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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 92 LCM-127

Date: August 19, 1992

Division: Income Maintenance

TO: Local District Commissioners

SUBJECT: Proposed State Plan for the 1992-93 Home Energy Assistance  
Program (HEAP)

ATTACHMENTS: Attachment A: Copy of Public Notice - available on-line  
Attachment B: Registration Form - available on-line  
Attachment C: Proposed State Plan for the 1992-93 HEAP -  
available on-line

The purpose of this memorandum is to provide you with a copy of the proposed New York State Plan for the 1992-93 Home Energy Assistance Program and to advise you that the New York State Department of Social Services will conduct two public hearings on the proposed 1992-93 New York State Plan.

The proposed plan must be available for public inspection. Your cooperation in making the proposed plan available is greatly appreciated. A copy of the proposed plan is enclosed.

The hearings will take place on the following dates and locations:

- o New York City, August 25, 1992 from 10:30 a.m. to 12:30 p.m. in Room 308, 3rd Floor, 80 Maiden Lane, New York, NY 10038.
- o Albany, August 27, 1992 from 10:00 a.m. to 12:00 p.m. at 488 Broadway, 4th Floor Conference Room, Albany, NY 12207

An informational notice regarding the hearings will appear in newspapers statewide on August 12, 1992. The notice contains information that the proposed plan is available for review at local departments of social services.

Copies of the public notice, the registration form and the proposed State Plan are enclosed.

Date August 19, 1992

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We encourage you to comment on the proposed plan. Written comments will be accepted through August 31, 1992.

If you have any questions regarding the hearings or the proposed State Plan, please contact the Bureau of Energy Programs at 1-800-342-4100, extension 4-9321.

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Oscar R. Best, Jr.  
Deputy Commissioner  
Division of Income Maintenance

PUBLIC NOTICE

1992-93 Home Energy Assistance Program  
Proposed State Plan

Available for Review  
Public Hearings Scheduled

In accordance with the Low-Income Home Energy Assistance Act of 1981, the State of New York provides for public review and comment the 1992-93 proposed Home Energy Assistance Program State Plan.

REVIEWING OR OBTAINING THE PROPOSED STATE PLAN: The 1992-93 proposed State Plan will be available for inspection at social services district offices. Copies of the proposed State Plan may be requested by calling, toll-free, 1-800-342-3715, extension 4-9321 or by writing to the Bureau of Energy Programs, New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243.

PUBLIC HEARING: Public hearings on the proposed State Plan will be conducted in:

- o New York City, August 25, 1992 from 10:30 A.M. to 12:30 P.M., 80 Maiden Lane, Room 308, 3rd floor, New York, NY 10038.
- o Albany, August 27, 1992 from 10:00 A.M. to 12:00 P.M., 488 Broadway, 4th floor Conference Room, Albany, NY 12207.

Individuals/organizations wishing to present their views at these hearings should register by calling 1-800-342-3715, extension 4-9321. Persons who have pre-registered will be called upon to speak first. Others will be called in the order in which they register.

Testimony is limited to five minutes. Speakers must submit three (3) written copies of their statements.

There will be no photocopying facilities available at these hearings.

WRITTEN COMMENTS: Written comments on the proposed plan will be accepted no later than August 31, 1992 and should be addressed to: John C. Fredericks, Director, Bureau of Energy Programs, New York State Department of Social Services, 40 N. Pearl Street, Albany, NY 12243. Written comments received by the Department will be available for public inspection.

New York State Department of Social Services

PUBLIC HEARINGS  
TO  
PROVIDE FOR PUBLIC INPUT ON THE PROPOSED  
NEW YORK STATE PLAN  
FOR THE 1992-93 HOME ENERGY ASSISTANCE PROGRAM (HEAP)

New York City, August 25, 1992 from 10:30 A.M. to 12:30 P.M. in Room 308,  
3rd Floor, 80 Maiden Lane, New York, NY 10038

Albany, August 27, 1992 from 10:00 A.M. to 12:00 P.M. at 488  
Broadway, 4th floor Conference Room, Albany, New York 12207.

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Persons wishing to present their views at either of these two hearings are  
requested to complete this reply form as soon as possible and mail to:

Mr. John C. Fredericks, Director  
Energy Bureau  
New York State Department of  
Social Services  
40 North Pearl Street  
7th Floor, Section D  
Albany, New York 12243

Telephone: 1-800-342-3715  
Extension 4-9321  
or  
(518) 474-9321

To assure your pre-registration, please respond three days prior to the  
scheduled hearing date, or call the above number if you have any  
questions.

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I plan to attend the public hearing in (please check):

\_\_\_\_\_ New York City, August 25, 1992

\_\_\_\_\_ Albany, August 27, 1992

I plan to make a public statement at the hearing. I will limit my statement  
to a maximum of five minutes and I will provide three copies of my prepared  
statement.

NOTE: There will not be any photocopying facilities available at the  
hearing.

STATEMENTS SHOULD BE LIMITED TO COMMENTS ON THE PROPOSED NEW YORK STATE PLAN  
FOR THE 1992-93 HOME ENERGY ASSISTANCE PROGRAM (HEAP) ONLY.

NAME \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
TITLE \_\_\_\_\_  
AFFILIATION \_\_\_\_\_  
ADDRESS \_\_\_\_\_

PROPOSED  
NEW YORK STATE PLAN  
FOR  
1992-93 (FFY 1993)  
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (HEAP)

August, 1992

GRANTEE: New York State Dept. of Social Services

Assurances

The State of New York agrees to:

(1) use the funds available under this title for the purposes described in section 2602(a) and otherwise in accordance with the requirements of this title, and agrees not to use such funds for any payments other than payments specified in this section;

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

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

(i) aid to families with dependent children under the State's plan approved under part A of title IV of the Social Security Act (other than such aid in the form of foster care in accordance with section 408 of such 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 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 no household may be excluded from eligibility under this subclause for payments under this title for fiscal year 1986 and thereafter if the household has an income which is less than 110 percent of the poverty level for such State for such fiscal year;

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or handicapped individuals, or both, 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 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 the 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) assure that any home energy supplier receiving direct payments agrees not to discriminate, either in the cost of the goods supplied or the services provided, against the eligible household on whose behalf payments are made;
- (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 not transferred pursuant to section 2604(f) for use under another block grant; 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;
- (10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement 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 at least every two years the State shall prepare an audit of its expenditures of amounts received under this title and amounts transferred to carry out the purposes of this title;
- (11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;
- (12) provide for 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.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the fifteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.

Signature of the Tribal Chairperson or Chief Executive Officer of the State or Territory.\*

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

EIN\*\* : \_\_\_\_\_

\* If a person other than the Chief Executive Officer of the State or territory or Tribal Chairperson is signing the certification to the assurances, a letter must be submitted delegating such authority.

\*\* HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.

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.

GRANTEE: New York State Dept. of Social Services

statutory references

2605(a)  
2605(b)(1)

The grantee will operate the following components under its LIHEAP Program:

(purpose of funds)

- heating assistance
- crisis assistance (specify type(s) e.g., heating, cooling, year-round or area-wide emergency declared by Governor)
- heat related, year-round
- cooling assistance
- weatherization assistance

The projected dates for accepting applications and closing the programs are as follows:

heating 11/16/92 / 5/28/93          cooling \_\_\_\_\_ / \_\_\_\_\_

crisis 11/16/92 / 3/31/93    wx \* 11/16/92 / 9/30/93

\* weatherization

NOTE: If NYS determines that there are sufficient program and administrative funds the heating component may be operated beyond 5/28/93 and the crisis component operated beyond 3/31/93. If funds for heating assistance are exhausted prior to 5/28/93, program shut-down may occur earlier.

2605(c)(1)(C)  
2605(c)(1)(F)

The grantee estimates that the amount of available LIHEAP funds will be used as follows:

- \* % heating assistance or \$            M
- % cooling assistance or \$ -
- \* % crisis assistance or \$            M
- \* % weatherization assistance or \$            M
- \*\* % block grant transfer(s) or \$ up to 10%
- \* % carry-over or \$ -
- Any 1992-93 HEAP funds which are not obligated by 9/30/93 will be carried forward into the next program year.
- \* % administrative costs or \$            M

\* SEE Attachment V

\*\* New York State reserves the option to transfer up to 10% to another block grant if sufficient funds are available prior to 9/30/93.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(c)(1)(c)

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

(alternate  
use of crisis  
assistance  
funds)

\_\_\_\_\_ heating assistance  
 \_\_\_\_\_ cooling assistance  
 \_\_\_\_\_ weatherization assistance  
 Other (specify): Crisis assistance funds not expended by March 15, 1993 will remain available for crisis assistance benefits throughout the balance of Federal Fiscal year.

2605(b)(2)  
2605(c)(1)(a)  
(eligibility)

The grantee's maximum eligibility limits are: (Please indicate the components to which they apply)

\_\_\_\_\_ 150% of the FY \_\_\_ OMB poverty guidelines:  
 heating \_\_\_ cooling \_\_\_ crisis \_\_\_ wx \_\_\_  
 \_\_\_\_\_ 125% of the FY \_\_\_ OMB poverty guidelines:  
 heating \_\_\_ cooling \_\_\_ crisis \_\_\_ wx \_\_\_  
 \_\_\_\_\_ 110% of the FY \_\_\_ OMB poverty guidelines:  
 heating \_\_\_ cooling \_\_\_ crisis \_\_\_ wx \_\_\_  
 \_\_\_\_\_ 60% of the State's FY \_\_\_ median income:  
 heating \_\_\_ cooling \_\_\_ crisis \_\_\_ wx \_\_\_

Other (specify for each component and include any categorically eligible households). For the regular heating benefit & crisis components, ADC, Home Relief (HR), SSI (Code A "living alone") and Food Stamp recipients will be categorically income eligible. For income tested households the maximum income eligibility limits for both the regular and crisis benefit components will be set at the greater of 150% of the 1992 OMB poverty level or 60% of the 1992 State Median Income. (See Attachment III, page 2)

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(c)(1)(A)  
(eligibility)

The grantee has set the following additional eligibility requirements for each LIHEAP component: (check yes or no)

<u>Heating</u>	<u>Yes</u>	<u>No</u>
Assets Test	___	_x_
Subsidized housing tenants eligible: (See Note Below)		
If heat is included in rent	___	_x_
If heat is paid directly	_x_	___
Restricted eligibility for group living arrangements	_x_	___
Restricted eligibility for non-subsidized renters	_x_	___
Other: (Specify below):	_x_	___

An eligible household must directly pay an energy supplier for heat or pay rent which includes heat.

NOTE: Elderly households in receipt of a Senior Citizen Rent Increase Exemption (SCRIE) are not considered subsidized tenants.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(c)(1)(A)

(eligibility)

Cooling (additional eligibility requirements -  
continued) Not Applicable.

	Yes	No
Assets Test	_____	_____
Subsidized housing tenants eligible:		
If cooling is included in rent	_____	_____
If cooling is paid directly	_____	_____
Restricted eligible for group living arrangements	_____	_____
Restricted eligibility for non-subsidized renters	_____	_____
Other: (Specify below)	_____	_____

GRANTEE: New York State Dept. of Social Services

statutory  
references

2604(c)

2605(c)(1)(A)

(eligibility)

Crisis (additional eligibility requirements - continued)  
and criteria for designating an emergency

	<u>Yes</u>	<u>No</u>
Assets Test	<u>_x_</u>	___
Subsidized housing tenants eligible:		
If heat/cooling is in rent	___	<u>_x_</u>
If heat/cooling is paid directly	<u>_x_</u>	___
Household must have received a shut-off notice or have an empty tank (less than a 7 day supply).	<u>_x_</u>	___
Household must have exhausted regular benefit	___	<u>_x_</u>
Household must have received a rent eviction notice	___	<u>_x_</u>
Heating/cooling must be medically necessary	___	<u>_x_</u>
Other: See Attachment I.	<u>_x_</u>	___

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(c)(1)(A)  (eligibility)	<u>Weatherization:</u> (additional eligibility requirements - continued)	<u>Yes</u>	<u>No</u>
	Assets Test	___	_x_
	Subsidized housing tenants eligible:		
	If heat is included in rent	_x_	___
	If heat is paid directly	_x_	___
	Restricted eligibility for group living arrangements	_x_	___
	Restricted eligibility for non-subsidized renters	___	_x_
	Household must have received LIHEAP benefits	___	_x_
	Household must fail infiltration standards	___	_x_
	DOE Rules	_*_	___
	Other: (Specify below)	_*_	___

\* See page 11A.

New York State's Weatherization Component may include one or more of the following weatherization activities depending on the availability of funding:

- o NYSDSS may enter into a memorandum of understanding with the New York State Department of State (DOS) to provide weatherization services, utilizing FY 93 LIHEAP funding, through it's Weatherization Assistance Program (WAP). The DOS Weatherization Component will utilize DOE guidelines with the exception that participation in the HEAP funded portion of the DOS/WAP will not be precluded because of prior weatherization service since September 30, 1979. On a case by case basis, where an energy audit or assessment identifies an additional weatherization need, re-weatherization may be permitted.
- o NYSDSS may implement a local district administered targeted weatherization component. Weatherization services will be targeted for the following HEAP eligible households:
  - with unusually high consumption (heating costs)
  - receiving HEAP emergency benefits
  - identified as "high risk" in accordance with the Home Energy Fair Practices Act (HEFPA) and referred by a utility to LDSS as a result of threatened disconnection of utility service.
  - which are Adult Protective Services (APS) and Children Services (CS) cases identified as high risk by the local department of social services (LDSS).
  - at risk of becoming homeless as a result of substandard or unsafe housing conditions.
  - identified by local office for aging as being "at risk" and in need of weatherization packaging services.
  - whose applicant owned heating equipment is inoperable, not repairable.

In order to receive targeted weatherization services the LDSS must determine that the household meets one or more of the criteria outlined above. Eligibility guidelines for this component are described in Attachment III. DOE rules would not be utilized.

- o NYSDSS may implement a local district administered weatherization component for the replacement of applicant-owned, primary heating equipment which is inoperable and not repairable. Eligibility guidelines for receipt of this benefit are described in Attachment III. DOE rules would not be utilized.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(3)  
2604(c)(3)(A)

(outreach)

The grantee conducts the following outreach activities designed to assure that eligible households are made aware of all LIHEAP assistance available:

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

place posters/flyers in local and county social services agencies, offices of aging, social security offices, VA, etc.

publish articles in local newspapers or broadcast media announcements.

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

make mass mailing to past recipients of LIHEAP.

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

utilize early application period at the beginning of the program for the elderly and handicapped.

accept applications for energy crisis at sites that are geographically accessible to all households in the area to be served.

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

other (Please specify): See Attachment II

GRANTEE: New York State Dept. of Social Services

statutory  
references

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

(coordination) See Attachment I.

2605(b)(5) Describe how the grantee will assure that non-  
2605(c)(1)(B) categorically eligible households will not be treated differently than categorically eligible households when determining benefit amounts. This applies to all components unless specifically noted below.

(benefit levels)

See Attachments I and III.

GRANTEE: New York State Dept. of Social Services

statutory  
references

Heating Component

2605(b)(5)  
2605(c)(1)(B)  
(determination  
of benefits)

Please describe how the grantee will assure that the highest benefits go to households with the lowest incomes and the highest energy costs in relation to income, taking into account family size.

See Attachment I.

(benefit  
levels)

The grantee benefit amounts for heating are as follows:

\$ \_\_\_\_\_ minimum  
\$ \_\_\_\_\_ average  
\$ \_\_\_\_\_ maximum

See attached HEAP Payment Matrix (Attachment III)

The grantee provides in-kind (e.g., blankets, space heaters) and/or other forms of benefits as follows:

Not applicable.

GRANTEE: New York State Dept. of Social Services

statutory  
references

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

Cooling Component

Not Applicable.

GRANTEE: New York State Dept. of Social Services

statutory  
references

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

Crisis Component

(benefit  
determination)

Please describe how the grantee will assure that the highest benefits go to households with the lowest incomes and the highest energy costs in relation to income, taking into account family size.

See Attachment I and HEAP Payment Matrix (Attachment III).

(benefit  
levels)

The grantee's benefit amounts are as follows:

See attached HEAP Payment Matrix (Attachment III).

Heating

Cooling

\$ \_\_\_\_\_ minimum

\$ \_\_\_\_\_ minimum

\$ \_\_\_\_\_ average

\$ \_\_\_\_\_ average

\$ \_\_\_\_\_ maximum

\$ \_\_\_\_\_ maximum

The grantee provides in-kind (e.g. blankets, space heaters, fans) and/or other forms of benefits as follows:

Not Applicable.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(5) Weatherization Component

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

The State uses DOE guidelines in determining the benefit levels and types of weatherization activities.

2605(k)

(benefit \_\*\_ yes

levels &

weatherization \_\*\_ no

activities)

If no, describe the factors used to determine the benefit levels or priorities used by the State and the kinds of weatherization activities and other energy-related home repairs the State will provide to an eligible household. \*

2605(b)(6)

(agency  
designation)

Please describe how the grantee will assure special consideration is given to certain entities in designating local administering agencies. This applies to all components unless specifically noted below. (Grantee may attach pages that are applicable).

See Attachment I.

\*See page 11A and Attachment III, Weatherization activities.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(7) Will the grantee pay home energy suppliers directly?  
(Please describe for each component of the grantee's  
LIHEAP.)

(energy  
suppliers)  yes Both regular and crisis components.  
 no  
 other (specify)

2605(b)(7) If vendor payments are used, describe how the grantee  
(B) - (D) will assure that the 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 one party check payable to the energy vendor on behalf of the 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. In the event that an energy supplier refuses to sign a vendor agreement a local district may opt to issue a regular or crisis benefit in the form of a two party check payable to the eligible household and the energy vendor. Such a payment is not a direct payment to a home energy supplier and as such does not require a signed vendor agreement.

2605(b)(7)(A) If the grantee makes payments directly to home energy  
suppliers, how does the grantee notify the client of the  
amount of assistance paid? (Please describe for each  
component of LIHEAP.)

For both regular and crisis assistance benefits the applicant is provided a notice advising of their eligibility and the amount of assistance paid on their behalf.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(c)(1)(F)

Will the grantee make cash payments directly to eligible households for heating, crisis, and weatherization?

(Payment  
methods)

yes (in limited situations for heating and/or crisis payments)

no

If yes, under what circumstances are cash payments made?

Cash payments may be authorized if the eligible household does not pay directly for heat but is eligible for a regular benefit. Cash payments will also be provided to SSI recipients determined eligible for an automatic regular HEAP benefit.

Payment of cash (heating and crisis) may also be considered for an eligible household which cuts its own wood and where no wood vendors are available.

If the grantee generally does not make cash payments directly to the eligible households for the above components, specify any exceptions and the payment method below:

GRANTEE: New York State Dept. of Social Services

statutory  
references)

2605(b)(8)(A)

Please describe for each form of assistance how the grantee will assure access to the program for persons eligible on the basis of income.

(access to  
program,  
categorical/  
income  
eligibility)

See Attachment I.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(8)(B)

Describe how owners and renters are treated equitably under each of the State's LIHEAP components.

(owners  
and  
renters)

Heating: Renters paying a rental payment which includes heat receive a benefit which is 64% of the average of the natural gas and fuel oil benefit.

Crisis: Both renters and home owners may receive heat-related crisis assistance benefits which are not differentiated.

Cooling: Not Applicable.

Weatherization: Both home owners and renters are eligible to receive weatherization services.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(9) Please describe how the grantee will assure that limits on use of funds for planning and administering LIHEAP are not exceeded. (Description is optional. Grantee may attach pages that are applicable).

(administrative costs) See Attachment I.

2605(b)(10) Please describe for each form of assistance how the grantee will assure that necessary fiscal control and fund accounting procedures, including monitoring of program activities, are in place, (Grantee may attach pages that are applicable).

(program, fiscal monitoring, and audit) See Attachment I.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(12) Please describe how the grantee will assure opportunity for timely and meaningful public participation in the development of the plan. (Grantee may attach applicable pages.)

(public participation) See Attachment I.

2605(a)(2) The grantee held public hearings for the proposed use and distribution of LIHEAP funds on the following dates and locations:

(public hearings) See Attachment I.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(13) Please describe for each form of assistance how the grantee will assure an opportunity for a fair administrative hearing for individuals whose claims are denied or not acted upon in a timely manner. (Grantee may attach the pages that are applicable).

(fair hearings) See Attachment I.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(15)

For State Only (not applicable to Tribes): Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

(alternate  
outreach and  
intake)

Heating

Yes  
 No

If yes, describe alternate process for outreach and intake:

See Attachment I.

Date this process was/will be implemented on a statewide basis:

If the above date is on or after September 30, 1991, describe how preference in awarding grants or contracts for intake services was/will be provided to agencies that administer the low-income weatherization or energy crisis intervention programs:

See Attachment I.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(15)

For State Only (not applicable to Tribes): Does the State agency that administers the following LIHEAP component also administer the State's welfare program?

Cooling

Not Applicable.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(15)

For States Only (not applicable to Tribes): Does the State agency that administers the following LIHEAP component also administer the State's welfare program:

Crisis

Yes

No

If yes, describe alternate process for outreach and intake?

See Attachment I.

Date this process was/will be implemented on a statewide basis:

If the above date is on or after September 30, 1991, describe how preference in awarding grants or contracts for intake services was/will be provided to agencies that administer the low-income weatherization or energy crisis intervention programs:

See Attachment I.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(7)

2605(c)(1)(F)

What are the grantee's payment methods? (Specify for each program component.)

(Payment  
methods)

Heating: (If payment methods vary by fuel source, please describe.)

- vouchers/coupons
- two-party checks
- vendor payment
- check payable to the eligible household
- check payable to landlord
- other (specify)

2605(b)(7)

2605(c)(1)(F)

Cooling: Not Applicable.

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(b)(7)

2605(c)(1)(F)

Crisis: (If payment methods vary by fuel source, please describe.)

(Payment  
methods)

- vouchers/coupons
- two-party checks
- vendor payments
- checks payable to the eligible household
- check to landlord
- other (specify)

2605(b)(7)

2605(c)(1)(F)

Weatherization:

Describe the payment method(s) used for weatherization:

(Payment  
methods)

- DOE rules (DOS component)
- vouchers/coupons
- vendor agreements
- checks payable to the eligible household
- check to landlord
- other (specify)

GRANTEE: New York State Dept. of Social Services

statutory  
references

2605(c)(1)(F)

Under the grantee's plan, may a single eligible household receive: (Please check all that apply.)

(Maximum  
number of  
payments)

- one payment for the program year for heating and cooling
- a heating payment
- a cooling payment
- a heating crisis payment
- a cooling crisis payment
- a weatherization payment<sup>1</sup>
- other (specify below)

Crisis Benefits

See Attachment III pp. 3 - 4, Emergency Benefit

<sup>1</sup> under the guidelines indicated on page 17, Weatherization Component

GRANTEE: New York State Dept. of Social Services

statutory  
references

2607A Please describe leveraging activities planned for the fiscal year, how they are appropriated or mandated for distribution under this plan, and how they are coordinated with the grantee's program. (this entry is optional).

See Attachment IV

Section 2605(b)(4)

HEAP activities will be coordinated with other low-income programs administered by other state and local agencies. A HEAP Inter-Agency Task Force composed of the State Agencies (NYS Department of Social Services, Public Service Commission, NYS Office for the Aging, NYS Department of State, NYS Energy Office, NYS Division of Housing and Community Renewal, Governor's Office, NYS Division of the Budget, NYS Office of Advocate for the Disabled, the NYS Consumer Protection Board and NYS Department of Labor) provides a forum for developing the HEAP State Plan and coordinating energy related programs.

In addition, NYSDSS' HEAP Block Grant Advisory Council 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.

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

The HEAP payment matrix (Attachment III) varies regular benefits depending upon an eligible household's:

- o gross monthly income by family size,
- o heating fuel type, and
- o heating degree day region of residence.

Benefits will be based on a two tier income eligibility structure described in Attachment III which establishes a Tier I gross income maximum of 130% of the 1992 OMB poverty levels and a Tier II income maximum equal to the greater of 150% of the 1992 OMB poverty level or 60% of the NYS Median income. The percent of poverty parameters take into account both income and family size. For example, a six (6) person household with a gross monthly income of \$1,600 falls within the Tier I. However, a four (4) person household with a gross monthly income of \$1,600 falls within Tier II. If both of these households were located in heating region IV and used natural gas as their main heating fuel, the six (6) person household would receive a higher benefit than the four (4) person household would receive.

Four heating regions will be utilized. In general, households residing in a colder heating region (i.e., Region III) will receive a higher benefit than households residing in a warmer heating region (i.e., Region I). However, the regional cost for heating fuel/utility service is also a factor. Higher regional heating costs combined with colder regional temperature translate to higher regular benefits. In addition households paying directly for their heating costs will be provided higher benefits than those households which make undesignated energy payments in the form of rent.

As a result of the above payment matrix methodology, households with the lowest income and the highest energy costs in relation to income, taking into account family size, will receive the highest benefit.

Section 2605(b)(6) and 2605(b)(15)

As with other income-tested assistance programs administered by NYSDSS, 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 which provides for an alternative non-LDSS site(s) for a reasonable share of outreach and intake for both regular and emergency HEAP assistance. An 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 aging, and community action agencies. In local districts where such organizations do not administer these functions as of September 30, 1992, 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. NYSDSS will enter into an interagency agreement with the NYS Office for the Aging to provide outreach and certification for the elderly and disabled.

In regard to weatherization services NYSDSS will enter into an inter-agency agreement with the NYS Department of State (DOS). DOS will utilize their existing sub-grantee network of community action agencies and community based organizations to provide such services at the local level.

Section 2605(b)(8)(A)

Income-tested households at or below 110% of OMB guidelines will not be denied access to HEAP, including regular, emergency and weatherization services. (See Attachment III for maximum income guidelines.)

The HEAP payment matrix assures equitable treatment of both home owners and renters. Crisis assistance is available to both home owners and renters facing a heat-related emergency. Weatherization services are available to both home owners and renters.

Section 2605(b)(9)

NYSDSS will limit use of funds for planning and administering HEAP to no more than 10 percent of New York State's FFY 1993 allocation.

Section 2605(b)(10)

NYSDSS will utilize fiscal and fund accounting procedures similar to those utilized by NYSDSS and LDSS in the administration of other income-tested assistance programs.

The NYSDSS Welfare Management System (WMS) will be utilized to monitor application activity and benefits authorized. Since New York City does not utilize WMS for HEAP, New York City will provide manual reports of its activity.

NYSDSS staff will conduct monitoring reviews of each local certifying agency to assure proper implementation of HEAP policies and procedures. The NYS Department of State (DOS) staff are responsible for monitoring local weatherization subgrantees. On-site inspections will be conducted of completed work for at least 10% of the grants.

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

As required, New York State will prepare an audit of its HEAP expenditures.

Section 2605(b)(11)

New York State will permit and cooperate with Federal investigations undertaken in accordance with Section 2608.

Section 2605(b)(12)

To solicit public input in the development of the proposed 1992-93 State Plan, needs assessment hearings were conducted in New York City and Albany on May 27-28, 1992 respectively. In addition, written comments were solicited and received through 6/5/92. Public notice of needs assessment process was published in the New York State Register.

A public notice, advising of the availability of the proposed State Plan for public inspection and the public hearings, appeared in the newspapers on August 12, 1992. Two public hearings were held in New York City and Albany on August 25 and 27, 1992 respectively. Written comments were accepted through August 31, 1992.

The NYSDSS HEAP Block Grant Advisory Council and Inter-Agency Task Force have been consulted in the development of the HEAP State Plan. The HEAP State Plan was submitted to the New York State Legislature prior to the submission of the plan to the Secretary of the U.S. Department of Health and Human Services.

Section 2605(b)(13)

Individuals whose applications for HEAP benefits are denied or not acted upon with reasonable promptness are afforded an opportunity for a fair hearing conducted by NYSDSS. For the weatherization component, households have an opportunity for appeal before the NYS Department of State (DOS).

Section 2605(b)(14)

NYSDSS will cooperate with the Secretary in respect to data collection and reporting.

Section 2605(c)(1)(A)

The following criteria will be utilized to determine eligibility for HEAP benefits.

A) 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 make undesignated payments for energy in the form of rent and such individual or group of individuals occupy 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 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:

- o father, mother, son, daughter, brother, sister;
- o stepfather, stepmother, stepbrother, stepsister.

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.

B) Categorically Eligible Households

Households in which one or more individuals are in receipt of ADC, Home Relief or SSI (categorized as Code A "living alone") or Food Stamps shall be categorically eligible.

Such households with the following living arrangements will not be eligible:

- o tenants of government-subsidized housing unless such household directly pays an energy supplier for heating.
- o individual(s) paying room only or room and board and not residing in a commercial enterprise.
- o individual(s) temporarily housed in a hotel/motel.
- o residents of congregate care facilities, including Title XIX facilities, dormitories, and unlicensed congregate care facilities.
- o persons living temporarily in cars, vans, or recreational vehicles.

- o Individuals who live on military bases in government-provided housing with no utility or heating bills in their names.
- o Individuals who have no responsibility for any heating costs and do not make undesignated payments for heat in the form of rent.
- o Individuals who are migrant or seasonal farm workers provided room and board with no heating expenses.
- o 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.

C) Income Tested Households

For income tested households, the maximum income eligibility limit will be set at the greater of 150% of the 1992 OMB poverty level or 60% of the NYS median income by household size.

See Attachment III, page 2.

Such households with the following living arrangements will not be eligible:

- o tenants of government-subsidized housing unless such household directly pays an energy supplier for heating.
- o individual(s) paying room only or room and board and not residing in a commercial enterprise.
- o individual(s) temporarily housed in a hotel/motel.
- o residents of congregate care facilities, including Title XIX facilities, dormitories, and unlicensed congregate care facilities..
- o persons living temporarily in cars, vans, or recreational vehicles.
- o Individuals who live on military bases in government-provided housing with no utility or heating bills in their names.
- o Individuals who have no responsibility for any heating costs and do not make undesignated payments for heat in the form of rent.
- o Individuals who are migrant or seasonal farm workers provided room and board with no heating expenses.
- o 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 of Article 6 of the Social Services Law.

D) Emergency Benefits

The emergency benefits 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, essential applicant owned heating equipment repairs, temporary emergency shelter/relocation needs, propane installations/re-connections and supply shortages.

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

- o meet HEAP eligibility criteria (NOTE: Households which consist of at least one PA recipient, Code A SSI recipient, and/or active food stamp recipient are considered categorically income eligible.)

AND

- o be currently without heating fuel or have a heating fuel supply that will last less than 7 calendar days.

OR

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

OR

- o have essential heating equipment that is inoperable or unsafe and is in need of repair.

OR

- o be in an emergency home heating situation which 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

- o 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, has been previously exhausted, or is insufficient to ameliorate the household's emergency.

All emergency applications 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 members available. A signed, dated note from the applicant authorizing the representative to apply on their 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 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.

Essential heating equipment repair is limited to applicant-owned heating equipment.

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.

To maximize HEAP accessibility, target benefits to the lowest income households and limit administrative costs the following outreach and certification components will be utilized.

A) Public Assistance Automatic Benefits

Public Assistance (PA) automatic benefits will be provided based upon the PA case status and HEAP eligibility criteria at the time of the PA automatic benefit mass authorization. Such automatic payments will be made by LDSS.

B) Supplemental Security Income (SSI) Automatic Benefit

The October 1992 Social Security Administration State Data Exchange (SDX) listing of SSI Code A "living alone" recipients will be utilized to provide automatic benefits to these individuals.

NYSDDS will be responsible for providing automatic benefits to non-New York City Code A SSI recipients. A computer match will be made of the Final 1991-92 SSI automatic payment recipients and the October 1992 SDX. All eligible SSI households whose residence addresses have not changed will be issued an appropriate automatic benefit based on their county of residence, heating situation and the 1992-93 payment matrix.

All other SSI Code A households on the October 1992 SDX will be sent a questionnaire to determine their eligibility for a HEAP automatic benefit.

The New York City Human Resources Administration will be responsible for providing automatic benefits to those eligible New York City Code A SSI utilizing a computer cross-match against New York City subsidized housing files to screen out ineligible SSI recipients. Such households will receive the "Heat Included in Rent" benefit and may apply for a supplemental benefit if they pay for heat directly.

C) Mail-In Applications for Elderly and Disabled

Mail-in certification will be permitted for regular HEAP benefits for heads of households age 60 or over, categorically eligible Code A SSI recipients and heads-of-households in receipt of or 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 Households

During the 1992-93 Home Energy Assistance Program (HEAP), the first stage of what will ultimately lead to an automated Food Stamp (FS) payment process (outside NYC) which parallels the current public assistance automated HEAP mass authorization System, will be implemented. The first step will eliminate the traditional Food Stamp (FS) mail-in application process for non-public assistance (NPA) FS households. A list will now be generated for each local district which contains the information necessary to authorize a HEAP payment line on the household's Food Stamp case.

The New York City (NYC) Human Resources Administration will be responsible for providing automatic benefits to those eligible NYC food stamp households utilizing a computer cross-match against NYC subsidized housing files to screen out ineligible food stamp recipients. Eligible households which do not pay directly for their heating costs will receive the "Heat Included in Rent" benefit. Food stamp households which are responsible for payment of their heating costs will be sent a mail-in application to be completed and returned for processing.

E) Mail-In Applications for Non-elderly, Non-Categorical Households

Mail-in access will be permitted for all non-elderly (under age 60), non-categorical households which received a 1991-92 HEAP benefit. Mailing labels will be produced by NYSDSS which will enable local districts (outside NYC) to send a mail-in application to all 1991-92 Tier I households at the last known address. The NYC Community Development Agency (CDA) will implement the non-elderly mail-in application process in NYC. As in all other mail-in components, local certifiers will resolve all discrepancies from prior years and verify all essential new household information which could affect current eligibility.