

# **Home Energy Assistance Program Heating Equipment Repair and Replacement**

## **A. BENEFIT COMPONENT**

Heating Equipment Repair and Replacement (HERR) benefits are available to assist Home Energy Assistance Program (HEAP) eligible households with the cost to repair or replace the applicant's primary heating equipment. The applicant must own their dwelling, and the heating equipment must have been documented by a participating vendor to be inoperable or unsafe, and in need of repair and or replacement.

Heating equipment replacement is also available, under limited circumstances and with medical documentation, to replace systems that are directly detrimental to a household member's health. Documentation must be in writing from a physician or physician's assistant, and must specify the reason(s) why the current system is directly detrimental to the household member's health and safety.

Temporary relocation for an eligible household may be considered when the residence has been determined to be unsafe, and it has been determined that the deficiencies cannot reasonably be corrected in a timely manner which would ensure safe, healthy habitation. HEAP-funded temporary relocation is only available when the Emergency benefit component is open.

## **B. CERTIFICATION**

The local Social Services District (district) is the sole certifier for this component. The district may contract with alternate certifiers to assist in the application/outreach process.

Alternate certifiers may not make final eligibility decisions, contract for work, guarantee benefits or issue notices.

All applications for this component require supervisory review, even in those districts using a case supervisory review process for other types of HEAP applications.

## **C. TIMEFRAMES and EMERGENCY RESOLUTION**

### **1. Emergency Resolution Requirements**

The HEAP Heating Equipment Repair and Replacement Assessment Form (LDSS5010) is a mandatory form designed to assist districts in assessing the heating equipment situation. The form is not a substitute for any other required forms.

Appropriate action(s) must be taken to resolve the emergency situation of an eligible household within 18 hours of the emergency benefit application filing date if the household is without heat or within 48 hours of the emergency benefit application filing date if loss of heat is imminent.

Emergency resolution is defined as the action taken to ensure that the applicant household has heat, safe supplemental heat or access to temporary alternate housing.

The filing date for HERR applications is the date that the applicant completed, signed and submitted the HEAP application to the district or to the alternate certifier contracted to accept applications.

The emergency resolution action(s) for those applicants for HERR where HEAP eligibility cannot be determined within the 18 to 48-hour timeframe or the applicant is not HEAP eligible are:

- A referral to Temporary Assistance
- A referral to a community resource
- Provision of safe supplemental heat
- Access to temporary alternate housing

The emergency resolution action(s) for those households applying for HERR, where HEAP eligibility is determined, are:

- The repair or replacement of the heating system within the 18 to 48-hour timeframe
- The provision of safe supplemental heat
- Access to temporary alternate housing
- Provision of emergency HEAP funded temporary housing (only when the Emergency Component is open)

Resolution must be documented on the HEAP Heating Equipment Repair and Replacement (HERR) Worksheet (LDSS-4867).

## **2. Completion of Work**

As a rule, the heating equipment repair or replacement work should be completed within five business days from the authorization by the district. Vendors must notify districts if they cannot meet these timeframes and provide the reason.

## **3. Processing Timeframes**

Applications for HERR may be pended for information or documentation for no more than a total of ten business days.

## **4. Notice Requirements**

Applicants must be provided with written notice of the eligibility decision no later than 30 business days from the date of the receipt of the final vendor invoice for payment

# **D. BENEFITS**

## **1. Repair**

The essential heating equipment repair total benefit is limited to \$3,000 per applicant per HEAP program year.

In some cases, the cost of repair may exceed or be comparable to the cost of replacement. In these cases, the district should explore replacement. A heating system that requires multiple repairs in a program year, or within the past program year, may warrant the exploration of replacement instead of continued repair.

Repair of essential primary heating equipment is defined for NYS HEAP purposes as the labor and materials necessary to restore or fix an eligible household's essential heating equipment to a sound useable condition without the replacement of the heating plant (furnace/boiler). This includes repair or replacement of chimneys or other venting systems and repair or replacement of oil tanks.

All repairs must include the installation of a working carbon monoxide detector when one is not present, non-operational or the carbon monoxide detector is over five years old.

## **2. Replacement**

The essential primary heating equipment replacement benefit is limited to \$6,500.

Eligible households may receive one heating equipment replacement benefit within a ten-year period.

Replacement of essential primary heating equipment is defined for NYS HEAP purposes as the materials and labor necessary to restore and/or fix an eligible household's essential heating equipment to a sound useable condition by removal of an existing heating plant and replacement with a new heating plant. Replacement may also include the repair/replacement of essential heating equipment necessary for the system's safe and proper operation.

Essential heating equipment may include chimneys, chimney liners or other direct venting systems and oil tanks.

All replacements must include the installation of a working carbon monoxide detector when one is not present, non-operational or the carbon monoxide detector is over five years old.

## **3. Scope of Work**

All work, whether repair or replacement, must be approved and authorized by the district prior to the commencement of any work.

Work is limited to the primary heat source. Primary heat source is defined as the equipment used within the 12-month period prior to the month of application to heat the majority of the dwelling and is located inside the dwelling, with the exception of outdoor wood boilers and exterior units that are encapsulated.

Work is limited to essential components of the primary heating equipment necessary to ensure that the heating system will operate safely and within all applicable State and local building codes.

Portable space heaters of any fuel type are not considered a primary heat source and are not eligible for repair and/or replacement under this component.

Repair of the existing inoperable heating equipment must be explored prior to replacement. Replacement of essential primary heating equipment may be explored in situations when a licensed qualified participating vendor provides a written statement documenting the current existing primary heating system is:

- Inoperable and/or unsafe and the reason why; and,
- Written verification that essential heating equipment cannot be repaired.

All replacement equipment must be Energy Star or High Efficiency furnaces and boilers rated at a minimum of 92% efficiency or greater. Installation of non-Energy Star rated/High Efficiency equipment may only be considered when Energy Star rated or 92% or greater High Efficiency heating equipment cannot be obtained within a reasonable timeframe or when the cost of the Energy Star rated/High Efficiency heating equipment exceeds the benefit limit of \$6,500.

For oil fired hydronic (boilers) systems, 83% efficiency or above is considered high efficiency.

All repairs and replacements should, with client consent, include installation of a programmable thermostat.

Installation or repair of fuel tank gauges may be included as part of the repair of essential equipment if original gauges are faulty or nonexistent.

All repair and replacement jobs must include the installation, per manufacturer's specification, of at least one carbon monoxide detector when one is not present or the carbon monoxide detector is over five years old.

At the household's request, inoperable/unsafe primary heating equipment may be replaced with a different type of system if the cost of the alternative system is comparable (defined as \$500 or less) to replacement with the same type of system. The final approval for replacement with a different system type is made by the district.

**NOTE:** The cost of removal or proper abandonment of the heating equipment in accordance with all State and local codes and regulations must be included in the job scope.

All repairs or replacements on either State or sovereign lands must be completed to the satisfaction of all State and local codes, in addition to individual sovereign nation's protocols and rules.

In the case of boilers with frozen pipes, HEAP benefits may assist with repairing the sections of piping absolutely necessary for the safe and proper installation and operation of the boiler.

#### **4. Application Requirements**

All applications for HERR must be made in person, including those from TA or SNAP recipients, using the current version of the NYS HEAP Application (LDSS-3421).

The homeowner must be the applicant for HERR benefits.

An in-person interview is required for ALL HERR applications.

Full documentation is required for ALL HERR applications.

An authorized representative is permitted to apply for HERR benefit on behalf of the homeowner. The authorized representative must provide a written statement signed and dated by the applicant or the applicant must complete the authorized representative designation section on page 4 of the HEAP Application (LDSS-3421)

An individual with a power of attorney is permitted to apply for HERR benefits. The power of attorney must be documented in writing.

Reasonable accommodations should be explored with homebound applicants to assist with application requirements.

A regular benefit must be processed for any household eligible for a repair or replacement in those cases where the household has not received a regular benefit at the time of application for equipment repair or replacement provided the Regular component is open.

## **E. ELIGIBILITY**

### **1. Income**

Households must meet the established HEAP income guidelines for the program year to be eligible.

A household is categorically income eligible only when the homeowner/applicant is in active receipt of TA, SNAP or Code A SSI.

### **2. Citizenship Requirement**

The applicant must be a US citizen, US National or meet the qualified alien rules as prescribed in the HEAP Manual.


### **3. Residence and Ownership Requirement**

The applicant must be a New York State resident.

The applicant must be the documented owner of the dwelling. For purposes of the HERR component, ownership is documented by a recorded deed or title. Deeds are recorded on all property transfers. Titles are issued for manufactured homes 1995 or newer. In the case of manufactured or modular homes sold prior to 1995 and which are not titled, applicants must provide a bill of sale in conjunction with supporting documentation listed below.

The applicant must have owned the residence for the 12 months preceding the month of application.

Ownership MUST be documented by obtaining the following items:

HOUSING TYPE	ACCEPTED OWNERSHIP VERIFICATION	INFORMATION NEEDED IN CONJUNCTION WITH OWNERSHIP VERIFICATION
Single and two family homes	Recorded Deed or verification obtained through the county's real property tax website.	
Mobile homes 1995 or newer	Title	
Mobile homes older than 1995	Bill of Sale OR sales contract PLUS one of the following: 	<ul style="list-style-type: none"> <li>o Tax Bill/Paid Tax Bill Receipt OR o Mortgage papers/payment book or loan payment receipts OR</li> <li>o Mobile Home lot rent receipts/statement from park owner OR o Loan papers</li> </ul>

The dwelling must be the applicant's primary dwelling.

The applicant must have resided in the dwelling for which assistance is being requested for the 12 months preceding the month of application. Documentation includes, but is not limited to: mail with the applicant's name and address received during the time period; bills for services such as phone, utility, trash pickup; school records, voter registration documents, and employer records.

The applicant must be residing in the household for which assistance is being requested at the time of application for HERR.

- A household that has temporarily relocated due to the lack of heat or unsafe conditions or who meets other HEAP temporary absence rules is considered to meet the residence requirement.

The applicant must document that the equipment being replaced or repaired has been the primary heating equipment in the dwelling within the 12-month period preceding the month of application.

- Documentation may include:
  - Fuel delivery slips;
  - Vendor confirmation of delivery and/or payment for fuel;
  - Confirmation through a utility website that the account has been active and gas or electric costs incurred; or
  - Collateral contact with the home energy vendor.

Life estate and life use are considered ownership unless the deed or life estate contract specifies that the deeded owner, not the individual with life use, is responsible for repairs and/or maintenance. Life use/estate must be either part of the deed or other legal document executed at the time of the original property transfer. Modifications made to meet eligibility requirements do not meet ownership requirements for this component.

#### 4. Resources

All applicant households for HERR must be resource tested. Applicants in receipt of active TA or Code A SSI do not need to be resource tested since HEAP resource limits are consistent with TA resource limits.

Resources for all household members, as defined by HEAP, are counted.

Resources must be explored and availability determined. The resource checklist on the Heating Equipment Repair and Replacement Worksheet (LDSS-4867) must be completed. Only available liquid resources are counted.

All applicants for HERR receive a standard resource exclusion of \$3,000 in addition to all other applicable exemptions.

The available amount of resources is determined by reviewing the allowable exemptions in the HEAP Manual.

Applicants who have available liquid resources, after exemptions are applied, that equal or exceed the cost of the repair or replacement are not eligible. If the available resources are less than the cost of the repair or replacement, applicants are required to apply any available liquid resources after exemptions to the cost of the repair or replacement.

##### Resources of Co-Owners

- If the dwelling is co-owned and the co-owner(s) does not reside in the dwelling, the district must explore the availability of resources and contributions from the co-owner(s). Resources are determined in the same manner as for the applicant.
- Only a prorated share of the repair/replacement cost may be paid with HEAP funds when:
  - The co-owner(s) is not accessible – The co-owner(s) refuses to provide documentation of resources, and/or
  - The co-owner(s) has resources exceeding the established limits.
- Resources of the co-owner(s) are documented and availability determined in the same manner as the applicant's resources.

**NOTE:** The complete cost of the heating equipment repair or replacement is paid by HEAP when both the co-owner(s)'s and the applicant's documented resources are at or below the resource limit.

- Applicants should be referred to other programs to obtain the balance of a prorated HEAP payment (TA, Catholic Charities, Weatherization, NYSEERDA, etc.).

- Applications requiring either an applicant or co-owner(s) contribution toward the cost of either a repair or replacement must be permitted ten business days to provide documentation of payment or satisfactory payment arrangements with the vendor. This request must be documented with a Request for Information/Documentation Requirements form (LDSS-3431). The emergency resolution timeframes and rules must be followed in these cases.

**NOTE:** Applicants who are victims of documented domestic violence situations may be exempted from documenting a co-owner's resources if producing the documentation could exacerbate the domestic violence situation and place the applicant at risk.

## **5. Other Requirements**

A participating licensed heating professional or local Weatherization Assistance Program provider must document that the applicant owned primary heating equipment is inoperable or unsafe and is in need of repair or replacement.

The dwelling must be in compliance with local building and safety codes, must not be in condemned status, and must be safe and structurally sound.

The dwelling must not be considered to be unsafe and/or unfit for habitation.

Dwellings with more than two units are not eligible for repair or replacement.

## **F. JOB PROPOSAL PROCESS**

### **1. Payments for Estimates**

Reasonable costs associated with obtaining job estimates and/or documenting the condition of the system and/or to provide an estimate of work are an allowable expense. The additional conditions below also apply.

The cost of estimates may only be paid for eligible households. Districts must not incur costs or require applicants to incur costs for estimates prior to the eligibility determination. Estimate fees may only be paid to vendors not awarded the job.

WMS code H0 is used to pay for estimates for vendors that are not awarded the repair or replacement job.

Multiple estimates are not required for repairs that do not exceed \$500.

- Vendors must request and receive district approval prior to commencing any work.

Districts with a single source HERR contract may not pay for estimates with program funds. These costs must be part of the contract and must be paid from administrative funding.

### **2. Estimate Submission**

All estimates must be submitted on the current HEAP Heating Equipment



Repair/Replacement Job Proposal form (LDSS-4867A) and require both vendor and customer signature to attest that the estimate was prepared based on an onsite assessment.

Estimates that are not based on an onsite assessment are not valid and will not be accepted.

Estimates must include a detailed job scope with labor and materials costs. Estimates must be completed based on the requirements of the Job Proposal (LDSS-4867A) form and HEAP HERR Vendor Agreement.

HEAP policy requires that the district contract with the lowest qualified bidder. A vendor other than the lowest bidder may be awarded the job on a case by case basis and with approval from the New York State Office of Temporary and Disability Assistance (OTDA). Allowable exceptions include, but are not limited to: past issues with the proposals or work of the lowest bidding vendor; inability of the lowest bidder to complete the work within five business days; inability of the lowest bidder to obtain or install Energy Star rated equipment when applicable and customer contracts or long term relationships with a vendor other than the lowest bidder.

Only vendors with a signed HERR Vendor Agreement on file with OTDA may perform work.

Districts should use local procedures for obtaining job proposals for repair and replacement work; however, multiple bids are not required for repairs of \$500 or less. Districts must approve the vendor to perform work prior to commencement of the job.

A minimum of two job proposals are recommended for all replacement work above \$3,000.

The district should offer applicants the opportunity to obtain their own job proposals. Vendor lists may be provided to assist applicants. If the applicant declines the offer and requests assistance with obtaining bids/estimates, this should be noted in the case record and the district may contact vendors on the applicant's behalf.

### **3. Payments**

Prior to authorizing payment for HERR benefits, districts must contact the client to confirm the installation and operation of the heating unit.

Prior to authorizing payment for the HEAP prorated amount, it must be documented that the client and or co-owner(s) share of the cost has been guaranteed or paid, or the client has made satisfactory payment arrangements before the HEAP payment is authorized.

Vendors must submit an itemized, final bill on company letterhead. A copy must be retained in the case record. Itemized bills should include the total amount of labor costs, in addition to the amount of the unit.

Bills must be submitted no later than 15 business days after work completion. Districts may not pay vendors until the work has been completed, an itemized bill received, and client confirmation of satisfactory work completion has been obtained.

No pre-payment or deposits are permitted.

No New York State sales tax may be charged.

HERR payments are issued directly to the vendor after completion of all work, submission of final itemized bill and client confirmation of installation and operation of the heating system.

Payments are issued through the New York State Office of the State Comptroller (OSC) via the Statewide Financial System (SFS). Districts must authorize and pay in a timely manner. Small businesses must be paid within 15 days of receipt of an invoice (please see GIS 16 TA/DC023). It is strongly recommended that payments for HERR be selected for one-week processing in those districts currently on a two-week voucher review period.

#### **4. File Requirement**

All case files must contain:

- A current signed and dated Application, with a completed Agency Use Section (page six)
- All supporting documentation
- HEAP Heating Equipment Repair and Replacement Assessment Form (LDSS-5010)
- HERR Worksheet (LDSS-4867)
- Job Proposals (LDSS-4867A)
- Final itemized bills
- Case notes
- Case records for HERR must be retained for ten years.

#### **5. Case Supervisory Review**

Districts must conduct supervisory review all applications for HERR.

All applications for HERR must be reviewed by a county employee at least one level above the county employee certifying the application for assistance.

### **G. PROHIBITED PAYMENTS**

Payments for HERR may not be made under the following circumstances:

1. The applicant has not owned and resided in the dwelling for the 12 months prior to the month of application.
2. The applicant has failed to document that the heating system in need of repair or replacement has been the primary heating system for the 12 months preceding the month of application.
3. Reimbursement for work that was started and/or completed prior to the applicant's HEAP eligibility determination.
4. Work that was not authorized by the district.
5. Replacements or repairs for residences with more than two units.

6. Payment for repairs or replacement for heating equipment that is inoperable due to flood, fire, or other natural disasters.
7. Situations where the dwelling has been determined to be unsafe, is not habitable, or is out of compliance with building/safety codes and the situation cannot be corrected in a reasonable or cost effective manner to ensure safe and healthy habitation.
8. Installation of heating systems in dwellings where a current heating system does not exist.
9. The applicant's homeowner's insurance is available to pay for the repair or replacement.
10. Applicants whose primary equipment was replaced using HEAP funds within the prior ten years from the date of application.
11. Applicants whose residence is for sale and who have a signed sales contract are not eligible for repair/replacement benefits.
  - Eligibility for applicants whose dwelling is in the process of foreclosure must be assessed on a case-by-case basis to determine when and if the premises will be vacated by the applicant.
12. Payments for parts and labor charged for the repair or replacement of any optional or non-essential heating system components must not be made.
13. Work on dwellings that are not considered permanent primary residences, including roadworthy trailers or mobile homes registered with the Department of Motor Vehicles.
14. Prorated furnace replacement benefits if the necessary supplemental funding is unavailable or co-owners available resources are unavailable.
15. Dwellings that are being purchased through a land contract or rent to own agreements.

## **H. REFERRAL**

All households approved for a HERR benefit must be referred to the New York State Homes and Community Renewal Weatherization Assistance Program (WAP) using the interagency referral form, DHCR WAP #37.