

**NOTICE OF CLASS ACTION RELIEF  
TO ALL HOUSEHOLDS RECEIVING BENEFITS IN THE  
HOME ENERGY ASSISTANCE PROGRAM (HEAP)  
AND RIGHT OF CLASS MEMBERS TO A FAIR HEARING**

If you pay separately for your residential heating costs and automatically received a Regular (non-emergency) Home Energy Assistance Program (HEAP) benefit, without filing an application, a recent settlement in a federal class action law suit called Pedersen v. Hansell (08-CV-313, Eastern District of New York) ("Pedersen v. Hansell") may concern you.

The federal district court in Brooklyn has approved a settlement between the New York City Human Resources Administration ("HRA"), the New York State Office of Temporary Assistance ("OTDA"), and a class of persons receiving family assistance, safety net assistance and/or Food Stamps and/or Supplemental Security Income at the "Living Alone" rate ("SSI Code A"), who, on or after January 22, 2005: (1) paid for their own residential heating costs; (2) were eligible for a Regular HEAP benefit; and (3) did not submit an application for a Regular HEAP benefit (the "Pedersen Class"). If you have a question about the court approved settlement, you may contact the attorney who represents the Pedersen Class, Peter Vollmer, by calling 516-277-1156.

The federal court cannot order OTDA to recalculate past HEAP benefits for persons who are part of the Pedersen Class. However, persons in the Pedersen Class may be able to appeal any prior decisions regarding their regular HEAP eligibility or HEAP benefits through New York State's Fair Hearing process. OTDA has agreed that it shall not impose the 105 day rule found at 18 N.Y.C.R.R. §§ 358-3.5(b)(4) and 393.5(e) against any person in the Pedersen Class who requests a fair hearing for Regular HEAP Benefits.

**CONTACT INFORMATION**

TO REQUEST A FAIR HEARING, CONTACT:

New York State Office of Temporary and Disability Assistance

Mail: NYSOTDA  
Office of Administrative Hearings  
P.O. Box 1930  
Albany, NY 12201-1930

Fax: (518) 473-6735

Telephone: (800) 342-3334

In Person: New York State Office of Temporary and Disability  
Assistance (OTDA)  
14 Boerum Place, Brooklyn, NY  
or  
330 West 34<sup>th</sup> Street, third floor, New York, NY

Web site: <http://www.otda.state.ny.us/oah/forms.asp>

**When communicating with OTDA, tell them you are requesting a Fair Hearing pursuant to the Pedersen v. Hansell fair hearing notice.**