LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

STATE PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2008

GRANTEE: NYS Office of Temporary and Disability Assistance (NYS OTDA)

EIN: 1-14-601-3200-K1

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PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA____

Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075
Expiration Date: 10/31/2008

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)
Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

GRANTEE New York State Office of Temporary and Disability Assistance FFY 2008

Assurances

The NYS Office of Temporary and Disability Assistance agrees to:

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs,

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for such State; or
(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy

burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that—

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action

agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended. By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature:

Title: Governor, State of New York

Date: August 28, 2007

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

2605(a)
2605(b)(1) ➔Please check which components you will operate under the LIHEAP program. (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

(use of funds)			Dates of Operation
	X *	heating assistance	11/1/07- 3/31/08
	n/a	cooling assistance	_____
	X *	crisis assistance	11/01/07-3/31/08
	X	weatherization assistance	10/01/07-9/30/08

* If NYS determines that there sufficient funds available, the heating and/or crisis components may operate beyond the stated closing dates. If funds are insufficient, the heating and/or crisis component may close earlier than 3/31/08. Early mail-out to vulnerable households that received HEAP in 2006-07 will begin on 8/20/07.

During FFY 2000, FFY 2001, FFY 2003, FFY 2005 and FFY 2006 contingency funds were released to New York State and other states for heating or cooling purposes. In order to obtain public input, the New York State Plan is including Regular and Crisis HEAP program changes which New York State would consider making if additional funds were to become available. The selection of any of the listed program changes is dependent upon several factors including, but not limited to: 1) the amount of additional funding; 2) parameters or conditions attached to the funds; and 3) if the funds become available during the heating season or cooling season and can be utilized in a timely and effective manner.

If funds become available during the heating season, OTDA may:

- Issue additional regular and/or emergency benefits;
- Increase the regular and/or emergency benefit amounts;
- Provide a supplemental benefit to any household receiving a regular HEAP benefit during the most recent/current program year;
- Implement additional outreach and referral activities.

If funds become available during the cooling season, OTDA may:

- Provide a supplemental benefit for utility costs to eligible households.
- Purchase and installation of cooling equipment for HEAP eligible, medically needy households.
- Implement energy conservation measures as approved by HHS and/or DOE.
- Additional outreach and referral activities.

In implementing its Home Energy Assistance Program (HEAP), New York State (NYS) operates four direct benefit components: Regular-Heating, Regular-Non-Heating, Regular-Heating

Equipment Repair and Replacement, and Crisis.

The NYS HEAP program is structured to accommodate two basic household types:

- Heaters: Those households responsible for payment of their primary heating costs. For example, a household whose main heating source is an oil-fired boiler/furnace would have fuel oil as a primary heating fuel. If a HEAP applicant in such a circumstance is responsible for paying for the household's fuel oil supply, the applicant would be considered a "heater" household.
- Non-heaters: Those non-subsidized households which are not directly responsible for their primary heating costs but which pay for heat through an undesignated portion of their monthly rent or mortgage payment.

Benefits will be targeted, through outreach activities, to households with a vulnerable member. Vulnerable is defined as an elderly person(s) (age 60 or older), a disabled individual(s), or a child less than 6 years of age. In order to target assistance to those households with the highest home energy burden, NYS has opted to develop a benefit structure that directs the higher benefits to "heater" households. While certain non-heater households will continue to be excluded from program participation because of their low or negligible home energy burden, the traditional NYS "non-heater" eligible household will continue to participate.

2605(c)(l)(C) ➔Please estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%.**

(use of funds)

	59.33	% heating assistance
	0	% cooling assistance
	15.59	% crisis assistance
2605(k)(1)	15	% weatherization assistance
	0	% carryover to the following fiscal year
2605(b)(9)	10	% administrative and planning costs*
2605(b)(16)	0	% services to reduce home energy needs including needs assessment (assurance 16)
	.08	% used to develop and implement leveraging activities (limited to the greater of 0.08% or $35,000 for States, the greater of 2% or $100 for territories, tribes and tribal organizations).
	100%	**TOTAL**

*NYS OTDA will limit use of funds for planning and administering HEAP to no more than 10% of the combined total of New York State's FFY 2008 allocation plus any LIHEAP leveraging funds awarded to the State.

2605(c)(1)(C)

(alternate use of crisis assistance funds)

➔The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

_____ heating assistance

_____ cooling assistance

_____ weatherization assistance

__X__ Other(specify): Funds not expended by 3/15 will remain available in the crisis component until the 2007-08 crisis component is closed.

➔Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served? (This is required by the statute.)

Yes __X__ No _____

The following percentage estimates for Heating and Crisis assistance have been tentatively established, based on a national appropriation of $1.5 billion:

HEATING ASSISTANCE	59.33%
CRISIS ASSISTANCE	15.59%

The final funding allocated for Heating and Crisis will ultimately be dependent on several factors currently beyond NYS's control including, but not limited to:

- The final New York State LIHEAP allocation for FFY 2008;
- The number of households submitting applications in each program component;
- Weather conditions during the upcoming winter season; and
- The final carry forward identified for FFY 2007 and utilized during the FFY 2008 program year.

REGULAR-HEATING COMPONENT

Benefits to heater households will take into account several criteria:

- Income Tier
- Existence of a vulnerable population member;
- The applicant household's energy burden ratio; and
- Household size (in determining Income Tier and Statewide Energy Cost Proxy)

REGULAR-NON-HEATING COMPONENT

Non-excluded households which are not directly responsible for primary heating costs but which pay for heat through an undesignated portion of their rent or mortgage payment will receive a benefit based on a two-tier payment structure. A household's tier grouping is dependent on the household's gross monthly income taking into account household size.

Tier I households (gross monthly income at or below 130% of the OMB poverty level), the lowest income grouping, will receive a non-heating benefit of $50. Tier II households (gross monthly income between 130% of the OMB poverty level and 60% of the State Median Income) will receive a benefit of $40. In this manner, non-heater households in the lowest income grouping, which generally pay a higher percentage of their income for indirect heating costs, will receive a higher benefit than those non-heater households in the higher income grouping (Tier II).

REGULAR-HEATING EQUIPMENT REPLACEMENT AND REPAIR COMPONENT

Benefits will be made available for the repair or replacement of inoperable or unsafe applicant owned essential heating equipment. For HEAP purposes, applicant owned is defined as holding the current deed or title to the premises, or having deeded life use of the premises. Applicants must reside full time in the dwelling for which assistance is being requested and the dwelling must be the applicant's primary residence.

The maximum total benefit provided for replacement of essential heating equipment during the HEAP season may not exceed $6,000. OTDA approval is required for benefits in excess of $2,500. Eligibility is limited to one replacement per applicant per dwelling in a ten (10) year period. The maximum total benefit provided for repair of essential heating equipment during the HEAP season may not exceed $2,500 unless a waiver has been granted for a higher amount.

A portion of the weatherization set-aside may be used to fund the heating equipment replacement and repair component.

CRISIS COMPONENT

The crisis component will establish crisis benefit levels by fuel type. Energy costs were based on data provided by the New York State Energy Research and Development Authority (NYSERDA) and on New York data from the 2000 Census – Public Use Microdata Sample (PUMS) updated to 2005. The crisis structure has been designed to provide a benefit in an amount sufficient to effectively alleviate an eligible household's heat-related energy crisis.

2605(b)(2)
2605(c)(1)(A)

➔ What are your maximum eligibility limits?
(Please check the components to which they apply.)
Current year guidelines must be used.

(eligibility)

_____150% of the poverty guidelines:
heating _____ cooling _____ crisis _____ wx __

_____125% of the poverty guidelines:
heating _____ cooling _____ crisis _____ wx __

_____ 110% of the poverty guidelines:

heating _____ cooling _____ crisis _____ wx __

__X__ 60% of the State's median income:
heating __X__ cooling _____ crisis __X__ wx __X__

_____Other (specify for each component)

_____

__X____ Households automatically eligible if one person is receiving __X__ TANF, __X__SSI, __X__ Food Stamps, _____ Certain means-tested veterans programs (heating ____ cooling ____ crisis ____ wx ____)

Households in which one or more household members are in receipt of Safety Net Assistance, Family Assistance or SSI (categorized as Code A "living alone") or food stamps shall be categorically income eligible.

For income tested households, the maximum income eligibility limit will be set at the greater of 150% of the OBM poverty level or 60% of the State Median Income.

MAXIMUM MONTHLY INCOME LEVELS
FOR RECEIPT OF TIER I AND II HEAP BENEFITS IN 2007-08

Household Size	Tier I*	Tier II**
1	$0 - $1,106	$1,107 - $1,876
2	$0 - $1,483	$1,484 - $2,454
3	$0 - $1,860	$1,861 - $3,031
4	$0 - $2,237	$2,238 - $3,609
5	$0 - $2,614	$2,615 - $4,186
6	$0 - $2,991	$2,992 - $4,763
7	$0 - $3,368	$3,369 - $4,871
8	$0 - $3,745	$3,746 - $4,980
9	$0 - $4,122	$4,123 -$5,088
10	$0 - $4,499	$4,500 - $5,196
11***	$0 - $4,876	$4,877 - $5,626
11+***	$377	$435

*Tier I figures represent 130% of federal Poverty Levels and were derived by utilizing the new 100% Poverty Level data from the 2006 HHS poverty guidelines.

**New York State has determined to use the maximum benefit level allowable for each household. Therefore, Tier II figures for households up to and including 10 members are based on 60% of the State Median Income derived from the State Median Estimates for use in FY 2007.

***Figures for households of 11 members and above are based on 150% of the federal Poverty Level (Derived from the 2007 HHS poverty guidelines).

2605(c)(1)(A) ➔Do you have additional eligibility requirements for:
2605(b)(2) **HEATING ASSISTANCE** __X__ Yes _____ No)
(eligibility)

➔Do you use:	Yes	No
Assets test?	____	__X__

➔Do you give priority in eligibility to:

Elderly?	__X__	____
Disabled?	__X__	____
Young children?	__X__	____
Other: (If Yes, please describe)	____	____

In addition to income testing (or the determination of categorical income eligibility based upon receipt of certain means-tested programs), the following criteria will be utilized to determine eligibility for HEAP benefits:

Household Definition

A household is defined as any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who makes undesignated payments for energy in the form of rent and such individual or group of individuals occupying a housing unit. Any individual residing in a housing unit who is related by blood, marriage or adoption to any other household member shall be presumed to be a household member in determining HEAP eligibility unless he/she supplies reasonable evidence to rebut this presumption.

Relationship by blood, marriage or adoption shall be deemed to include the following:

- Father, mother, son, daughter, brother, sister;
- Stepfather, stepmother, stepbrother, stepsister.
- Grandparent, grandchild.

NOTE: For a residential dwelling unit in a multiple family dwelling, all persons related by definition and residing in any one unit are part of a single household for HEAP purposes.

Ineligible Living Arrangements

Households with the following living arrangements will not be eligible:

- Tenants of government-subsidized housing unless such household directly pays an energy supplier for heating except that such households are not excluded from receiving emergency benefits if otherwise eligible.

- Individual(s) paying room only or room and board and not residing in a commercial enterprise.

- Individual(s) temporarily housed in a hotel/motel.

- Residents of congregate care facilities, including Title XIX facilities, dormitories and unlicensed congregate care facilities.

- Persons living temporarily in cars, vans or recreational vehicles.

- Individuals who live on military bases in government-provided housing with no utility or heating bills in their names.

- Individuals who have no responsibility for any heating costs and do not make undesignated payments for heat in the form of rent.

- Individuals who are migrant or seasonal farm workers with no heating or heat-related expenses.

- Children residing in agency boarding homes, group homes, or institutions who are in receipt of payments pursuant to Title IV-E of the Social Security Act or Article 6 of the Social Services Law.

Citizenship Requirements

In addition to the above criteria, an individual is not eligible for HEAP unless he or she is a United States citizen or a qualified alien as defined by the federal government. The federal government considers the following to be qualified aliens:

- An alien granted Permanent Resident Alien Status under the Immigration and Nationality Act;

- An alien granted asylum under Section 208 of the Immigration and Nationality Act;

- A refugee admitted to the United States under Section 212(d)(5) of the Immigration and Nationality Act;

- An alien paroled into the United States under Section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year;

- An alien whose deportation is being withheld under Section 243(h) of the Immigration and Nationality Act as in effect prior to April 1, 1997, or whose removal is being withheld under Section 241(b)(3) of the Immigration and Nationality Act;

- An alien granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act prior to April 1, 1980;
- An alien who is a Cuban/Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;
- An alien who (or whose child parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C 1641(c);
- A Native North American Indian born in Canada or a member of a federally recognized Indian tribe born outside of the United States who is residing in the United States.

HEAP Oil Buying Component

In addition to the above eligibility criteria, otherwise eligible households whose primary heating fuel is oil and/or kerosene must utilize a vendor that has signed a vendor agreement, or must meet one of the following exemptions: household has a current price protection plan; household has a current service contract; or the county is unable to obtain service for the customer from a vendor who has signed a vendor agreement. All counties and the City of New York will be participating in the oil price project in 2007-08.

2605(c)(1)(A)
2605(b)(2)

➔Do you have additional eligibility requirements for:
COOLING ASSISTANCE (____ Yes ____ No X N/A)

(eligibility)

➔Do you use:	Yes	No
Assets test?	_____	_____
➔Do you give priority in eligibility to:		
Elderly?	_____	_____
Disabled?	_____	_____
Young children?	_____	_____
Other: (If Yes, please describe)	_____	_____

2604(c)
2605(c)(1)(A)

➔Do you have additional eligibility requirements for:

CRISIS ASSISTANCE (_X__ Yes ____ No)

(eligibility)

	Yes	No
➔Do you use:		
Assets test?	X	____
Must the household have received a shut-off notice or have an empty tank?	X	____
Must the household have exhausted regular benefit?	X*	____
Must the household have received a rent eviction notice?	____	X
Must heating/cooling be medically necessary?	____	X
Other (Please explain):	*	____

* An emergency benefit is issued only when it is determined that the regular benefit is not available or has already been exhausted.

The emergency benefit component has been designed to resolve energy crisis situations including weather-related and supply shortage emergencies and other household energy emergencies. A variety of potential emergency benefits, when used in conjunction with each other and/or the household's regular benefit will effectively alleviate utility termination threats, the lack of non-utility heating fuel, temporary emergency shelter/relocation needs, propane installations and reconnections, and supply shortages.

To be eligible for an emergency benefit, the applicant household must:

- Meet HEAP eligibility criteria (NOTE: Households with at least one TA recipient, Code A SSI recipient, and/or active food stamp recipient are considered categorically income eligible). Except a tenant of record and/or customer of record who is ineligible for regular HEAP benefits because they are not a United States citizen or a qualified alien may receive emergency HEAP benefits on behalf of members of the household who are United States citizens or qualified aliens.

AND

- Be currently without heat fuel or have a heating fuel supply that will last less than 10 calendar days.

OR

- Have heat-related utility service (primary heating source or electricity essential to operate the heating equipment) currently disconnected or scheduled for disconnection.

OR

- Be in an emergency home heating situation that is deemed by the local social services department to be detrimental to the health or safety of household members if temporary emergency shelter or relocation is not provided.

AND

- Other housing accommodations appropriate for the household's best interests are not available, alternative payment arrangements cannot be made, and the household does not have liquid resources sufficient to ameliorate the energy emergency.

An emergency HEAP benefit may only be issued when it is determined that a regular HEAP benefit is either not available or has been previously exhausted.

All emergency applications with the exception of certain temporary assistance and food stamp recipients must be made in person. Mail-in applications are not permitted for the emergency component. Authorized representatives may apply on behalf of disabled/ill individuals when there is no other adult household member available.

A signed, dated note from the applicant authorizing the representative to apply on his/her behalf is required and the authorized representative must verify his/her own identity.

Each local district, in designing its local certification network, must provide the means by which a disabled/ill and homebound individual, who has no one to act as an authorized representative, can apply for a HEAP emergency benefit. This may be accomplished, at the discretion of the local district, by a home visit or, if the applicant is physically able, by arranging transportation for the applicant to a site where emergency HEAP applications are taken.

To be eligible for a HEAP emergency benefit, the applicant must document that he/she is the tenant of record with primary responsibility for the payment of his/her residential energy bill. A tenant of record is a person who has or persons who have primary responsibility for payment of the rent/mortgage for their dwelling unit. Individuals who contribute a portion of the monthly rent/mortgage to a person responsible for the payment of the monthly rent/mortgage will not be considered a tenant of record. To have primary responsibility for the payment of residential energy costs, the applicant must be the customer of record with a home energy vendor. The term customer of record means a person or persons who have an account, in their name with a home energy vendor.

NOTE: The emergency energy crisis of an eligible household must be resolved within 18 hours of application if the applicant's residence is without power or a fuel for heating supply. Imminent loss of heat-related service or fuel supply for all other eligible households must be resolved within 48 hours of application. In some instances, provision of assistance in resolving the immediate energy need may include temporary relocation, obtaining an extension of service from the household's utility company, or other appropriate temporary remedies in order to fully evaluate the scope of the emergency or the applicant household's eligibility. However, the primary objective shall be to continue/restore heat to an eligible applicant's residence.

HEAP Oil Buying Component

In addition to the above eligibility criteria, otherwise eligible households whose primary heating fuel is oil and/or kerosene must utilize a vendor that has signed a vendor agreement, or must meet one of the following exemptions: household has a current price protection plan; household has a current service contract; or the county is unable to obtain service for the customer from a vendor who has signed a vendor agreement. All counties and the City of New York will be participating in the oil price project in 2007-08.

➔What constitutes a crisis? (Please describe)

To constitute a crisis, a household must:

- Be currently without heat fuel or have a heating fuel supply that will last less than 10 calendar days.

OR

- Have heat-related utility service (primary heating source or electricity essential to operate the heating equipment) currently disconnected or scheduled for disconnection.

OR

- Be in an emergency home heating situation that is deemed by the local social services department to be detrimental to the health or safety of household members if temporary emergency shelter or relocation is not provided.

AND

- Other housing accommodations appropriate for the household's best interests are not available, alternative payment arrangements cannot be made, and the household does not have liquid resources sufficient to ameliorate the energy emergency.

2605(c)(1)(A)

(eligibility)

➔Do you have additional eligibility requirements for:
WEATHERIZATION (___ Yes __X__ No)

➔Do you use:	Yes	No
Assets test?	____	X
Priority groups? (Please list) Households with elderly members Households with young children Households with disabled members	X	____
➔Are you using Department of Energy (DOE) Low Income Weatherization Assistance Program (LIWAP) rules to establish eligibility or to establish priority eligibility for households with certain characteristics?	X	____
➔If Yes, are there exceptions? Please list below.	____	X

2605(b)(3)

(outreach)

➔Please check the outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

__X__ provide intake service through home visits or by telephone for the physically infirm (i.e. elderly or disabled).

__X__ place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.

__X__ publish articles in local newspapers or broadcast media announcements.

__X__ include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.

__X__ make mass mailing to past recipients of LIHEAP.

__X__ inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.

__X__ execute interagency agreements with other low-income program offices to perform outreach to target groups.

__X__ other (Please specify):

- toll free information hotline operated by NYS Office of Temporary and Disability Assistance and NYS Office for the Aging
-Information about the program and a printable application are available on the OTDA internet site when the program is open.
-Identification of households potentially eligible for LIHEAP funded weatherization services and assessing the scope of need for identified households.
- State and local resources dedicated to implementing mandated outreach plans and program dissemination activities.
-Targeting efforts to provide program information and access to vulnerable households.

2605(b)(4) ➔Please describe how you will assure that LIHEAP is coordinated with similar and related programs. The description provided applies to all components unless specifically noted.

HEAP activities will be coordinated with other low income programs administered by other state and local agencies. A HEAP Interagency Task Force provides a forum for developing the HEAP State Plan and coordinating energy-related programs. The Task Force includes: NYS OTDA; NYS Department of Public Service; NYS Energy Research and Development Authority; NYS Office for the Aging; NYS Division of Housing and Community Renewal; Governor's Office; NYS Division of the Budget; and NYS Consumer Protection Board.

In addition, the NYS HEAP Block Grant Advisory Council, which is composed of representatives from state and local government, energy suppliers, and low income advocates, is consulted in the development of the HEAP State Plan and coordination of energy-related programs.

2605(b)(5)
2605(b)(2)
2605(b)(8)(A)

➔The statute requires that there be no difference in the treatment of households eligible because of their income and those eligible because they receive benefits under TANF, Food Stamps, SSI, or certain means-tested veterans programs ("categorically eligible"). How do you ensure there is no difference when determining eligibility and benefit amounts? This applies to all components unless specifically noted below.

New York State has adopted maximum income guidelines equal to the greater of 150% of the OMB poverty level or 60% of the State Median Income. No household at or below 110% of the OMB poverty level will be denied access to any program component solely on the basis of income.

Non-income related eligibility criteria for each program component would be applied uniformly to all applicant households.

To maximize HEAP accessibility and/or target benefits to the lowest income, households that contain a vulnerable member(s), along with limiting administrative costs, the following outreach and certification components will be utilized.

A) **Temporary Assistance Automatic Benefit Component**

Temporary Assistance (TA) automatic benefits will be provided based upon the following: active case status at the time of the TA pull-down for FFY 2008 and HEAP eligibility criteria are met. Such automatic payments will be made by the LDSS.

B) **Supplemental Security Income (SSI) Outside New York City**

SSI Code A recipients listed on the 2007 State Data Exchange (SDX) and who are not in active receipt of Food Stamps (FS) or Temporary Assistance will automatically be sent an application that will be processed by the local certifying agency. See (Paragraph D) for treatment of SSI/FS recipients in rest of state (ROS).

New York City

The New York City Human Resources Administration will be responsible for providing automatic benefits to the eligible New York City Code A SSI households in active payment status during 2007. Such households will receive the "Heat Included in Rent" benefit and may apply for a supplemental benefit if they pay for heat directly. HEAP eligible Code A SSI recipients in receipt of food stamps will be paid through the Food Stamp Automatic Benefit component (See Paragraph D).

C) **Mail-In Applications**

Mail-in certification will be permitted for regular HEAP benefits when the head of household received a benefit during the proceeding program year; or is age 60 and above; or is a categorically eligible Code A SSI recipient; or is in receipt of, or has been determined eligible for Retirement, Survivors or Disability Insurance Benefits under Title II of the Social Security Act as a result of disability.

D) **Food Stamp Automatic Benefit Component**

Food Stamp (FS) automatic benefits will be provided based upon the following: active case status at the time of the FS pull-down for FFY 2008, and other HEAP eligibility criteria are met. Such automatic payments will be made by LDSS.

E) **Optional Telephone Recertification of the Elderly**

Local districts are given the option to conduct a telephone application interview for regular HEAP benefits. This process may be used for households that received regular HEAP in the preceding program year and the head of household is age 60 or older or is in receipt of Code A Supplemental Security Income benefits.

Local districts choosing to implement this option must notify OTDA that they are participating. This option replaces the traditional mail-in process for all households meeting the above criteria.

F) **Electronic filing**

Local districts may opt to participate in a pilot allowing electronic filing of HEAP applications. E-filed applications from applicants who are permitted mail-in access will be treated in the same manner as mail-in applications. Electronic applications from all other applicants will not be accepted via the internet. These applicants will require an in-person interview and must provide full documentation.

HEATING COMPONENT

2605(b)(5) ➔Please check the variables you use to determine your benefit levels (check all that apply):

(determination of benefits)

X___ income
X___ family (household) size
X___ home energy cost or need
X___ fuel type
_____climate/region
X___ individual bill
_____dwelling type
X____energy burden
(% of income spent on home energy)
X____energy need
X___other (describe)

Presence of a vulnerable individual (children under 6, individuals aged 60 or older and disabled individuals).

2605(b)(5)
2605(c)(1)(B)

➔Describe how you will assure that the highest benefits go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

A point value will be assigned to each of the following criteria:

* o Tier I household.....2 points
** o Tier II household.....1 point
*** o One or more vulnerable population member(s)..1 point
**** o Energy Burden ratio:
oo Up to 5.0%.....1 point
oo 5.1% to 10.0%.....3 points
oo 10.1% to 20%.....4 points
oo 20.1% to 30%.....5 points
oo 30.1% and over.....6 points
NOTE: Households with "0" income are automatically eligible for 6 points.

* Tier I households have gross monthly income at or below 130% of the OMB poverty level.

** Tier II households have gross monthly income between 130% of the OMB poverty level and 60% of the State Median Income (SMI) up to and including 10 person households. For 11 person households and higher, the gross monthly income is at or below 150% of the OMB poverty level.

*** Vulnerable population includes children less than 6 years of age, individuals with disabilities and individuals age 60 or older.

**** Energy burden is defined as a household's energy expenditures divided by the income of the household. A Statewide Energy Costs Proxy has been established. In establishing a household's energy burden ratio, the statewide energy costs proxy (which varies by fuel type and household size) will be utilized. Households that could possibly fall into a higher energy burden ratio category, if actual costs were used, will be given the opportunity to document actual costs for inclusion in the ratio determination.

Using the above point structure, the least total points a household could accumulate would be:

o	Tier II household	1 point
o	Energy Burden up to or equal to 5%	1 point
		2 total points

The largest possible point value would be nine (9):

o	Tier I household	2 points
o	One or more vulnerable household member	1 point
o	Energy burden ratio greater than 30%	6 points
		9 total points

A standard statewide point value will be set depending on the funding ultimately authorized for FFY 2008 and a household benefit will be established by multiplying the household's total points by the standard point dollar value. For example:

Ms. B, a Family Assistance recipient, and her two young children (ages 2 and 4) rent an apartment and are responsible for payment of a natural gas primary heating bill. Ms. B's energy burden ratio is determined to be 13%. Ms. B's total point value is seven (7).

- 2 points - Tier I household
- 1 point - One or more vulnerable household member
- 4 points - energy burden ratio between 10.1% - 20%

7 total points

If the statewide per point dollar value was set at $60,

Ms. B's HEAP benefit would be $420 (7 points x $60 = $420).

New York State intends to set the point value of regular HEAP at $60 per point, assuming a national appropriation of at least $1.5 billion.

Statewide Energy Costs Proxy Development Process

An essential factor in the 2007-2008 HEAP regular heating benefit determination process is the identification of a HEAP eligible household's energy burden ratio. Energy burden ratio has been defined as a household's energy expenditures divided by the income of the household. In an effort to retain its ability to serve a higher percentage of its potentially eligible population, New York State has developed a mechanism to allow the automatic determination of a household's energy burden ratio by utilizing an energy costs proxy for each household that varies by fuel type and household size. While the statewide energy costs proxy will be routinely utilized, provision has been made for a household to document actual costs in situations where those costs exceed the standard proxy amount and the household would qualify for a larger benefit because of a resulting higher energy burden ratio.

Using New York data from the 2000 Census – Public Use Microdata Sample (PUMS), energy costs were calculated for households in three categories of heating fuels: 1) oil, kerosene, or propane; 2) natural gas, coal, or wood; and 3) electric. Because the 2000 PUMS data reflect prices from 1999, the ratio of 2005 to 1999 unit energy prices in New York was used to update the energy costs. A linear regression of energy costs on household size was performed to allow for a smoother transition from smaller to larger household sizes.

The energy cost estimates for different types of electric utilities were adjusted by applying the percentage by which the Energy Information Administration 2004 average revenue per kWh for each electric utility in New York is relative to the New York average.

Statewide Annual Energy Cost Standard

Household Size	Primary Fuel Type: Oil, Kerosene, Propane	Natural Gas, Wood, Coal	Municipal Electric	PSC Regulated Electric and Village of Greenport
1	$3,617	$2,485	$551	$2,143
2	$3,936	$2,690	$613	$2,331
3	$4,256	$2,895	$676	$2,506
4	$4,575	$3,100	$739	$2,787
5	$4,895	$3,305	$802	$3,086
6	$5,214	$3,509	$865	$3,391
7	$5,534	$3,714	$927	$3,696
8+	$5,853	$3,919	$990	$4,001

➔Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

X___ Yes ___ No If yes, please describe.

In the event of weather-related emergencies and/or temporary fuel shortages, the local departments of social services are authorized to purchase an appropriate supply of safe, supplemental heating devices that meet local building codes and can be loaned to eligible households until such time as a delivery of the household's primary heating fuel can be obtained. Provision of emergency shelter or emergency relocation is also an acceptable form of assistance, which is appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of heating fuel is obtained.

2605(b)(5)
2605(c)(1)(B)

(determination of benefits)

COOLING COMPONENT

➔Please check the variables you use to determine your benefit levels (check all that apply): N/A

____ income
____ family (household) size
_____ home energy cost or need
_____fuel type
_____climate/region
_____individual bill
_____ dwelling type
_____ energy burden
(% of income spent on home energy)
_____ energy need
_____other (describe)

2605(b)(5)
2605(c)(1)(B)

(benefit levels)

➔Describe how you will assure that the highest benefits will go to households with the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size. Please describe benefit levels or attach a copy of your payment matrix.

N/A

➔Do you provide in-kind (e.g. fans) and/or other forms of benefits?

_X_ Yes __ No If Yes, please describe.

In addition, the NYS Division of Housing and Community Renewal (DHCR) will use LIHEAP funds under the weatherization component to provide air conditioners in situations where at least one member of an otherwise eligible household has an acute medical condition that is exacerbated by extreme heat and documented by a physician. The number of air conditioners to be provided will be limited by the amount of funds set-aside for this component.

2605(b)(5)
2605(c)(1)(B)

(determination of benefits)

CRISIS COMPONENT

➔How do you handle crisis situations?

_X_____ separate component _____ other (please explain)

➔If you have a separate component, how do you determine crisis assistance benefits?

___X___ amount to resolve crisis, up to maximum

_____ other (please describe)

(benefit levels)

➔Please indicate the maximum benefit for each type of crisis assistance offered.

heating $ ___*___ maximum benefit

cooling $_____ maximum benefit

year-round $_____ maximum benefit

The HEAP crisis component consists of a variety of benefit types designed to address the heat-related emergency needs of eligible households. For the purposes of the 2007-2008 plan, they have been grouped in the following manner:

Fuel/Utility Supply Related

Emergency Situation	2007-08 Total Amounts	
	Household Size of 3 or less	Household Size of 4 or more
Heat Related Domestic Only	$125	$150
Natural Gas Heat Only	$250	$275
Natural Gas Combined with Heat Related Domestic	$375	$425
PSC/Village of Greenport Electric Heat Combined with Heat Related Domestic	$440	$560
Municipal Electric – Heat Related Domestic	$60	$75
Municipal Electric Heat – Primary Heating Source	$125	$150
Non-Utility Fuel	$600	$600

Other Heat-Related Emergencies

A) **Temporary Emergency Shelter or Relocation**

The maximum total benefit may not exceed $500 during the HEAP season.

B) **Propane Installation/Reconnection**

The maximum total benefit may not exceed $500 during the HEAP season.

J) **Weather-Related and Supply Shortage**

In the event of weather-related emergencies and/or a temporary fuel shortage, the local department of social services is authorized to purchase an appropriate supply of safe supplemental heating devices which meet local building codes and which can be loaned to eligible households until such time as a delivery of the household's primary heating fuel can be obtained. Provision of emergency shelter or temporary relocation is also an acceptable form of assistance, which is appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of fuel is obtained.

➔Do you provide in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits?

X Yes ___ No If Yes, please describe.

In the event of weather-related emergencies and/or temporary fuel shortages, the local departments of social services are authorized to purchase an appropriate supply of safe, supplemental heating devices that meet local building codes and can be loaned to eligible households until such time as a delivery of the household's primary heating fuel can be obtained. Provision of emergency shelter or emergency relocation is also an acceptable form of assistance, which is appropriate to resolve such household's immediate energy needs until the weather improves sufficiently or a supply of heating fuel is obtained.

2605(b)(5)
2605(c)(1)
(B) & (D)

WEATHERIZATION & OTHER ENERGY RELATED HOME REPAIR AND IMPROVEMENTS

➔What LIHEAP weatherization services/materials do you provide? (Check all categories that apply.)

(types of assistance)

X Weatherization needs assessments/audits.
X Caulking, insulation, storm windows, etc.
X Furnace/heating system modifications/repairs
X Furnace replacement
X Cooling efficiency mods/repairs/replacement

X_____ Other (Please describe)

- Weatherization where necessary.
- Energy related repairs not included in DOE LIWRAP regulations.

(benefit levels)

➔Do you have a maximum LIHEAP weatherization benefit/expenditure per household? _____ Yes _X_____ No

If Yes, what is the maximum amount? $_____

➔Under what rules do you administer LIHEAP weatherization? (Check only one.)

(types of rules)

____ Entirely under LIHEAP (not DOE) rules
____ Entirely under DOE LIWAP rules
_X___ Mostly under LIHEAP rules with the following DOE LIWAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply):

_____ Weatherize buildings if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days
_____Weatherize shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).
_____ Other (Please describe)

_____ Mostly under DOE LIWAP rules, with the following LIHEAP rule(s) where LIHEAP and LIWAP rules differ (Check all that apply.)

_X_____ Weatherization not subject to DOE LIWAP maximum statewide average cost per dwelling unit.
_____ Other (Please describe.)

2605(b)(6) The state or tribe administers LIHEAP through the following local agencies:

(agency designation)

_X__ county welfare offices
_X__ community action agencies (weatherization component only)
_____ community action agencies (heating, cooling or crisis
_____ charitable organizations
_____ not applicable (i.e. state energy office)
_____ tribal office
_X__ other, describe: neighborhood based, not for profit agencies (weatherization component only)

➔Have you changed local administering agencies from last year?
_____ Yes _X_____ No

2605(b)(7) (energy suppliers)

➔Do you make payments directly to home energy suppliers?

Heating X Yes ____ No

Cooling ____ Yes ____ No n/a

Crisis X Yes ____ No

If Yes, are there exceptions? X Yes ____ No
If Yes, please describe.

A regular and/or crisis benefit in the form of a two party check payable to the eligible household and the energy vendor may be issued in the event that the vendor has not signed a vendor agreement and when NYS OTDA grants this authority to the local district.

2605(b)(7)(A)

➔If you make payments directly to home energy suppliers, how do you notify the client of the amount of assistance paid? (Please describe)

All applicants are provided with a notice, for both the regular and emergency components, advising of their eligibility and the amount paid on their behalf.

2605(b)(7) (B), (C) and (D)

➔How do you make sure the home energy supplier performs what is required in this assurance? If vendor agreements are used, they may be attached. Indicate each component for which this description applies.

Each energy supplier receiving a direct benefit must sign a vendor agreement form. This applies to both regular and crisis payments. A direct benefit is defined as a payment (via one party check or electronic funds transfer) payable to the energy vendor on behalf of an eligible household or a line of credit payable by a local district on behalf of an eligible household upon receipt of a valid bill from the energy vendor. A regular and/or crisis benefit in the form of a two party check payable to the eligible household and the energy vendor may be issued in the event that the vendor has not signed a vendor agreement and when NYS OTDA grants this authority to the local district.

Oil/kerosene vendors may only receive HEAP payments (both regular and crisis) on behalf of eligible households if the vendor has signed the required Uniform Vendor Agreement (for direct payments) or if it has been determined that the household's current vendor has not signed a vendor agreement but has a current price protection plan or contract or the household has a current service contract or the county is unable to obtain

service for the customer from a vendor who has signed the vendor agreement (two party checks).

2605(b)(8)(B) ➔Is there any difference in the way owners and renters are treated? If Yes, please describe.

(owners and renters)

HEATING ASSISTANCE

_____ Yes X____ No

COOLING ASSISTANCE

_____ Yes _____ No X___N/A

CRISIS ASSISTANCE

_____ Yes X___No

WEATHERIZATION

____ Yes X___No

2605(b)(10) ➔How do you ensure good fiscal accounting and tracking of LIHEAP funds? (Please describe. Include a description of how you monitor fiscal activities.)

NYS OTDA will utilize fiscal and fund accounting procedures similar to those utilized by NYS OTDA and local social services districts in the administration of other income-tested assistance programs.

The NYS OTDA Welfare Management System (WMS) will be utilized to monitor application activity and benefits authorized outside of NYC. Since

NYC utilizes its own computer system, NYC will provide reports from its system.

(program, fiscal monitoring, and audit)

➔How do you monitor program activities? (Please be sure to include a description of how you monitor eligibility and benefit determination.)

At a minimum, OTDA will conduct on site monitoring reviews in the ten (10) local social services districts with the largest number of application approvals during the immediately preceding HEAP program year.

In monitoring other state agencies, NYS OTDA will require regular program and fiscal reports and may review program operations as needed.

➔How is your LIHEAP program audited?

Under the Single Audit Act? X____ Yes ____ No
If not, please describe:

For States and Territories:

➔Is there an annual audit of local administering agencies? X Yes __ No
If not, please explain.

2605(b)(12)

(timely and meaningful public partici-pation)

➔How did you get timely and meaningful public participation in the development of the plan? (Please describe.)

During March 2007, a series of six (6) regional meetings were conducted with our local departments of social services and alternate certifiers around NYS to solicit input into the 2007-08 program.

In order to solicit input into the development of the proposed 2007-08 HEAP State Plan, needs assessment hearings were conducted in Syracuse, New York on January 11 and 12, 2007; in Buffalo, New York on January 18 and 19, 2007; in New York City on February 2, 2007 and in Albany, New York on February 5 and 6, 2007. In addition, written comments were solicited and received through February 9, 2007.

A meeting of the NYS HEAP Block Grant Advisory Council and Interagency Task Force was held on January 22, 2007 to solicit input into development of the plan.

Public notice of the needs assessment hearings were published in the New York State Register and the state's major newspapers.

2605(a)(2)

➔Did you conduct public hearings on the proposed use and distribution of your LIHEAP funds? When and where?

__X__ Yes ____No

(public hearings)

A public notice advising of the availability of the proposed state plan for public inspection and the public hearing appeared in the newspapers two weeks prior to the public hearings. Hearings were held in Albany on July 30, 2007 and in NYC on July 31, 2007. Written comments were accepted through August 3, 2007.

The HEAP Block Grant Advisory Council and the HEAP Interagency Task Force were consulted in the development of the plan. A report on the HEAP State Plan was submitted to the NYS Legislature prior to the submission of the plan to the Secretary of the U.S. Department of Health and Human Services.

2605(b)(13)

➔Describe your fair hearing procedures for households whose applications are denied or not acted on in a timely manner. When are applicants informed of these rights?

(fair hearings)

➔Denials

Individuals whose applications for HEAP benefits are denied are afforded an opportunity for a fair hearing conducted by NYS OTDA. Households whose applications for weatherization assistance have been denied are provided an opportunity to appeal before the NYS Division of Housing and Community Renewal (DHCR).

➔Applications Not Acted On In a Timely Manner

Individuals whose applications for HEAP benefits are not acted upon with reasonable promptness are afforded an opportunity for a fair hearing conducted by NYS OTDA.

Applicants are advised of fair hearing rights on the timeliness of the eligibility decision at the time of the application by the provision of the "Application Rights" notice. Additionally, the "Notice of Eligibility Decision" provided to all applicants, both approved and denied, contains fair hearing rights language.

2605(b)(15) **For States and Puerto Rico only** (not applicable to Tribes and tribal organizations, or to territories whose annual regular LIHEAP allotments are $200,000 or less):

➔Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate outreach and intake) **HEATING ASSISTANCE**

_X_____ Yes _____ No

If Yes, describe alternate process for outreach and intake:

As with other income-tested assistance programs administered by the NYS OTDA, HEAP is state supervised/locally administered with 58 local departments of social services (LDSS) designated as the lead local agencies, for outreach, certification and payment. Prior to program start-up, each LDSS must establish a local certification network that provides for an alternative non-LDSS site(s) for a reasonable share of outreach and intake for regular and emergency HEAP assistance. LDSS may contract with other State or local government entities or community-based organizations to fulfill this mandate. Examples of community-based organizations include not-for-profit neighborhood-based organizations, local offices for the aging and community action agencies. In local districts where such organizations do not administer these functions as of September 30, 1991, an open solicitation process must be initiated to attempt to establish an alternate intake site. Where multiple bids are submitted, which are equal in all other respects, contracts must be awarded to the local agency that administers the low-income weatherization or energy crisis intervention program, if such agency is one of the submitting entities. If no alternatives are found in a local district after engaging in an open solicitation process, no further attempts need to be made to secure an alternate intake site. NYS OTDA will enter into an interagency agreement with the NYS Office for the Aging to provide outreach certification for the elderly and disabled.

In regard to weatherization services, NYS OTDA will enter into an interagency agreement with the NYS Division of Housing and Community Renewal (DHCR) and NYS Office for Aging (SOFA). DHCR will utilize their existing sub-grantee network of community action agencies and community-based organizations to provide such services at the local level. SOFA will utilize its local Office for the Aging network. NYS OTDA may also provide weatherization packaging funding directly to local social services districts.

COOLING ASSISTANCE

_____ Yes _____ No n/a

If Yes, describe alternate process for outreach and intake:

CRISIS ASSISTANCE

___X___Yes _____ No

If Yes, describe alternate process for outreach and intake

See above under "Heating Assistance."

2605(b)(16)

➔Do you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance? (This assurance refers to activities such as needs assessments, counseling, and assistance with energy vendors.)

_____ Yes ___X___ No

2607A

(leveraging)

➔Please describe leveraging activities planned for the fiscal year. Complete this entry if you plan to apply for LIHEAP leveraging incentive funds and to include in your leveraging report resources/benefits provided to low income households this fiscal year under criterion (iii) in 45 CFR 96.87(d)(2). Provide the following information for each:

(1) Identify and described each resource/benefit;
(2) Identify the source(s) of each resource; and
(3) Describe the integration/coordination of each resource/benefit with the LIHEAP program, consistent with 1 or more of conditions A-H in 45 CFR 96.87(d)(2)(iii).

New York State has developed a variety of leveraged resources, which it believes meet the basic criteria of the LIHEAP leveraging incentive program. The following resources as identified and described, while not provided to low-income households as part of (through or within) New York State's HEAP program, are distributed to HEAP eligible households in coordination, cooperation, and conjunction with 2007-08 (FFY 2008) HEAP.

1. Each year, part of NYS's LIHEAP appropriation is utilized by the New York State Division of Housing and Community Renewal (DHCR) to provide weatherization services to HEAP-eligible households through the Weatherization Assistance Program (WAP). The WAP program is able to leverage additional weatherization services for

each eligible household as a result of mandated landlord contributions above and beyond LIHEAP funding earmarked for the household. This additional private funding, which allows the purchase, delivery and/or installation of weatherization material, is a countable leveraged resource. This resource should be countable under either criterion (ii) or (iii) as specified in 45 CFR 96.87(d) (2).

2. Federal guidelines provide that state cash resources that are used in any base period for cash benefits to or on behalf of HEAP benefit recipients for heating, cooling, energy crisis, weatherization assistance including payment towards recipient household's home energy costs, are countable as leveraged resources. New York State, as part of its fully state and locally funded Safety Net Assistance (SNA) Program, provides households responsible for paying heating costs directly with a basic fuel allowance each month. In addition, all SNA recipient households are given a home energy allowance and supplemental home energy allowance which, by definition, are provided to eligible households to cover increases in the cost of energy. These same benefits are also provided to Temporary Assistance for Needy Families (TANF) recipients with state and local expenditures comprising 50% of the total cost. Although all Safety Net Assistance Program (SNA) recipients are categorically eligible for LIHEAP, New York gives a targeted priority for receipt of a LIHEAP benefit to those households which contain a vulnerable household member (over 60, disabled or under 6 years of age).

   In addition, New York State Social Services Law section 131-s provides for the payment of up to four months of utility arrearages to eligible households in order to prevent termination of utility service. Such payments on behalf of applicants are funded through the SNA and Emergency Assistance to Adults (EAA) programs, which are entirely State and locally funded, and through the Emergency Assistance for Families (EAF) and Temporary Assistance for Needy Families (TANF) programs, where the 50% non-federal share is funded by state and local dollars. Ineligibility for New York's LIHEAP program or denial of LIHEAP assistance in the base period because of LIHEAP's funds unavailability is necessary to receive assistance from these resources (45 CFR 96.87(d)(2)(iii)(C)). To the extent that these SNA, EAA, EAF and TANF payments are made on behalf of HEAP eligible households, NYS intends to consider them as leveraged resources.

   These resources are provided to SNA/EAA/EAF/TANF/LIHEAP-eligible households and are supplements and/or alternatives to the benefits provided by or through New York's LIHEAP program, and are provided outside the LIHEAP program. The resource is integrated and coordinated with New York's LIHEAP program in the following way:

   New York State has developed a wholly interactive process to assure that the energy-related needs of SNA/TANF recipients are met. During the period when New York's LIHEAP program is operational, local staff responsible for coordinating the provision of LIHEAP benefits to SNA/TANF recipients and for authorizing this resource or benefit are one and the same. The local social services district case worker(s) assigned to each individual SNA/TANF recipient are responsible for addressing the individual household's home energy needs. Through access to New York's Welfare Management System (WMS), all case workers are able to determine, at any point in time, all LIHEAP and non-LIHEAP benefit payments issued to each individual case. In addition, the WMS computer system that is used to authorize and track payments contains case specific historical and demographic, and income information, all of which is readily available to the caseworker by simple system inquiry. Because of this comprehensive system access

capability, the documentation of LIHEAP eligibility and the amount of assistance received or to be received by the individual/case is always known and is a system-documented fact before, during and after assistance is provided to each household to be served by the resource.

3. All Public Service Commission (PSC) regulated utilities in NYS operate non-public funded fuel funds to assist their service territory population with payment of energy bills. These resources are targeted to HEAP-eligible households that have exhausted their HEAP eligibility or are ineligible because of the unavailability of LIHEAP funding. As such, this resource meets the integration/coordination requirement as contained in 45 CFR 96.87(d) (2) (iii) (C).

4. New York has exempted the collection of sales taxes from Public Assistance (PA) recipients whose ongoing utility/fuel bills are restricted and paid by the local department of social services. The NYS OTDA Division of Employment and Transitional Supports (DETS) coordinates the State's HEAP program and was instrumental in pursuing and obtaining this exemption several years ago. The purchasing power of these PA recipients is materially enhanced by the fact that they do not have to pay any sales tax. This resource meets the countable resource criteria as outlined in 45 CFR 96.87(d) (2) (i).

5. Several New York utility companies have recently implemented low-income customer assistance plans. The plans consist of two components: rate moderation and uncollectable initiatives, including a negotiated percentage of income plan coupled with an arrearage forgiveness arrangement. The plan is a product of extensive discussions among PSC staff, utility companies, the NYS Consumer Protection Board, this Office (HEAP program staff), the Public Utility Law Project, and Multiple Intervenors. To the extent that these leveraged resources are quantifiable, NYS intends to include them in our application for Leveraging Incentive Funds. Where New York's LIHEAP program had an active substantive role in developing and/or acquiring the resource/benefits from home energy vendors, an effort will also be made to quantify and submit any such activity as leveraged resources for New York State HEAP-eligible households. This resource is a direct result of HEAP staff involvement in negotiations and regulation development and meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

6. New York State (NYS) LIHEAP officials, in conjunction with various local social services districts, the NYS Public Service Commission and the National Fuel Gas Distribution Corporation have established the Public Assistance Cooperative for Energy (PACE) program. PACE is a natural gas aggregation program for certain public assistance recipients in Erie, Chautauqua and Niagara Counties in New York State. The program's objective is to provide the benefits of competition to low-income, payment-troubled customers by offering the opportunity to reduce energy costs through aggregation. This Resource(s) meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

8. New York State (NYS) LIHEAP officials, in partnership with several local social services districts and a sister agency (New York State Energy Research and Development Authority-NYSERDA) have established a HEAP oil buying component in New York State. The purpose of this program is to expand the buying power of LIHEAP dollars by getting a better price for commodity through negotiation with vendors using the large amount of LIHEAP funds authorized to oil and kerosene vendors as leverage. This

discounted price will materially enhance the purchasing power of LIHEAP eligible households. This resource meets the countable resource criteria as outlined in 45 CFR 96.87(d)(2)(i).

ADDITIONAL CERTIFICATIONS AND REQUIREMENTS

Attached are additional certifications required as follows:

* **Lobbying certification**, which must be filed by all States and territories. If applicable, Form LLL, which discloses lobbying payments, must be submitted. **(Tribes and tribal organizations are EXEMPT)**

* **Debarment and suspension certification**, which must be filed by all grantees.

* **Drug-free workplace requirement certification**, which must be filed by all grantees, unless the grantee has filed a statewide certification with the Department of Health and Human Services. **STATES ONLY:** If you have filed a statewide certification for the drug-free workplace requirement, please check here:_____

* One of the new requirements included in the 1994 reauthorization of the statute is that grantees must include in their annual application for funds a report on the number and income levels of households applying for and receiving LIHEAP assistance, and on the number of recipient households that have members who are elderly, disabled, or young children.

  All Tribes and those territories with allotments of less than $200,000 need only submit data on the number of households served by each component (heating, cooling, weatherization and crisis). The approval for the collection of information contained in the **LIHEAP Household Report** is covered by OMB approval number 0970-0060.

* Though not a part of this application, the report on funds to be carried over or available for reallotment as required by section 2607(a) for the preceding year must be submitted by August 1 of each year. A grant award for the current fiscal year may not be made until the carryover/reallotment report is received. The approval for the collection of information contained in the **LIHEAP Carryover and Reallotment Report** is covered by OMB approval number 0970-0106.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, ``Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title Governor, State of New York

Organization

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the

statements in this certification, such prospective participant shall attach an explanation to this proposal.

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Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ``Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the

Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

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Certification Regarding Drug-Free Workplace Requirements
Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –

    (a)The dangers of drug abuse in the workplace;

    (b) The grantee's policy of maintaining a drug-free workplace;

    (c) Any available drug counseling, rehabilitation, and employee assistance programs; and

    (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

    (e) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

    (f) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(g) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(h) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(i) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

(j) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

<u>40 N. Pearl Street, Albany New York 12243</u>

Check if there are workplaces on file that are not identified here.
Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]