

DATE: February 1, 2016

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners, TA Directors, SNAP Directors, HEAP Coordinators, Staff Development Coordinators

FROM: Phyllis Morris, Deputy Commissioner
Center for Employment and Economic Supports

SUBJECT: Release of Revised LDSS-4884: "Emergency Energy Assistance Desk Guide"

EFFECTIVE DATE: Immediately

CONTACT PERSON: Temporary Assistance Bureau at: 1-800-343-8859, Ext. 4-9344

The purpose of this GIS message is to inform Social Services Districts (SSDs) that the LDSS-4884: "Emergency Energy Assistance Desk Guide" has been revised to reflect that SSDs must not pursue a real property lien against a property owner eligible to receive Emergency Assistance to Adults (EAA).

Upon the release of this GIS, all previous versions of the LDSS- 4884: "Emergency Energy Assistance Desk Guide" must immediately be destroyed and replaced with the revised 11/15 version.

The LDSS- 4884: "Emergency Energy Assistance Desk Guide" (Rev. 11/15) will not be printed, but is attached in PDF format, may be accessed through OTDA forms via Centraport and may be accessed online at: http://otda.state.ny.net/ldss_eforms/eforms/4884.pdf. A master copy can be ordered through the normal forms ordering procedures listed below. Any request for a master copy should be submitted on OTDA-876: "Request for Forms or Publications," and should be sent to:

Office of Temporary and Disability Assistance
Bureau of Management Services (BMS) Document Services and Operational Support
P.O. Box 1990
Albany, NY 12201
E-mail: forms.orders@otda.ny.gov

Online: Bureau of Management Services' Electronic Forms and Publications Online System:
<http://formorders/> - Fax: (518) 402-0084

Questions concerning ordering forms should be directed to BMS Document Services at 1-800-343-8859, ext. 4-9522.



Documents also may be ordered through Outlook. To order a master camera ready copy, you must obtain an OTDA-876 electronically by going to the OTDA Intranet Website at: <http://otda.state.nyenet/> then under Program Areas, go to Division of Operations and Program Support page, then to OPS E-Forms page (this section contains the electronic OTDA-876).

For those who do not have Outlook, but who have Internet access for sending and receiving e-mail, the Internet e-mail address is: gg7359@dfa.state.ny.us. For a complete list of available forms, please refer to the OTDA Intranet site: http://otda.state.nyenet/ldss_eforms/default.htm.

EMERGENCY ENERGY ASSISTANCE DESK GUIDE

Procedures for providing emergency energy assistance vary depending on the type of emergency (utility and/or non-utility) and household. There are three household types: Temporary Assistance (TA) household, Non-Temporary Assistance (NTA) household and Supplemental Security Income (SSI) household. To determine the type of household, first determine who the customer of record is for the household. The customer of record is the person who has the account in their name with the energy provider (or the spouse of the customer of record residing in the same household, or surviving spouse of a deceased customer of record). The customer of record must be the tenant of record (or spouse) in all cases. The tenant of record is the person who has primary responsibility for payment of the monthly shelter costs for their dwelling unit. Note: a homeowner (or spouse) is the tenant of record.

Temporary Assistance Households	Non-Temporary Assistance Households	Supplemental Security Income Households
<p>For TA households The customer of record is:</p> <ul style="list-style-type: none"> In receipt of TA A non-SSI grantee in receipt of TA for children, case budgeted with a heating allowance The legal spouse of the NTA customer of record who is in receipt of TA Sanctioned from TA but their spouse and/or children remain active on TA 	<p>For NTA households the customer of record is:</p> <ul style="list-style-type: none"> Not in receipt of TA Not in receipt of SSI A TA grantee not in receipt of SSI and in receipt of TA for children; case not budgeted with a heating allowance On a TA sanction, and the TA case is closed as a result of the sanction 	<p>For SSI households the customer of record is:</p> <ul style="list-style-type: none"> In receipt of SSI In receipt of State Supplemental payments
<ul style="list-style-type: none"> Frequent re-application policy <u>does not</u> apply to utility or non-utility emergencies. 		
Utility (Natural Gas and/or Electricity) Energy Emergencies (Domestic Energy and/or Heat)		
<p>Utility (Natural Gas and/or Electricity) energy emergencies for TA households are met under SSL § 131-s, 18 NYCRR § 352.5(e)&(f) and available the entire year.</p>	<p>Utility (Natural Gas and/or Electricity) energy emergencies for NTA households are met under SSL § 131-s, 18 NYCRR § 352.5(e)&(f) and available the entire year.</p>	<p>Utility (Natural Gas and/or Electricity) energy emergencies for SSI households are met under SSL § 131-s, 18 NYCRR § 397.5(l)(2) and available the entire year.</p>
<p>Refer to HEAP, if available.</p>		
<p>Arrears payment limit is the lesser of:</p> <ul style="list-style-type: none"> The cost of utilities for the 4 most recent monthly, or 2 most recent bi-monthly completed billing (actual or estimated) periods for service rendered in the previous 10 months immediately preceding the request for assistance (LDSS-3815); or The balance due on the account. 	<p>Arrears payment limit is the lesser of:</p> <ul style="list-style-type: none"> The cost of utilities for the 4 most recent monthly billing periods, or 2 most recent bi-monthly completed billing (actual or estimated) periods for service rendered immediately preceding the date of application for assistance (LDSS-2921); or The balance due on the account. 	<p>Arrears payment limit is the lesser of:</p> <ul style="list-style-type: none"> The cost of utilities for the 4 most recent monthly, or 2 most recent bi-monthly completed billing (actual or estimated) periods for service rendered in the previous 10 months immediately preceding the date of application for assistance (LDSS-2921); or The balance due on the account.
<ul style="list-style-type: none"> Required to pursue DPA if SSD determines it is a viable resource 	<ul style="list-style-type: none"> Must pursue a DPA 	<ul style="list-style-type: none"> Required to pursue DPA if SSD determines it is a viable resource
<ul style="list-style-type: none"> Sanction policy does not apply. 		

Temporary Assistance Households	Non-Temporary Assistance Households	Supplemental Security Income Households
To calculate the Utility arrears payment:		
<ul style="list-style-type: none"> Evaluate shared meter situation Determine cost of service (actual or estimated billing) subject to arrears payment limits 		
<ul style="list-style-type: none"> Deduct payments (not HEAP) made to the utility during the arrears payment period while the HH was in receipt of TA 	<ul style="list-style-type: none"> Do not deduct personal payments or HEAP payments made to the utility during the arrears payment period 	
<ul style="list-style-type: none"> Apply available resources 		<ul style="list-style-type: none"> Apply available resources in excess of SSI resource limits
<ul style="list-style-type: none"> Determine the balance due on the utility bill (actual or estimated) Determine other applicable charges (sales tax is an applicable charge; whereas, late payment fees, reconnect fees, deposits and on-bill finance charges are not) Authorize the lesser of the calculated arrears payment or the balance due (ROS-WMS Pay Type "60"; NYC-WMS Pay Type as required) Provide recipient with LDSS-4002, "Action Taken On Your Request for Assistance to Meet an Immediate Need or a Special Request" Consider re-housing before authorizing emergency payment 		
<ul style="list-style-type: none"> Authorize payment through category of assistance FA or SNA 	<ul style="list-style-type: none"> Authorize payment through EAF* or ESNA 	<ul style="list-style-type: none"> Authorize payment through EAA
<ul style="list-style-type: none"> Six-month guarantee under TA Send "Notice of Utility Related Action" 	<ul style="list-style-type: none"> No prospective guarantee 	<ul style="list-style-type: none"> Six-month guarantee under EAA Send "Notice of Utility Related Action"
<ul style="list-style-type: none"> Management Test applied If passed, non-recoupable grant If failed, recoupable grant 	<ul style="list-style-type: none"> No ESNA 125% Income Standards No Management Test applied 	<ul style="list-style-type: none"> No Management Test applied
<p>* EAF sudden/unforeseen policy <u>does not</u> apply to <u>utility</u> emergencies, <u>does</u> apply to <u>non-utility</u> emergencies</p>		
<ul style="list-style-type: none"> No "Utility Repayment Agreement" required 	<ul style="list-style-type: none"> May require a signed "Utility Repayment Agreement" – See 09 ADM-17 	<ul style="list-style-type: none"> No sudden/ unforeseen policy No "Utility Repayment Agreement" required
<u>Non-Utility (Other than Natural Gas or Electricity) Energy Emergencies – Heat-only</u>		
<ul style="list-style-type: none"> Met under 18 NYCRR § 352.5(c)&(d) 		<ul style="list-style-type: none"> Met under 18 NYCRR § 397.5(l)(1)
<ul style="list-style-type: none"> Refer to HEAP if available 		
<ul style="list-style-type: none"> Recoupable grant, no management test 	<ul style="list-style-type: none"> No repayment agreement, non-recoupable 	
<ul style="list-style-type: none"> May be recovered by lien 		<ul style="list-style-type: none"> Must not be recovered by lien
<ul style="list-style-type: none"> No ESNA 125% Income Standards 		
<ul style="list-style-type: none"> Evaluate shared fuel situation 		
<ul style="list-style-type: none"> Only during periods of "cold weather" as defined by the Social Services District-Not subject to SSL §131-s requirements 		
<ul style="list-style-type: none"> Payment limited to the costs of energy to meet emergency, including fees, deposits, etc. 		
<ul style="list-style-type: none"> Sanctions apply 		
<ul style="list-style-type: none"> No prospective guarantee 		