

HEAP Heating Equipment Repair and Replacement Reference Tool

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 detrimental to a household member's health. Documentation must be in writing from a physician, physician assistant, or nurse practitioner and must specify the reason why the current heating system is detrimental to the household member's health.

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.

Temporary relocation is only available when the Emergency benefit component is open.

B. Application Requirements

Applications for HERR can be submitted by mail, fax, or in-person including those from Temporary Assistance (TA) or Supplemental Nutrition Assistance Program (SNAP) recipients, using the current version of the New York State (NYS) HEAP Application ([LDSS-3421](#)).

The homeowner must be the applicant for HERR benefits.

An interview is required for all HERR applications. Interviews can be done either in person or by phone. 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 Section 8: Authorized Representative of the HEAP Application ([LDSS-3421](#)).

A designated authorized representative may sign the HEAP Application (LDSS-3421) on the applicant's behalf if the applicant is unable to sign the application due to a physical limitation or temporary absence. These circumstances must be notated and retained in the case record. Otherwise, the HEAP application ([LDSS-3421](#)) must be signed by the applicant.

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

Reasonable accommodations must 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 benefit component is open.

C. Eligibility Requirements

Applicants must meet all basic HEAP eligibility criteria to be eligible for the HERR benefit. In addition to basic eligibility all applicants for HERR must meet the following criteria:

- 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.
- 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.

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"> • Tax bill/paid tax bill receipt OR • Mortgage papers/payment book or loan payment receipts OR • Mobile home lot rent receipts/statement from park owner OR • Loan papers

- The applicant must have owned the residence for the 12 months preceding the month of application
- The dwelling must be the applicant's primary dwelling
- Dwellings with more than two units are not eligible for HERR.
- 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 that contain the address; 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 to be replaced or repaired has been the primary heating equipment in the dwelling within the 12 months 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 has incurred gas or electric costs, or
 - Collateral contact with the home energy vendor.

All applicant households for HERR must be resource tested. Resources for all household members, as defined by HEAP, are counted. Applicant homeowners in receipt of ongoing TA or Code A SSI do not need to be resource tested. Household members who are not in receipt of ongoing TA or Code A SSI must be resource tested.

Household 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 applicant households for HERR must not have more than \$10,000 in available liquid resources to be eligible for this component.

Applicant households 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 local social services district (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,
 - Refuses to provide documentation of resources, and/or
 - Has resources exceeding \$10,000 after allowable deductions.
- Resources of the co-owner(s) must be documented, and availability determined in the same manner as the applicant's resources.

- The complete cost of the heating equipment repair or replacement must be 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, community-based organizations, not for profit organizations, Weatherization, NYSERDA, etc.).
- Applications requiring either an applicant or co-owner(s) contribution toward the cost of either a repair or replacement must be permitted 10 business days to provide documentation of payment or satisfactory payment arrangements with the vendor. This request must be documented with a Documentation Requirements ([LDSS-2642](#)) form. The emergency resolution timeframes and rules must be followed in these cases.

Note: Applicants who have a documented instance of domestic violence with the co-owner are not required to provide proof of the co-owner's resources and are not responsible for paying for the estranged co-owner's resources.

A participating licensed heating professional or local Weatherization Assistance Program (WAP) 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 unsafe and/or unfit for habitation.

See the [HEAP Manual](#), Chapter 8 – Basic Eligibility
See the [HEAP Manual](#), Chapter 13, HERR Component Eligibility Criteria

D. Certification

The districts are 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.

E. Timeframes and Emergency Resolution

1. Emergency Resolution Requirements

The HEAP Heating Equipment Repair and Replacement Screening Form ([LDSS-5010](#)) 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 and cannot be used to determine eligibility.

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 resolve the applicant household's emergency situation by providing the household with 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 actions 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 TA,
- A referral to a community resource,
- Provision of safe supplemental heat,
- Access to temporary alternate housing.

The emergency resolution actions for those households applying for HERR, where HEAP eligibility is determined, are:

- Repair or replacement of the heating system within the 18 to 48-hour timeframe,
- Provision of safe supplemental heat,
- Access to temporary alternate housing, or
- 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 5 business days from the authorization by the district. Vendors must notify districts if they cannot meet these timeframes and provide the reason.

F. Processing Timeframes and Client Notification

The district must determine an applicant's eligibility for the HERR within 30 business days of receipt of the completed HEAP Application ([LDSS-3421](#)). Requests for HERR may be pended for missing or additional documentation for up to 10 business days if necessary. Any pending timeframes, up to 10 business days, will not be counted towards the 30 business day requirement.

If the applicant fails to provide the requested documentation by the due date, the application

must be denied, or a determination must be made based on available information.

Applicants must be provided an appropriate notice of the eligibility decision made on the request for HERR no later than 30 business days from the date of receipt of the final vendor invoice for payment. A copy of all notices must be retained in the case record for 10 years, including the current program year.

Manual notices must be used for the approval and denial of HERR when CNS is not available.

All manual HERR denials that are denied using WMS denial code Y99 – Manual Denial must be reported on the HEAP Denied Applicant Report under HERR.

G. Vendor Participation

All HEAP HERR vendors must have a signed HEAP Heating Equipment Repair and Replacement Vendor Agreement on file with the OTDA HEAP Bureau.

Each district can find a list of all its participating HERR vendors in the HEAP Participating Vendor listing found in CentraPort. This list is updated daily and must be provided to applicants who need to choose a vendor. Districts must confirm vendor participation using this list prior to authorizing a benefit.

H. Scope of Benefits and Specification

1. Repair

The essential heating equipment repair total benefit is limited to \$4,000 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 safe and usable condition without the replacement of the heating plant (furnace/boiler). This includes chimneys, chimney liners or other venting systems and oil tanks if they are essential to operation of the primary heating equipment.

All repairs must include the installation of a working carbon monoxide (CO) detector when one is not present, is non-operational, or the CO detector is five years past the date of manufacture printed on the CO detector.

2. Replacement

The essential primary heating equipment replacement benefit is limited to \$8,000. Eligible households may receive one heating equipment replacement benefit within a ten-year period.

Replacement of essential primary heating equipment is defined for HEAP purposes as the materials and labor necessary to restore and/or fix an eligible household's essential heating equipment to a safe and 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. These components may be fixed under the repair component if they are essential to the operation of the primary heating equipment.

All replacements must include the installation of a working CO detector when one is not present, is non-operational, or the CO detector is five years past the date of manufacture printed on the CO detector.

3. Scope of Work

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

Work is limited to the primary heat source and its essential components. The 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 located inside the dwelling, with the exception of outdoor wood boilers and exterior units that are encapsulated.

Components of the primary heating equipment are those 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 \$8,000.

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 CO detector when one is not present, is non-operational or the CO detector is over five years past the date of manufacture printed on the CO detector. Estimates that do not assess the household for a CO detector must not be accepted. The vendor may resubmit their estimate when a proper assessment is completed and documented.

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.

I. Job Proposal Process

1. Estimate Submission

All estimates must be submitted on the current HEAP Heating Equipment Repair/Replacement Job Proposal ([LDSS-4867A](#)) and requires both the vendors and the customer's signatures to attest that the estimates were prepared based on an onsite assessment. Estimates that are not based on an onsite assessment are not valid and may 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 HEAP HERR 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.

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. Multiple bids are not required for repairs of \$500 or less. Vendors must request and receive district approval prior to commencing any work.

A minimum of two job proposals are required for all replacement work above \$4,000.

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

2. Payments

Prior to authorizing payment for HERR benefits, districts must contact the client to confirm the installation and operation of the heating unit. Districts must contact the recipient to confirm the installation, equipment (thermostats, CO detectors, tank gauges, if applicable), and operation of the heating unit and the condition of the dwelling upon job completion prior to authorizing payment for HERR benefits.

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

Vendors must submit to the district 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 for labor and materials. Local County Sales Tax may be collected if applicable.

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.

Special Claiming Code G – HEAP Restoration Payment, is required on screen 6 of WMS for all HERR payments.

Payments outside of New York City are issued through the New York State Office of the State Comptroller (OSC) via the Statewide Financial System (SFS). Districts must authorize and pay the vendor in a timely manner.

3. Payments for Estimates to Vendors Not Awarded the Job

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 following conditions also apply to estimate payments:

- The cost of estimates may only be paid for HEAP HERR 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 that are not awarded the repair or replacement job.
- Districts with a contracted single source HERR vendor must not pay for estimates with program funds. These costs must be part of the contract and must be paid from the district's administrative funds.

WMS Payment Type Heating Equipment Repair/Replacement Estimate (H0) is used to pay for estimates for vendors that normally charge all customers for estimates/proposals and are not awarded the repair or replacement job.

J. Prohibited Payments

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

- The applicant has not owned and resided in the dwelling for the 12 months prior to the month of application.
- 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.
- Reimbursement for work that was started and/or completed prior to the applicant's HEAP eligibility determination.
- Work that was not authorized by the district.
- Replacements or repairs for residences with more than two units.
- Payment for repairs or replacement for heating equipment that is inoperable due to flood, fire, or other natural disasters.
- The applicant's homeowner's insurance is available to pay for the repair or replacement.
- 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.
- Installation of heating systems in dwellings where a current heating system does not exist.
- Applicants whose primary equipment was replaced using HEAP funds within ten years from the date of application.
- 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.
- Payments for parts and labor charged for the repair or replacement of any optional or non-essential heating system components must not be made.

- Work on dwellings that are not considered permanent primary residences, including roadworthy trailers or mobile homes registered with the Department of Motor Vehicles.
- Prorated furnace replacement benefits if the necessary supplemental funding is unavailable or co-owner's available resources are unavailable.
- Dwellings that are being purchased through a land contract or rent to own agreements.

K. File Requirements

All case files must contain:

- A current signed and dated HEAP Application ([LDSS-3421](#)), with a completed Agency Use Section (page six). All paper HEAP Applications (LDSS-3421) that are processed in myWorkspace can be signed electronically by eligibility workers, and by a supervisor as required, and districts will not be required to sign or retain a copy of the Agency Use Section in the case record.
- All supporting documentation,
- HEAP Heating Equipment Repair and Replacement (HERR) Screening Form ([LDSS-5010](#)),
- HEAP Heating Equipment Repair and Replacement (HERR) Worksheet ([LDSS-4867](#)),
- Home Energy Assistance Program (HEAP) Heating Equipment Repair/Replacement Job Proposal ([LDSS-4867A](#)), two if required
- Itemized final bill on company letterhead,
- Case notes.

Case records for HERR must be retained for ten years.

L. Case Supervisory Review

Districts must conduct supervisory review of 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. It is recommended that the district's designated HEAP Coordinator perform review and sign off on all heating equipment repair and replacement benefit applications, unless the HEAP Coordinator determined eligibility. In that case, a supervisor one level up must sign off on the case.

M. Referrals and Temporary Assistance

Individuals whose heating equipment repair or replacement needs cannot be met through the HEAP HERR, or who have been found ineligible for HEAP may, if they apply and are found eligible, have their needs met under Family Assistance (FA), Safety Net Assistance (SNA), Emergency Assistance to Families (EAF), Emergency Safety Net Assistance (ESNA), or Emergency Assistance for Adults (EAA).

Department Regulations 18 NYCRR § § 352.4(d), 352.6(e), 352.7(b), 372.4(b) and 397.5(h) provide districts the ability to meet the costs necessary for the repair or replacement of essential heating equipment if the repair or replacement is essential to the health and safety of the household. For more information, see the [Temporary Assistance Sourcebook](#), Chapter 16, Additional/Special Needs, Section C, Equipment Repairs. In accordance with 18 NYCRR § 352.23, using and pursuing available resources is a condition of TA eligibility.

N. Weatherization Assistance Program 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.