



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

## Local Commissioners Memorandum

### Section 1

<b>Transmittal:</b>	13-LCM-14
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office :</b>	Center for Employment and Economic Supports
<b>Date:</b>	November 8, 2013
<b>Subject:</b>	2013-2014 Home Energy Assistance Program (HEAP)
<b>Contact Person(s):</b>	HEAP Bureau at (518) 473-0332
<b>Attachments:</b>	<a href="#">Attachment 1 – 2013-2014 Heating Equipment Repair and Replacement</a> <a href="#">Attachment 2 – 2013-2014 HEAP Desk Guide</a> <a href="#">Attachment 3 – Rental Income Calculation Worksheet Example</a> <a href="#">Attachment 4 – 2013-2014 HEAP Forms Changes</a> <a href="#">Attachment 5 – HEAP Regional Training and myWorkspace FAQs</a>
<b>Attachment Available On – Line:</b>	Yes

### Section 2

#### I. Purpose

This is to provide local Social Services Districts (SSD) with information about the 2013-14 Home Energy Assistance Program (HEAP).

#### II. Background

HEAP is a federally funded energy program intended to provide assistance to low income households in meeting their immediate home energy needs. To receive federal funding, states must submit a State Plan to the United States Department of Health and Human Services (HHS) each year. The HEAP State Plan may be found on the Office of Temporary and Disability Assistance's (OTDA) website at <http://otda.ny.gov/programs/heap/stateplan/2013-2014-State-Plan.pdf>.

### **III. Program Implications**

#### **A. Program Components – Opening Dates**

Applications for regular HEAP benefits must be accepted beginning November 18, 2013. No notices for regular benefits, payments or guarantees of HEAP benefits, including ten-day hold requests from utility companies based on an anticipated HEAP payment, may be issued before November 18, 2013.

Applications for emergency HEAP benefits must be accepted beginning January 2, 2014. Notices for emergency benefits, emergency benefit payments or guarantees of emergency HEAP benefits, including ten-day hold requests from utility companies based on an anticipated emergency HEAP payment, must NOT be issued before January 2, 2014.

Applications for emergency benefits must be accepted through March 17, 2014.

The dates for these program components may be adjusted based on federal funding. SSDs will be notified if program dates are changed.

#### **B. Heating Equipment Repair and Replacement (HERR)**

Applications for the Heating Equipment Repair and Replacement will be accepted beginning November 12, 2013. Please see Attachment 1, 2013-14 HEAP Heating Equipment Repair and Replacement Component, for more information.

#### **C. HERR Case Supervisory Review (CSR)**

All applications for heating equipment repair and replacement benefits require two levels of review and a CSR process cannot be used for this component.

It is recommended that the SSD designated HEAP Coordinator perform review and sign-off on all heating equipment repair and replacement benefit applications, unless the HEAP Coordinator has determined eligibility. In that case a supervisor one level up must sign off.

All applications from known relatives of any SSD employee require two levels of review. Written SSD guidelines that provide for stricter protocol take precedence.

#### **D. Processing Time Frames**

There are no changes to HEAP application processing timeframes.

Payments for cases included as part of the HEAP automatic payment process (Autopay) must be authorized in the Welfare Management System (WMS) no later than December 31, 2013.

#### **E. Income Guidelines**

Maximum income guidelines have been set at 60% of State Median Income (SMI) for household sizes 1-10 and at 150% of the federal poverty guidelines for household sizes 11 and above. See Attachment 2, "2013-14 HEAP Desk Guide," for income guideline amounts.

## **F. Application Process**

Effective with the 2013–2014 HEAP season, all applicants for regular HEAP benefits outside of New York City (NYC) have the option of submitting an application for HEAP assistance via *myBenefits*. Any HEAP applicant, new, returning or early outreach, should be encouraged to use *myBenefits* to apply. Applicants and recipients of HEAP who use *myBenefits* must create a secure account, after which they can then complete, submit, and track their HEAP application through *myBenefits*. They may also submit required documentation via *myBenefits* to SSDs that use OTDA's Imaging Enterprise Documentation Repository (I/EDR). Households may apply for both SNAP and HEAP via a single application on *myBenefits*.

Applicants requesting an emergency HEAP benefit are not authorized to apply through *myBenefits*. The *myBenefits* application process directs applicants for emergency HEAP to apply at the SSD.

Applicants may also continue to submit paper applications by mail, fax or in person at a SSD or certifying agency. A printable HEAP application will be posted on the OTDA website effective November 18, 2013.

If an applicant submits multiple applications for a regular or emergency HEAP benefit, the application submitted to the SSD first, regardless of method (electronic or manual), takes precedence.

## **G. Automatic Payment (Autopay) Process for Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) Recipients**

The autopay process is utilized as a tool to limit administrative costs/effort while maximizing HEAP accessibility and targeting benefits to the lowest income households.

TA and SNAP recipients in receipt of ongoing benefits that have been deemed categorically income eligible through the autopay outreach process are not required to complete a separate application for HEAP. These households consent to have their eligibility determined for HEAP through the autopay process when they complete and submit NYS "Statewide Common Application," (LDSS-2921), "Recertification Application for TA or SNAP," (LDSS-3174), or "Supplemental Nutrition Assistance Program (SNAP) Application/Recertification," (LDSS-4826). The consent language is found in the consent section of each application.

The TA and SNAP eligibility information found in WMS at the time of the autopay computer "run" date is used to determine the household's income eligibility for HEAP. Although TA and SNAP households participating in the autopay process are categorically income eligible for HEAP, all other required HEAP eligibility factors must be documented before a HEAP payment is issued. Additional HEAP eligibility factors, such as living arrangements and vendor relationship, that can be retrieved from WMS are collected and used to electronically determine eligibility for a regular HEAP payment. If all HEAP eligibility factors can be collected from WMS, a regular HEAP eligibility determination is made and a payment amount is electronically issued, as appropriate, to either the vendor or household. If required HEAP eligibility factors beyond income eligibility cannot be retrieved from WMS, the case appears on an exception report for required SSD review and eligibility determination.

Any individual in receipt of ongoing TA or SNAP who is not part of the autopay process because they became an ongoing recipient of TA or SNAP after the WMS pull down of autopay information must apply for HEAP by submitting a HEAP application.

Any individual who receives a regular HEAP benefit via the autopay must not receive a duplicate regular HEAP payment.

Households may receive a supplemental regular HEAP benefit if they received a heat included (renter's) benefit but subsequently move within the program year and are then responsible for the heating bill.

Additional information on this process has been provided to SSDs in the August 8, 2013 "Dear WMS and BICS Coordinator Letter."

## **H. Rental Income**

The monthly calculation for rental income has been changed for the 2013-14 HEAP season to allow the HEAP household (new or returning) to choose one of the following two methods of calculation:

1. The previous year's signed and completed income tax form with a completed section "E";

### **OR**

2. The three month method, which determines gross monthly income for the three months prior to the month of application by deducting allowable business expenses from the gross receipts, then averaging the three months' net profit, and dividing that amount by three to arrive at the gross monthly countable income. Attachment 3, "Rental Income Calculation Worksheet Example," provides an example of this calculation method.

This aligns the calculation of rental income with self-employment income and allows for a more accurate picture of the HEAP household's income. For example, if a HEAP household has not received any rental income for three months prior to the month of application for HEAP, using the previous year's income tax would not accurately reflect the household's current financial circumstances.

## **I. Living Arrangements – Submetered Dwelling**

A HEAP household (new or returning) that resides in a submetered dwelling, including submetered dwellings approved by the New York State Public Service Commission (PSC), may receive a regular HEAP benefit if all of the following are met:

1. The household is otherwise eligible by meeting all other HEAP eligibility criteria;
2. The household can document that they make direct payments to an approved submeterer based on usage of their primary heat source; and
3. The HEAP benefit is credited to the HEAP recipient's usage.

A HEAP household (new or returning) that resides in a submetered dwelling including submetered dwellings approved by the PSC may receive an emergency HEAP benefit if all of the following are met:

1. Household is otherwise eligible by meeting all other HEAP eligibility criteria;
2. Household can document that they make direct payments to an approved submeterer based on usage of their primary heat source;
3. HEAP benefit is credited to the HEAP recipient's usage; and

4. The household provides documentation that their primary heat source is capable of being terminated and/or disconnected.

To receive HEAP payments, landlords with submetered properties must have a signed HEAP Vendor Agreement. To determine if a landlord is an approved HEAP submeterer with a signed Vendor Agreement, see the HEAP participating vendor list found on Centraport.

#### **J. Definition of Emergency Types**

The definition of a life threatening crisis is when a HEAP applicant or recipient household is without heat or utility service to operate a heating source. Any HEAP eligible household's life threatening crisis must be resolved within 18 hours from the time the SSD is notified of the emergency.

The definition of an energy crisis is when loss of heat is imminent. Imminent loss of heat is defined as less than ¼ tank for oil, kerosene or propane or less than a ten-day supply for other deliverable fuels, or heat or heat related utility service is scheduled for termination or disconnection within 72 hours from the time the SSD is notified of the emergency. Any HEAP eligible household's energy crisis must be resolved within 48 hours from the time the SSD is notified of the emergency.

For example: An emergency HEAP applicant applies on March 1, 2014 with a 15 day termination notice from the utility company. This is considered a crisis emergency. The SSD should resolve the emergency as soon as possible, but if otherwise eligible, the household's crisis emergency must be resolved within 48 hours from the time the SSD is notified that the household has a 72 hour termination notice from the utility.

#### **Regular and Emergency Benefit Amounts**

There are no changes to the amount of the regular or emergency benefit for 2013-14 HEAP season. See Attachment 2, "2013-14 HEAP Desk Guide," for benefit amounts.

#### **K. Forms**

Several forms used to administer HEAP have been revised or made obsolete. Attachment 4 is a table that identifies obsolete forms, revised forms, and whether the form is mandatory or optional.

The HEAP Request for Information/Documentations Requirements form (LDSS-3431) is obsolete. SSDs are required to use the Documentation Requirements (LDSS-2642) for all manual requests for documentation or information. This form can be produced from myWorkspace and mailed to the applicant.

No forms will be drop shipped this year with the exception of the HEAP Application (LDSS-3421) both English and Spanish and Emergency Benefit Budget Worksheet (LDSS-3594B). The LDSS-3421 and LDSS-3594B were shipped on September 9, 2013. All other forms are to be ordered by the SSDs as needed. All electronic HEAP forms were made available on e-forms effective September 3, 2013. The Emergency Benefit Budget Worksheet is also available in IAF and myWorkspace.

How to order forms:

1. All forms with LDSS or PUB numbers are produced by OTDA and can be ordered. When ordering or reordering any HEAP form, be sure to order sufficient quantities for the

entire HEAP season. SSDs must also take into consideration the form supply needs of Alternate Certifiers when placing orders. Please check the current supply at the SSD prior to placing an order.

2. HEAP forms and notices are also available on Centraport under forms, OTDA Forms or at [https://otda.state.nyenet/ldss\\_eforms/](https://otda.state.nyenet/ldss_eforms/). Orders for all forms are placed through the SSD's ordering procedures using OTDA form 876, "Request for Documents and Publications," or using the Bureau of Management Services' Electronic Forms and Publication Online System.
3. Supplies of the Systems Desk Guide and HEAP Monthly Income Codes will be provided directly by the OTDA HEAP Bureau.

How to obtain a Local Equivalent Form:

1. To make substantive changes to a mandated LDSS form, the HEAP Coordinator MUST submit to the OTDA HEAP Bureau a written request on county letterhead with a modified version of the form attached, prior to program opening. The request must include the reason for the change and a contact person. The request must receive written approval from the OTDA Bureau of Management Services (BMS) prior to using the local equivalent form.
2. Local equivalent forms are forms developed by SSDs which are designed to be used in place of State-mandated forms. Local equivalent forms must contain all of the information required on the State-mandated forms, but may also contain additional information required for the SSD's own purposes. Local equivalents may differ in format as well as media from the mandated forms. SSDs develop local equivalent forms for many reasons. These include producing forms to accommodate sight-impaired workers, producing different sized forms which better fit in local case folders, producing forms which have the agency address preprinted, and producing electronic forms to be used in place of hard copy forms. The goal of the local equivalent form approval process is to guarantee that SSDs are using forms which are legally, programmatically and systemically accurate and up-to-date.
3. SSDs interested in this procedure should consult 97-ADM-13 for guidance.

#### **L. Case Supervisory Review Process**

In accordance with 12-LCM-12, SSDs are required to complete a supervisory review and approval on 100% of the cases on which HEAP benefits are authorized unless the SSD has a Case Supervisory Review (CSR) plan approved by OTDA. The CSR process permits SSDs supervisors to review and approve all, a targeted or random sampling of HEAP cases.

SSDs which elect not to require their supervisors to review and approve 100% of HEAP cases have the option (with an approved plan) of implementing a SSD specific method of review to ensure that cases are processed properly and that corrective action measures are instituted. In an effort to promote assurance of accuracy standards, HEAP cases chosen for a complete review must receive a thorough case review by a supervisor. The case review must be based upon all current information pertaining to eligibility and benefit levels, and the supervisor's approval must be indicated by including the supervisor's dated signature in the case record.

SSDs which elect to perform a targeted or random sample review should emphasize increased staff training, when appropriate, to address those areas which are identified through the supervisory review approval process as needing worker improvement.

CSR plans must be submitted to and approved by OTDA. The Plan must include the following:

1. A description of which cases will be subject to supervisory review approval. SSDs must identify areas or types for cases that should be targeted for 100% review. For example:
  - a. Error prone areas (i.e. earned income cases);
  - b. New applications, new workers' cases; or
  - c. Emergency applications cases from an alternate certifier.
2. The minimum number of HEAP cases each supervisor will be required to view per worker, per week/month;
3. A description of how case processing errors will be addressed to assure accuracy; and
4. A description of how the plan will address alternate certifiers. Alternate certifiers must not review or approve HEAP cases.
5. Plan Submission

Plans must be submitted to:

Phyllis Morris  
Deputy Commissioner  
Center for Employment and Economic Supports  
Office of Temporary and Disability Assistance  
40 North Pearl Street, 11-C  
Albany, NY 12243

Upon the submission of a CSR plan, OTDA will review each SSD's plan and approve the plan in whole or in part within 60 days of the date of submission by the SSD. The time frame may be extended with the agreement of both parties. If any or all components of the plan are not approved, OTDA will specify the reason(s) for the disapproval and will specify the steps, if any; the SSD must take to rectify the plan. Once a plan is approved by OTDA a SSD does not need to submit another plan unless the SSD makes revisions to the originally approved plan.

SSDs which currently have a CSR plan approved by OTDA for HEAP do not need to re-submit a plan unless revisions are made to the originally approved plan.

6. CSR and HERR benefits

Supervisory review and approval must be performed for 100% of HERR applications.

7. CSR and myWorkspace

SSDs must take into consideration the statewide implementation of myWorkspace when submitting a CSR plan.

#### **M. Required Signatures on Authorization**

SSDs are required to provide 100% supervisory review and approval of the authorization document for HEAP. Generally, SSDs use the LDSS-3209 to authorize assistance; however, a SSD may request a waiver to use a different process to authorize assistance (05-LCM-09). An

alternative method of authorization must be approved by OTDA. The LDSS-3209 is signed by the worker who prepared the authorization and the supervisor who approved it. Once both signatures are obtained, the LDSS-3209 becomes the official authorization. The exception for this procedure would be for SSDs operating under an approved CSR plan.

#### **N. Pending Report Information**

SSDs are required to complete and submit "Pending Reports," for the 2013-14 program year to the HEAP Bureau via electronic reporting effective Friday, September 13, 2013 as outlined in GIS 13 TA/DC020 "Home Energy Assistance Program (HEAP) Benefit Pending Report."

#### **O. Vendor Issues**

##### 1. Initial Production of the NYS Office of State Comptroller (OSC) Voucher Files

The first 2013-14 HEAP payment file for vendor payments authorized outside of the autopay is tentatively scheduled for transfer to OSC the weekend of November 17, 2013. After the initial payment file transfer, payment files will be sent to OSC on a weekly basis with the exception of the weekend of December 1, 2013.

The TA and SNAP autopay vouchers will be available to SSDs on Monday, October 28, 2013, and the SSD will have until close of business, Friday, November 29, 2013, to review these cases. The 2013-14 HEAP autopay payment file is tentatively scheduled for transfer to OSC the weekend of December 1, 2013. Due to the large volume of the autopay file, it is expected to take several days to issue all payments. These dates may need to be adjusted depending on the timing of receipt of federal HEAP funding.

##### 2. Oil Pricing Information Service (OPIS)

OPIS pricing is eliminated effective this HEAP season. Margin Over Rack (MOR) OPIS vendors are required to sign and return an agreement addendum and will continue to be participating vendors unless the vendor chooses to terminate the agreement.

The MOR pricing methodology for oil, kerosene, and blended products and discount off retail for oil, kerosene, blended product, and propane remain the same.

##### 3. HEAP Participating Vendor List

The HEAP database for commodity vendors is available through Centraport. Each SSD has a unique password for the participating list. These will remain unchanged, unless an SSD request's new one. SSDs must contact their OTDA HEAP Bureau liaison if a new ID is required.

SSDs must check the vendor list when processing applications to ensure that only participating vendors are issued benefits.

#### **P. Notice Production**

Use of the Client Notice System (CNS) is required. Manual notices must only be used when the CNS does not support the action taken. Proper use of CNS ensures accuracy and further supports consistency of program rules and policy across the state.

Approval notices will be produced via CNS when the payment file is sent to OSC or when the SSD sets the HEAP BICS locks to "off" to produce EBT payments and two party checks.



SSDs may process denial transactions via WMS beginning November 18, 2013.

## **Q. Subscription to Policy Directives**

SSD staff, as appropriate, can subscribe to receive Administrative Directives (ADM), Information letters (INF), Local Commissioner Letters (LCM), and General Information Systems (GIS) messages via email by going to: <http://otda.state.nyenet/dta/subscription.htm>. See the Dear CNS-WMS Coordinators letter dated May 15, 2013 for more information.

## **R. Systems**

It is strongly suggested that SSDs outside of NYC use *myWorkspace* as the primary computer application to complete eligibility processing for regular applications submitted via *myBenefits*.

System access for SSD employees including granting entitlements to *myWorkspace* and the resetting of passwords is performed at the local level by a SSD systems administrator, not at the State level. The LAN Administrator will be responsible for granting entitlements and setting up Lightweight Directory Access Protocol (LDAP) accounts to all users including alternate certifiers. Instructions for LAN Administrators can be found in GIS 13 TA/WMS018 "Protocols for HEAP Alternate Certifiers and *myWorkspace* Access for Alternate Certifiers."

### 1. Alternate Certifiers' (AC) Access to *myWorkspace*

The AC's role and responsibilities have not changed from previous years. ACs cannot determine final HEAP eligibility, complete final HEAP authorizations in WMS or resolve energy emergencies by guaranteeing payment to energy vendors. What has changed is that applicants can now apply for a regular HEAP benefit using *myBenefits* and SSDs (including their ACs) may use *myWorkspace* to process regular HEAP applications.

The SSD identifies the AC role that works best for their operations and is responsible to communicate the roles and responsibilities to the AC. SSDs can grant one of two levels of entitlements in *myWorkspace*; either an AC worker or an AC supervisor. A listing of the AC worker and supervisor functionality in *myWorkspace* is found in the GIS 13 TA/DCO26.

AC staff experiencing problems accessing *myWorkspace* and/or having HEAP policy questions must contact the SSD HEAP Coordinator.

### 2. *MyWorkspace* Problem Solving

SSD HEAP Coordinators experiencing problems accessing *myWorkspace* must contact their Systems Administrator.

The SSD Staff utilizes the "**Contact Us**" button in *myWorkspace* (located on the *myWorkspace* Homepage – External links) to report problems with *myWorkspace*. When reporting problems using the "**Contact Us**" functionality, please include as much information as possible, including at a minimum the registry/case number, and any error number and message you receive.

SSD staff may access information regarding updates to *myWorkspace*, and a document that answers certain basic "How Do I?" questions by using an SSD accessible SharePoint site at <http://sharepoint.otda.state.nyenet/districts/mbmw/default.aspx>.

AC staff experiencing problems accessing *myWorkspace* and/or having HEAP policy questions must contact the SSD HEAP Coordinator.

3. Elimination of the Heating Benefit Calculator (HBC) and e-HEAP (e-workbook and e-app).

Effective July 1, 2013, the e-HEAP and HBC functionality has been terminated. For more information see GIS 13 TA/DC026 "Implementation of *myBenefits/myWorkspace* Home Energy Assistance Program (HEAP) Process."

#### **S. Regional Trainings Questions**

In August 2013, the OTDA HEAP Bureau conducted a series of eight regional trainings throughout the state to alert SSDs to the expected changes in HEAP policy for the upcoming season. Attachment 5 is a listing of questions and answers from these trainings.

**Issued By**

**Name: Phyllis Morris**

**Title: Deputy Commissioner**

**Division/Office: Center for Employment and Economic Supports**