



NEW YORK STATE
 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
 40 NORTH PEARL STREET
 ALBANY, NEW YORK 12243-0001

Andrew M. Cuomo
 Governor

Kristin M. Proud
 Commissioner

Administrative Directive

Section 1

Transmittal:	13-ADM-06
To:	Local District Commissioners
Issuing Division/Office :	Office of Temporary and Disability Assistance/Center for Employment and Economic Supports
Date:	August 13, 2013
Subject:	NYSERDA On-Bill Recovery (OBR) Financing
Suggested Distribution:	Temporary Assistance Directors HEAP Coordinators Staff Development Coordinators Accounting Staff
Contact Person(s):	TA Bureau at 1-800-343-8859, extension 4-9344 HEAP Bureau at 1-800-343-8859, extension 3-0332
Attachments:	Attachment 1 – NYSERDA Residential Financing Product Information
Attachment Available On – Line:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		352.5(e) & (f) 352.29(e) 393	SSL § 131-s Green Jobs-Green New York Act of 2009 Power New York Act of 2011	Energy Manual HEAP Manual (REV. 1/18/2013)	October 11, 2012 Dear Utility Vendor letter HEAP Utility Vendor Agreement (REV. 9/07)

Section 2

I. Summary

This ADM informs Social Services Districts (SSD) of the New York State Energy Research and Development Authority's (NYSERDA) On-Bill Recovery (OBR) Financing Program and instructs SSDs how to address an OBR charge on a utility (natural gas and/or electric) bill. The OBR charge, which represents the repayment of a loan for capital improvements, does not qualify for any payment from Temporary Assistance (TA), Emergency Assistance for Adults (EAA) or Home Energy Assistance Program (HEAP) funds. It is expected that OBR will have a minimal, if any, impact on SSD operations.

II. Purpose

The purpose of this ADM is to inform SSDs of NYSERDA's OBR Financing Program and its impact on TA programs, including EAA and HEAP.

III. Background

On August 4, 2011, Governor Cuomo signed the Power New York Act of 2011 (Chapter 388 of Laws of 2011) into law. This act amended Public Service Commission (PSC) law to establish OBR as a mechanism to finance loans for customers of gas and/or electric utilities to make energy efficient improvements to qualified residences and permit the repayment of those loans through the customer's utility bill. The OBR charge is linked to the residence's utility meter and the utility account for that meter, not necessarily to the initial borrower. Therefore, the responsibility to pay the OBR charge is that of the current and subsequent residents who are customer of record for the utility service at the residence. The utility company first applies customer payments against the utility service and then against OBR charges. OBR charges began in June 2012 as a separate line charge on the improved residence's utility bill and nonpayment of the OBR amount may result in the termination of utility service to the residence.

NYSERDA administers OBR and any inquiries regarding this program must be referred to NYSERDA at 1-866-NYSERDA (697-3732) or <http://www.nyserda.ny.gov>. Attached is the "NYSERDA Residential Financing Product Information" from the NYSERDA website, which provides a summary of the terms and conditions of the OBR loan.

IV. Program Implications

TA

The OBR Financing Program is only applicable to utility vendors (i.e., natural gas or electric).

The utility suspends OBR charges while an account is on direct voucher payment or under guarantee.

TA policy does not permit any portion of an OBR charge to be included in the calculation or payment of any TA benefit, including EAA, therefore OBR charges must not be included.

HEAP

HEAP policy does not permit any portion of any HEAP benefit paid to a utility company or ESCO on behalf of a HEAP recipient to be applied against an OBR charge. The HEAP Vendor Agreement for utilities dictates that the HEAP payment is applied to the cost of utility and any credit is applied to the customer's current account. The utility companies have been provided guidance on OBR by the Public Service Commission and by OTDA via an October 11, 2012 "Dear Utility Vendor" letter. SSDs are not required to take any action to ensure that the HEAP benefit is not applied to OBR because it is the responsibility of the utility to comply with the vendor agreement and OTDA Audit & Quality Improvement (A&QI) monitors utilities compliance with the vendor agreement during scheduled reviews.

V. Required Action

TA

- SSDs must not include an OBR charge in the calculation or authorization of any TA or EAA payment to a utility company or ESCO. This is true of payments for recurring domestic energy or heating service and of payments to continue or to restore utility service, including guarantee payments.
- SSDs may resolve a utility termination solely based on past due OBR charges by a temporary housing placement.
- SSDs must not include any OBR charge in the calculation of the TA budget restriction for domestic utility energy.
- SSDs must not issue any TA or EAA payment that a utility company or ESCO will apply to OBR charge.
- SSDs must resolve all utility emergencies in accordance with current policies, without regard to or consideration of any OBR charge.
- SSDs must resolve all non-utility emergencies in accordance with current policies.
- If a utility company terminates service for non-payment because OBR charges remain unpaid on the account (either by voucher or an EA arrears payment) contact the Temporary Assistance Bureau at 1-800-343-8859, extension 4-9344.

HEAP

If a HEAP applicant is terminated or scheduled for termination solely to an unpaid OBR charge the household is ineligible to receive a HEAP emergency benefit to ameliorate the emergency. The LDSS-3494B: "Home Energy Assistance Program (HEAP) Notice of Eligibility Decision-Denial", must be provided to the applicant that includes the following language: "Your household is not in an emergency situation as defined by HEAP policy". If a HEAP applicant has an energy emergency that cannot be ameliorated with a HEAP benefit he/she must be referred to the SSD's Temporary Assistance (TA) program. If the applicant applies for TA, he/she must receive an interview on the day they inform the SSD of the emergency. The SSD must address the emergency need and inform the applicant in writing about their decision.

A HEAP applicant or recipient may also be notified of available emergency programs by providing the individual with the LDSS-4148C, "What You Should Know If You Have an Emergency-Book 3" pamphlet.

VI. Systems Implications

None

VII. Effective Date

Immediately

Issued By

Name: Phyllis Morris

Title: Deputy Commissioner

Division/Office: Center for Employment and Economic Supports