administer LIHEAP weatherization? (Check only one.)

(types of
rules)

- _____ 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)

Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)

Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.

_____ Other (Please describe.)

2605(b)(6) The state administers LIHEAP through the following local agencies:

county welfare offices
 community action agencies (weatherization component only)
 community action agencies (heating, cooling or crisis
 charitable organizations
 not applicable (i.e. state energy office)
 other, describe:

→Have you changed local administering agencies from last year? Yes No
If yes, please describe how you selected them.

(agency designation)

→What components are affected by the change?

2605(c)(1)(E) →Please describe any additional steps (other than those described elsewhere in this plan) that will be taken to target assistance to households with high home energy burdens. **(This applies to all components. If all steps to target households with high home energy burdens are described elsewhere in the plan, no further information is required here.)**

statutory
references

2605(b)(7) → Do you make payments directly to home energy suppliers?
(energy suppliers) Heating yes no
Cooling n/a yes no
Crisis yes no
If yes, are there exceptions? yes no
If yes, please describe.

Vendor payments are required when applicant pays a vendor directly for their own heating costs.

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)

For both regular and crisis assistance benefits the applicant is provided a notice advising of their eligibility and the amount of assistance paid on their behalf.

2605(b)(7)
(B) & (C)

→ 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.

Each energy supplier receiving a direct benefit must sign a vendor agreement form. This applies to both regular and crisis payments. A direct benefit is defined as a one party check payable to the energy vendor on behalf of the eligible household or a line of credit payable by a local district on behalf of an eligible household upon receipt of a valid bill from the energy vendor. In the event that an energy supplier refuses to sign a vendor agreement, a local district may opt to issue a regular or crisis benefit in the form of a two-party check payable to the eligible household and payment to a home energy supplier and, as such, does not require a signed vendor agreement.

statutory
references

2605(b)(8)(B) → Is there any difference in the way owners and
renters are treated? If yes, please describe.

(owners
and
renters)

HEATING ASSISTANCE

_____ yes x no

COOLING ASSISTANCE

_____ yes _____ no

CRISIS ASSISTANCE

_____ yes x no

WEATHERIZATION

_____ yes x no

statutory
references

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.)

NYSOTDA will utilize fiscal and fund accounting procedures similar to those utilized by NYSOTDA and LDSS in the administration of other income-tested assistance programs.

The NYSOTDA 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 from its own computer system.

(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, NYSOTDA will conduct on-site monitoring reviews in the ten local districts with the largest number of application approvals during the immediately preceding HEAP program year.

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

➔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.

statutory
references

2605(b)(12) ➔How did you get timely and meaningful public participation in the development of the plan?
(Please describe)

(timely and
meaningful
public
participation)

-
Beginning in February 2004, a series of five regional meetings with our fifty-eight county HEAP Coordinators was conducted around the State to solicit input regarding next year's program. In addition, one central meeting with our Public Service Commission(PSC)regulated utilities will be scheduled shortly.

In order to solicit input into the development of the proposed 2004-2005 HEAP State Plan, needs assessment hearings were conducted in Albany, NY on February 24, 2004 and in NYC on February 27, 2004. In addition, written comments were solicited and received through March 5, 2004.

Public notice of the needs assessment was published in the New York State Register and in the State's major newspapers.

2605(a)(2) ➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds?
 x Yes No When and where?
(Not required for Tribes and tribal organizations)

(public
hearings)

A public notice, advising of the availability of the proposed State Plan for public inspection and the public hearing will appear in the newspapers in July,2004. Hearings will be held in New York City on July 30, 2004 and in Albany, NY on August 2, 2004. Written comments will be accepted through August 6, 2004.

The NYSOTDA 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 will be 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.

statutory
references

2605(b)(13)

→ 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?

(fair
hearings)

→ Denials

Individuals whose applications for HEAP benefits are denied are afforded an opportunity for a fair hearing conducted by NYSOTDA. For the Division of Housing and Community Renewal (DHCR) weatherization component, households have an opportunity for appeal before the DHCR.

→ Applications Not Acted On In a Timely Manner

Individuals whose application for HEAP Benefits are not acted upon with reasonable promptness are afforded an opportunity for a Fair Hearing conducted by NYSOTDA.

Applicants are advised of fair hearing rights on the timeliness of the eligibility decision at the time of 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.

statutory
references

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.)

 x Yes no

If yes, please describe these activities.

Outreach and referrals.

If yes, how do you ensure that you don't use more than 5% (statutory ceiling) of your LIHEAP funds for these activities?

Outreach activities include identification of households potentially eligible for LIHEAP funded weatherization services and assessing the scope of need for identified households.

This outreach activity is funded through the New York 15% weatherization set aside.

Less than 1/5 of New York's 15% weatherization set aside will be used for this purpose.

statutory
references

2605(b) → Please describe performance goals and measures
planned for the fiscal year. **(This entry is
optional.)**

(performance)
goals and
measures)

Primary Goal

Primary Goal

Additional Goal

Program Measures

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

- * **Lobbying certification**, which 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**)
- * **Debarment and suspension certification**, which must be filed by all grantees.
- * **Drug-free workplace requirement certification**, which 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:

- * One of the new requirements included in the 1994 reauthorization of the statute 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. This approval number expires June 30, 2000.
- * Though not a part of this application, the report on funds to be carried over or available for reallocation as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallocation report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallocation Report** is covered by OMB approval number 0970-0106. This approval number expires November 30, 2004.