

**GENERAL INFORMATION SYSTEM**  
**Center for Employment and Economic Supports**

**November 3, 2009**

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**TO:** Commissioners; TA Directors; FS Directors; WMS Coordinators; CAP/TOP Coordinators; Staff Development Coordinators; HEAP Liaisons

**FROM:** Russell Sykes, Deputy Commissioner, Center for Employment and Economic Supports

**SUBJECT:** Meeting Energy Emergencies with HEAP

**EFFECTIVE DATE:** November 2, 2009

**CONTACT PERSON:** Questions, dial 1-800-343-8859; TA extension 4-9344; HEAP, extension 3-0332; HPRP, extension 4-3080.

The purpose of this message is to reiterate a Temporary Assistance (TA) requirement that with the November 2, 2008 opening of the Home Energy Assistance Program (HEAP), districts must explore the availability of and individual eligibility for HEAP benefits before issuing a TA payment to meet utility or non-utility energy related emergencies. Districts must utilize HEAP to meet an energy emergency if:

- HEAP is available (November 2, 2009 or later), and
- HEAP eligibility is affirmed, and
- the HEAP benefit available meets the energy emergency.

Districts must utilize the following procedures when addressing energy emergencies associated with heating, heat-related domestic energy, heating equipment repair/replacement, and/or alternative housing accommodations:

- Explore the availability of regular HEAP before considering emergency HEAP.
- If regular HEAP is not available, or does not meet the emergency, explore the availability of emergency HEAP.
- If HEAP, both regular and emergency, is not available, for example the applicant/recipient has exhausted his/her HEAP benefits for the current program year or the HEAP program closed for the current program year, districts must determine the applicant's/recipient's eligibility for TA benefits. To determine eligibility for a TA benefit to meet an energy emergency, districts must follow the policies and procedures outlined in the Energy Manual, and the LDSS-4884, "TA Energy Emergencies Comparison Table" released by 06 INF-18.

**Note:** When meeting any emergency, including energy emergencies, using TA funds, districts must issue a same day notice, "Notice of Acceptance/Denial to Meet an Immediate Need or a Special Allowance" (LDSS-4002) or an approved local equivalent. This notice must clearly explain to the applicant or recipient how the emergency/immediate need will be met. It must be completed and provided to the applicant or the recipient even if the district does not meet the emergency with TA, but meets the need through a referral. For example, the district may meet the declared energy emergency of an applicant through a referral to the HEAP unit if HEAP is available, if the applicant has not exhausted his/her current HEAP benefit and if the applicant appears otherwise

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eligible for HEAP. The LDSS-4002, or approved local equivalent must state that the referral is available and meets the emergency need. If the district denies the application, the notice must note the reasons for the decision, including those instances when the emergency is not an immediate need and that the district will address the emergency need later, for example, at the eligibility interview. When the district defers the resolution of the emergency to a later date, the district must issue another LDSS-4002, or approved local equivalent, at when the district finally meets the emergency need. For TA, applicants who declare on the LDSS-2921, "Common Application" their intentions of applying for emergency assistance only by checking the box "Emergency Payment Only (EMRG)", or when this the district discovers and documents this fact during the interview are not required to process the application for recurring TA, no additional notice is required for TA. For further information and policy on processing emergency/immediate needs requests, please see 02 ADM 02, "Meeting the Emergency/Immediate Needs of Temporary Assistance (TA) Applicants/Recipients".

- Any applicant for regular or emergency HEAP who fails to comply with a HEAP eligibility requirement is deemed to have failed to apply for and utilize a benefit or resource that will eliminate the need for TA in accordance with 18 NYCRR § 351.1(b)(2)(iii) and is ineligible for any TA benefit to meet the energy emergency, including housing accommodations.

Homelessness Prevention and Rapid Re-housing Program (HPRP)

Another source of financial assistance for paying for heat and utility bills is the Homelessness Prevention and Rapid Re-housing Program (HPRP). This is federal stimulus funding from the U.S. Department of Housing and Urban Development (HUD) which is meant to prevent homelessness as well as help those who have become homeless to obtain new housing as quickly as possible. The program is targeted to those at 50% of the Area Medium Income or below. HPRP funding has been distributed to large municipalities directly by HUD; OTDA serves as the administrator for the balance of state portion, which is in excess of \$26 million. The program will only be in effect until September of 2011 because it is a stimulus program, but until then, can be a very valuable resource.

HPRP funding can be used to pay for current utility bills or for six months of arrears. Clients can be referred to the local HPRP administrator for program application forms and guidelines. Questions about HPRP can be answered by Rick Umholtz, Assistant Director of Support Services within the OTDA Bureau of Housing and Supportive Services Unit, at (518) 474-3080 or [Richard.Umholtz@otda.state.ny.us](mailto:Richard.Umholtz@otda.state.ny.us).

**Note:** Accessing the HPRP funds as described above does not eliminate the requirement to explore the use of emergency or recurring TA benefits, or the availability of HEAP, when preventing a shut-off or restoring utility (natural gas/electricity) service under Social Services Law (SSL) §131-s. The availability of and potential eligibility for HPRP funds is not a basis for denial of emergency TA benefits unless the utility company chooses to accept the payment made using HPRP funds and establishes or restores utility service based on such payment. The use of the HPRP to meet current utility bills does not eliminate the requirement that districts provide recipients of recurring TA with a fuel allowance when the recipient meet both customer and tenant of record requirements found in 18 NCYRR §352.5(a).