



Office of Temporary  
and Disability Assistance

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# Home Energy Assistance Program Manual

Employment and Income Support Programs

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## Chapter 1 – HEAP Overview

### A. Federal Low Income Home Energy Assistance Program

1. Low Income Home Energy Assistance Program (LIHEAP) is a block grant program. It is designed to assist low income households, particularly those with the lowest income who pay a high proportion of household income for home energy in meeting their immediate energy needs. The block grant is administered by the U.S. Department of Health and Human Services (HHS), Office of Community Services (OCS) within the Administration for Children and Families (ACF). LIHEAP was designed to provide help to low income households targeting the elderly, disabled and households with young children, as insufficient heating and cooling can cause health and safety issues for these populations.
2. The New York State (NYS) Office of Temporary and Disability Assistance (OTDA) applies for, and receives, LIHEAP funding. The NYS Home Energy Assistance Program (HEAP) State Plan may be found on OTDA's website at [www.otda.ny.gov/programs/heap/stateplan.asp](http://www.otda.ny.gov/programs/heap/stateplan.asp).

### B. New York State Administration of LIHEAP

1. In NYS the federal LIHEAP program is known as the Home Energy Assistance Program (HEAP). NYS HEAP is comprised of the following four components
  - a. Regular Component – Regular component benefits are designed to decrease a household's energy cost. Regular component benefits are structured to ensure that the highest benefits are authorized on behalf of those households with the highest energy costs. This benefit structure takes into account income, energy burden and family size. Regular component benefits are available to households paying separately for heat and to households who make undesignated payments for heat in the form of rent.
    - (1) The Regular component also includes a Heating Equipment Clean and Tune benefit, which provides assistance to eligible households to have their primary heating equipment cleaned and tuned.
  - b. Emergency Component – Emergency component benefits are designed to meet a household's immediate energy needs. The Emergency component has been designed to resolve energy crisis situations including weather-related supply shortage emergencies and other household energy emergencies.
    - (1) A HEAP eligible household is considered to be in a life-threatening emergency when the household is without heat. A household without heat has no heating fuel or utility service has been disconnected. Any HEAP eligible household's life-threatening emergency must be resolved within 18 hours from the time the household applies for an Emergency benefit.
    - (2) A HEAP eligible household is considered to be in a crisis emergency when the loss of heat is imminent. A household with imminent loss of heat has less than one-quarter ( $\frac{1}{4}$ ) tank of oil, kerosene or propane, less than a ten day supply of other deliverable fuels, or utility service is scheduled for termination. Any HEAP eligible household's crisis emergency must be resolved within 48 hours from the time the household applies for an Emergency benefit.
  - c. Cooling Assistance Component – Cooling component benefits provide cooling assistance services to HEAP eligible households that include an individual with a documented medical condition that is exacerbated by extreme heat.
  - d. Heating Equipment Repair and Replacement Component (HERR) – HERR component benefits are available to assist homeowners in repairing or replacing primary heating equipment when the equipment is inoperable or unsafe and is in need of repair/replacement.

- (1) Under limited circumstances and with medical documentation, HERR benefits may be available to replace heating systems that are detrimental to a household member's health.
  - Documentation must be in writing from a physician, physician's assistant, or nurse practitioner and must specify the reason why the current heating system is detrimental to the household member's health.
2. Program dates for each HEAP component are based on funding availability and can be found at [www.otda.ny.gov](http://www.otda.ny.gov)
3. OTDA administers HEAP through the social services districts (districts) found in each county of the State. Each district conducts eligibility determinations for HEAP applications in accordance with federal laws, NYS regulations and policy documents.
4. For more information about HEAP and where to apply in NYS visit <http://www.otda.ny.gov/programs/heap>.

### C. Social Services District Responsibilities

1. The district is the lead administrative agency in each county. The district is responsible for the following:
  - a. Making the final eligibility determination
  - b. Completing the supervisory review
    - (1) Districts with an approved HEAP specific Case Supervisory Review (CSR) plan on file with OTDA may review a targeted sample of HEAP applications, consistent with the district's approved HEAP specific CSR plan.

Note: All applications for HERR benefits require two levels of review. Therefore, a CSR process cannot be used for this component.
  - (2) Additional information regarding CSR plans can be found in [12-LCM-12](#) and [99-ADM-04](#).
  - c. Signing the Non-Services Authorization Document (LDSS-3209) or alternate document/method approved by OTDA
  - d. Completing and submitting any information requests from OTDA
  - e. Developing, coordinating, and implementing the HEAP Outreach Plan
  - f. Acting as the sole certifier for HERR benefit applications
  - g. Acting as the sole certifier for Temporary Assistance (TA) and Supplemental Nutrition Assistance Program (SNAP) households
  - h. Adhering to all federal, state, and local HEAP policies and procedures
  - i. Accepting applications
  - j. Completing eligibility interviews when required
  - k. Authorizing benefits for HEAP eligible households
  - l. Providing notice of eligibility determination within 30 business days from the application date
    - (1) For HERR, Cooling, and Clean and Tune benefits, the 30 business day processing time begins when the district receives the final vendor invoice for payment.
  - m. Maintaining an application log
    - (1) A manual log is required unless the district registers all HEAP applications in myWorkspace.
      - The log must contain at least the name of the applicant and the application date.



- n. Completing and submitting all required reports to OTDA on a timely basis, including, but not limited to HEAP Pending Reports
  - o. Retaining all original applications, documentation, notices, and forms
    - (1) The Agreement between the district and the Alternate Certifier may allow the Alternate Certifier to retain the original case records, once imaged to the district's electronic record retention system.
    - (2) The files maintained by the Alternate Certifier must be secure and accessible to NYS OTDA staff, auditors and their designees, and district staff upon request.
    - (3) The file retention requirements for Alternate Certifiers are the same as those required for the district.
    - (4) Documentation contained within the Imaging Enterprise Document Repository (I/EDR) or an approved on-base electronic storage database is considered to be on file.
  - p. Date stamping all documents and correspondence, including any information supplied to the agency whether received by mail, fax, in person, or electronically
    - (1) Date Stamping all applications received from other certifiers upon receipt.
    - (2) The date stamp is placed in the "Agency Use Only" section on page 1 of the HEAP Application (LDSS-3421).
  - q. Conducting outreach activities to all population groups and local certifiers. These activities include, but are not limited to:
    - (1) Providing intake services through home visits or by telephone for the physically and mentally infirmed (i.e. elderly or disabled).
    - (2) Placing posters/flyers in district offices, local Offices for the Aging (OFA), Social Security Offices, Veterans Affairs (VA), etc.
    - (3) Publishing announcements in news media.
    - (4) Informing low-income applicants of the availability of all types of HEAP assistance.
  - r. Executing interagency agreements with other low-income program offices to perform outreach to target groups
  - s. Participating in the Early Outreach process
  - t. Requesting any waivers from OTDA prior to program start-up
- 2. Tracking erroneous payments and submitting the annual Erroneous Payment Report
  - 3. Tracking all manual denials, and submitting the annual Denied Applicant Report
  - 4. Establishing a 24-hour emergency number and procedures
    - a. Establish network of local government agencies, organizations, and vendors to provide services for the HEAP certification process
      - (1) Districts that do not have an Alternate Certifier must advertise and provide proof of the advertisement to OTDA.
      - (2) Districts may enter into an Agreement with local OFA and/or other community based organizations for outreach and intake of applications. These third-party entities are called Alternate Certifiers. Alternate Certifiers have an important role in providing increased access to HEAP, including assisting applicants in applying for the program and collecting the necessary documentation. Alternate Certifier responsibilities are found in section D. 1.

- (3) Districts must ensure that Alternate Certifiers do not subcontract any HEAP activities.
- (4) Districts must determine each certifier's role and responsibilities within the local network.
- (5) Districts are required to negotiate and sign a written agreement with all Alternate Certifiers for HEAP, including the OFA. All agreements must include:
  - Information on fees;
  - Hours of operation;
  - File accessibility; and
  - Responsibilities
- (6) All Agreements between districts and Alternate Certifiers must be approved by OTDA unless the model agreement language produced by OTDA is used. Please refer to [02-LCM-11](#) for further information on Agreement requirements.
- (7) Districts must ensure that Alternate Certifiers understand their roles and all terms outlined in the Agreement.
- (8) The district has a critical role in managing and supporting Alternate Certifiers. In addition to preparing and reviewing information in the Agreement and contractor proposal for the current program year, the district is responsible for:
  - Ordering and providing all current forms and notices to local certifiers.
  - Providing Alternate Certifiers with HEAP training, policy, and procedures and any other information and materials.
  - Retaining all original applications, documentation, notices, and forms. The district may permit the Alternate Certifier to secure and retain the original files only if specified in the Agreement.
  - Communicating the Alternate Certifier's limitations to accept or determine eligibility for applications for HERR benefits.

## **D. Alternate Certifier Responsibilities**

1. Alternate Certifiers are responsible for the following:
  - a. Providing outreach and intake sites for Regular and/or Emergency benefits
  - b. Providing certification services; such as conducting eligibility interviews, obtaining documentation, and assisting in processing applications
  - c. Maintaining an application log
    - (1) The log must contain at least the name of the applicant and the application date.
  - d. Completing the "Agency Use Only" sections of the HEAP Application (LDSS-3421)
  - e. Date stamping all applications received
  - f. Routing all signed and completed HEAP applications to the district within district specified time frames
  - g. Routing all original applications, documentation, and all other materials to the district for retention, unless otherwise noted in the Agreement
  - h. Maintaining all case records in accordance with the HEAP file retention policies

- (1) If the district would like the Alternate Certifier to retain the original files, then the Agreement must clearly outline the Alternate Certifier responsibilities related to HEAP files and documentation and include the following:
  - Storage location;
  - Security measures to safeguard Personally Identifiable Information (PII);
  - Organization requirements;
  - Time period for maintaining files
  - Assurance that files are accessible to OTDA staff, state auditors, or their designee, and the district staff upon request; and
  - Statement that files remain the property of the district and must be turned over upon request.
- i. Operating sites during alternate business hours, including evenings and weekends.
- j. Adhering to guidelines established by NYS OTDA and the district as outlined in the Alternate Certifier's Agreement with the district, and in accordance with all federal, state, and local HEAP policies and procedures.
2. Alternate Certifiers must not perform any of the following functions:
  - a. Completing any section of the HEAP Application (LDSS-3421) on behalf of an applicant unless designated as an authorized representative or power of attorney
    - (1) Alternate Certifiers who assist applicants complete the HEAP Application must be listed on page 5 of the HEAP Application (LDSS-3421).
  - b. Making final eligibility decisions for any HEAP component
  - c. Resolving energy emergencies by guaranteeing payments to an energy vendor
  - d. Guaranteeing any HEAP benefits
  - e. Completing final HEAP authorizations in WMS/myWorkspace
  - f. Issuing any HEAP component eligibility notices
  - g. Subcontracting or assigning any HEAP activities to a different entity
  - h. Processing applications for HERR benefits
  - i. Making any certification decisions for TA and/or SNAP

## Chapter 2 – Application

### A. Definitions

1. Applicant – The applicant is defined as the individual whose signature is on the application.

### B. Application Process

1. Regular application requirements
  - a. All certifiers must provide applicants:
    - (1) The opportunity to apply;
    - (2) Information on eligibility requirements and fair hearing rights; and
    - (3) Assistance completing the application when necessary.
  - b. Every Regular HEAP application packet must contain:
    - (1) The current version of the HEAP Application (LDSS-3421);
    - (2) Application instructions; and
    - (3) A voter registration form.
    - (4) Qualified Alien Information is not provided with the HEAP application packet, but is available online at <http://otda.ny.gov/programs/applications/4998.pdf> and must be made available upon an applicant's request.
  - c. Alternate Certifiers may provide applications (and other required information) to applicants.
  - d. A HEAP application is considered submitted only when it has been received by a district or an Alternate Certifier.
  - e. A district must accept and process a HEAP application submitted regardless of the method of submission, either paper or online.
  - f. All submitted paper applications must be date stamped on page 1 of the HEAP Application (LDSS-3421) upon receipt by the district or Alternate Certifier.
    - In addition, the district must date stamp all applications received from Alternate Certifiers. This date stamp is placed in the "Agency Use Only" section near the top of page 1 of the application.
  - g. All applications submitted online via myBenefits are electronically date stamped. Therefore, there is no need to date stamp applications submitted through myBenefits.
  - h. The certifier must log all applications received. The log must contain at least the name of the applicant and the application date.
    - (1) Districts that register all HEAP applications in myWorkspace do not need to manually log applications received.
2. Application date requirement for Regular benefit
  - a. The application date is the date the signed and dated HEAP Application (LDSS-3421) or online application is submitted to the certifying agency.
    - (1) If a district receives an unsigned application, a copy of the signature page must be sent to the applicant with a Documentation Requirements (LDSS-2642) form requiring the signature be provided and returned to the certifier.
    - (2) If the applicant fails to return the signature page to the certifier, the application must be denied for failure to provide requested documentation.
  - b. The date stamp serves as proof of the application date.

3. Application date for Emergency benefits:
  - a. For applicants who are eligible for income deeming (see Chapter 3), the application date is the date the Emergency Benefit Budget Worksheet (LDSS-3594B) was completed by the certifier, with assistance from the applicant either over the telephone or in person.
    - (1) Enter the application date in the box marked “Emergency Application Filing Date” on the Emergency Benefit Budget Worksheet (LDSS-3594B).
  - b. For applicants who are ineligible for income deeming, or who have not received a Regular benefit in the current program year, the application date is the date the signed and dated HEAP Application (LDSS-3421) is submitted to the certifying agency. This must accompany a completed Emergency Benefit Budget Worksheet (LDSS-3594B).
    - (1) The date stamp serves as proof of the application date.
4. Application date for the Cooling Assistance Component:
  - a. For applicants who received a Regular benefit of more than \$21 in the current program year, received a benefit equal to \$21 during the current program year and reside in government subsidized housing with heat included in their shelter costs, or are currently in receipt of ongoing TA or SNAP, the application date is the date the signed and dated Cooling Assistance Component Request for Benefit (LDSS-4992) is submitted to the certifying agency.
  - b. For applicants for which the preceding does not apply, the application date is the date that both a signed and dated Cooling Assistance Component Request for Benefit (LDSS-4992) and HEAP Application (LDSS-3421) are submitted to the certifying agency.
5. Application date for the HERR component:
  - a. The application date for HERR Component is the date the signed and dated HEAP Application (LDSS-3421) is submitted to the district.
  - b. The date stamp serves as proof of the application date.
6. Application date for the Clean and Tune benefit:
  - a. For applicants who received a Regular benefit of more than \$45 in the current program year, the application date is the date the signed and dated Clean and Tune Request for Benefit (LDSS-5081) is submitted to the certifying agency.
  - b. For applicants who did not receive a Regular benefit, or received a \$21, \$40, or \$45 benefit in the current program year, the application date is the date that both a signed and dated Clean and Tune Request for Benefit (LDSS-5081) and HEAP Application (LDSS-3421) are submitted to the certifying agency.

## **C. District Responsibilities for Processing Paper Applications**

1. Applications for all HEAP components must be date stamped upon receipt.
2. An application log including the date and applicant’s name must be kept for all HEAP components.
3. Applications for all HEAP components must be registered in WMS or myWorkspace.
4. The district must perform WMS inquiry on all adult household members to identify and prevent duplicate payments.
  - a. The HEAP Inquiry Screen and BICS may be used for this purpose.
    - (1) Inquiry should be noted by the worker in the appropriate check box in the Agency Use Only section of the HEAP Application.

## D. District Responsibilities for Processing Online Applications

1. Applications submitted online through myBenefits are automatically registered in WMS and transmitted to the myWorkspace inbox.
2. Online applications do not have to be printed. They exist in myWorkspace for the worker to perform eligibility determinations.
3. When the certifier (district or Alternate Certifier) receives the application, it is electronically date stamped.
4. Districts that register all of their applications in myWorkspace are not required to maintain an application log because the computer application has functionality to support a log.
  - a. A manual application log is required to be kept if a district registers some applications in myWorkspace and some in WMS.

## E. Application Forms

1. All HEAP components require an applicant to complete, sign and submit an application(s) for assistance on a State prescribed form as follows:
  - a. Application form for the Regular benefit component
    - (1) An individual must submit a signed HEAP Application (LDSS-3421) for Regular benefits to the district or an Alternate Certifier in the applicant's county of residence or submit an application online through myBenefits.
      - Once the applicant completes a HEAP Application on myBenefits, they must electronically sign and transmit the application. The computer application will automatically transmit the completed application to the appropriate district based on identifying information provided by the applicant.
    - (2) Applications may be transmitted to the district or Alternate Certifier by online submission via myBenefits, mail, fax (when available) or in person.
    - (3) The application can be obtained in person from the district or Alternate Certifier, by calling the district or Alternate Certifier and requesting an application to be mailed to the household, or downloading and printing an application from <http://otda.ny.gov/program/heap/apply> when the program is open.
    - (4) The HEAP Application (LDSS-3421) is mailed to households who meet the Early Outreach criteria. These applications are mailed out prior to program opening. In order to meet the criteria, the household must:
      - Contain a vulnerable household member (age 60 or older, under the age of 6, disabled); and
      - Received a Regular benefit in the previous program year on a Case Type 60 (HEAP only).
    - (5) The applicant may file their Early Outreach application by completing an online application through myBenefits at [www.myBenefits.ny.gov](http://www.myBenefits.ny.gov) or by completing a paper Early Outreach HEAP Application (LDSS-3421) and mailing or faxing the paper form back to the district or Alternate Certifier in the applicant's county of residence.
    - (6) The HEAP Mass Authorization process (Autopay) for TA and SNAP recipients is a tool to limit administrative costs while maximizing HEAP accessibility and targeting benefits to the lowest income households.
      - TA and SNAP recipients in receipt of ongoing benefits consent to have their eligibility determined for a Regular benefit via the Autopay when they complete and submit NYS

Statewide Common Application (LDSS-2921), Recertification Application for TA or SNAP (LDSS-3174), or Supplemental Nutrition Assistance Program (SNAP) Application/Recertification (LDSS-4826).

- No additional HEAP Application (LDSS-3421) is required.
- For TA and SNAP recipients, the household's income eligibility is determined by information found in WMS at the time of the Autopay pull-down.
- Although TA and SNAP households participating in the Autopay are categorically income eligible for HEAP, all other required HEAP eligibility factors must be documented before a benefit is issued. Additional HEAP eligibility factors, such as living arrangements and vendor relationship that can be retrieved from WMS are collected and used to electronically determine eligibility for a Regular benefit.
- If all HEAP eligibility factors can be collected from WMS, a Regular eligibility determination is made and a benefit is electronically issued, as appropriate, to either the vendor or household.
- If the required HEAP eligibility factors beyond income eligibility cannot be retrieved from WMS, the case will appear on an exception report for required district review and eligibility determination.
- Any individual who became a recipient of ongoing TA or SNAP after the Autopay pull-down date must apply for HEAP by submitting a HEAP Application (LDSS-3421) or online through myBenefits after program opening.

b. Application form for the Emergency benefit component

- (1) The HEAP Application (LDSS-3421) and/or the Emergency Benefit Budget Worksheet (LDSS-3594B) are used to apply for Emergency benefits.
- (2) If the customer of record is not available, applicants for Emergency benefits who are not the customer of record may still apply as long as the applicant was part of the household for the Regular benefit and remains part of the household. The customer of record must also remain part of the household.
- (3) Applicants who received a Regular benefit during the current program year and meet income deeming requirements may apply for an Emergency benefit using the Emergency Benefit Budget Worksheet (LDSS-3594B).
  - This form is to be completed by the eligibility examiner with the applicant, either over the phone or in person if the applicant is at the certifying agency.
  - No additional application is needed.
- (4) Applicants who received a Regular benefit during the current program year and DO NOT meet income deeming requirements must apply for an Emergency benefit using both the HEAP Application (LDSS-3421) and the Emergency Benefit Budget Worksheet (LDSS-3594B).
  - The Emergency Benefit Budget Worksheet (LDSS-3594B) is to be completed by the eligibility examiner with the applicant, either over the phone or in person if the applicant is at the certifying agency.
  - The applicant must sign and complete the HEAP Application (LDSS-3421) before the certifying agency can determine eligibility.

- (5) Applicants who did not receive a Regular benefit for the current program year must apply for an Emergency benefit using both the HEAP Application (LDSS-3421) and the Emergency Benefit Budget Worksheet (LDSS-3594B).
    - The Emergency Benefit Budget Worksheet (LDSS-3594B) is to be completed by the eligibility examiner with the applicant, either over the phone or in person if the applicant is at the certifying agency.
    - The applicant must sign and complete the HEAP Application (LDSS-3421) before the certifying agency can determine eligibility.
  - (6) The Emergency Benefit Budget Worksheet (LDSS-3594B) must not be used for households who received a Regular benefit through the Autopay, and whose TA or SNAP case is now closed.
  - (7) Applicants requesting an Emergency benefit cannot apply online through myBenefits. They must be directed to apply at the district.
- c. Application for Cooling Assistance component
- (1) The HEAP Application (LDSS-3421) and/or the Cooling Assistance Request for Benefit (LDSS-4992) are used to apply for the Cooling Assistance Component.
  - (2) If the applicant household received a Regular benefit greater than \$21 in the current program year, received a benefit equal to \$21 during the current program year and resides in government subsidized housing with heat included in their shelter costs, or are currently in receipt of ongoing TA or SNAP, the household may complete the HEAP Cooling Assistance Request for Benefit (LDSS-4992).
  - (3) Applicant households for which the preceding does not apply must sign, complete, and submit a HEAP Application (LDSS-3421) and a HEAP Cooling Assistance Request for Benefit (LDSS-4992).
  - (4) Applicants requesting assistance through the Cooling Assistance Component cannot apply online through myBenefits. They must be directed to apply at the district or Alternate Certifier office.
- d. Application for the HERR component
- (1) The HEAP Application (LDSS-3421) and the Heating Equipment Repair Replacement Worksheet (LDSS-4867) are used to apply for HERR benefits.
  - (2) The applicant must submit the application in person to the district.
  - (3) The applicant for the HERR component must be the homeowner.
  - (4) If the applicant has not yet applied for the Regular benefit, and that component is open at the time of HERR application, determine eligibility for the Regular benefit.
- e. Application for the Clean and Tune benefit
- (1) The HEAP Application (LDSS-3421) and/or the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) are used to apply for the Clean and Tune benefit.
  - (2) If the applicant household received a Regular benefit of more than \$45 in the current program year, the household may complete the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081).
  - (3) If the applicant household did not receive a Regular benefit greater than \$45 in the current program year, they must sign, complete, and submit a HEAP Application (LDSS-3421) and a Heating Equipment Clean and Tune Request for Benefit (LDSS-5081). Applicants requesting



assistance through a Clean and Tune benefit cannot apply online through myBenefits. They must be directed to apply at the district or alternate certifier office.

## **F. A New HEAP Application is Not Required When**

1. The applicant was denied and re-applies during the same calendar month.

## **G. Required Signatures on Application Forms**

1. Regular benefit
  - a. The HEAP Application (LDSS-3421) for a Regular benefit must be signed, either manually or electronically depending on the method the application was submitted.
  - b. The application for a Regular benefit must be signed by a member of the household who meets one of the following:
    - (1) An applicant who has the heating bill in their name;
    - (2) An applicant who has primary responsibility to the vendor to pay the bill; or
    - (3) An applicant who is the tenant of a dwelling where heat is included in the rent.
  - c. A designated authorized representative may sign the HEAP Application (LDSS-3421) for any applicant. Notations regarding the circumstances must be retained in the case record.
  - d. Power of attorney may sign the HEAP Application (LDSS-3421) on behalf of an applicant – this includes applications for HERR benefits. The power of attorney designation must be documented in the case record.
2. Emergency benefit
  - a. The HEAP Application (LDSS-3421) for an Emergency benefit must be signed in accordance with 1b above, unless the household received a Regular benefit and met income deeming criteria during the current season.
  - b. No applicant signature is required when the household received a Regular benefit during the current program year and meets income deeming criteria.
3. Heating Equipment Repair/Replacement
  - a. The homeowner, designated authorized representative, or an individual with Power of Attorney must sign the HEAP Application (LDSS-3421) for all HERR benefits.
  - b. If a HEAP Application (LDSS-3421) for HERR benefits is signed by an individual other than the required applicant, the following actions must be taken:
    - (1) The application is pended.
    - (2) The Documentation Requirements (LDSS-2642) form must be sent to the applicant along with a copy of the submitted HEAP Application (LDSS-3421) and a blank copy of the signature page.
    - (3) If the signed application page is not returned by the due date, the application must be denied.
4. Clean and Tune
  - a. The HEAP Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) must be signed by the applicant, designated authorized representative, or an individual with Power of Attorney. Applicants who do not have an open and active TA/SNAP case must also complete and sign the HEAP Application (LDSS-3421).
5. Cooling Assistance Component

- a. The Cooling Assistance Component Request for Benefit (LDSS-4992) must be signed by the applicant, designated authorized representative, or an individual with Power of Attorney. Applicants who do not have an open and active TA/SNAP case must also complete and sign the HEAP Application (LDSS-3421).

## **H. Pre-Screening of Applications**

1. Districts and Alternate Certifiers must screen all applications for all components for completeness.
2. The applicant is responsible for completion of all non-shaded areas of the HEAP Application (LDSS-3421). The district or Alternate Certifier cannot alter information provided on the application, make erasures, or use correction fluid/tape.
3. HEAP applications must be compared against the previous year's application and information to identify any changes in eligibility criteria.

## **I. Necessary Action Required for Unsigned/Obsolete Applications Submitted**

1. In those instances where the HEAP Application (LDSS-3421) submitted has not been signed, or the version of the application sent in is not current, one of the following actions is taken:
  - a. In instances of unsigned applications, the original application must be copied and a copy of the signature page must be sent to the applicant with a Documentation Requirements (LDSS-2642) form requiring the signature be provided and returned to the certifier.
  - b. In instances of obsolete applications, the original application must be retained and a current version sent to the applicant for completion with a Documentation Requirements (LDSS-2642) form.
  - c. The applicant may complete a current version or sign the application in person at the certifying agency.
  - d. The applicant may return required information by mail, fax, in person at the certifying agency, or electronically.
  - e. If required, the district may make a home visit to obtain the applicant's signature or to obtain a completed current version of the application.

## **J. Necessary Action Required for Incomplete Applications Submitted**

1. If a district or Alternate Certifier receives an incomplete application they should contact the applicant, or other appropriate sources of information, to obtain missing information or to clarify information. This may include requesting verification and/or documentation.
2. The certifier may not complete any section of the HEAP Application (LDSS-3421) on behalf of the applicant.
3. The certifier must make any notations regarding any information collected or amended in the "Agency Use Only" section of the HEAP Application (LDSS-3421). This information should include the information obtained and the source of the information.
4. Certifiers should obtain information directly from the applicant whenever possible. If information is obtained from another source, such as a collateral resource, the source of the information and the reason for using the alternate source must be noted in the case record.
5. If the applicant cannot be reached, they must be sent a copy of the Documentation Requirements (LDSS-2642) form requesting the missing information, and the application is pending for ten business days.

## **K. Necessary Action Required When HEAP Application Contains Discrepancies**

1. Districts and Alternate Certifiers must compare the current application to previous applications to identify any discrepancies. The HEAP Application (LDSS-3421) contains discrepancies when compared to the prior year if there is:
  - a. Unexplained reduction in Social Security, pension, or interest/dividend income;
  - b. Change in heating situation but not residence address;
  - c. Change from homeowner to renter;
  - d. Change in household composition; or
  - e. Any other change in basic eligibility criteria.

## **L. Circumstances That May Require Further Action**

1. The household claims to have zero income, or the rent/mortgage amount listed on the application exceeds income.
2. Custody and support of minor children must be explored when the household contains minor children (under age 21) and no one in the household has legal responsibility.
3. The household was recently denied due to excess income and the income on the current application is within income guidelines.
4. The household resides in subsidized housing and it is not clear that the household pays separately for heat.
5. The household's heating vendor is not a participating vendor.

## **M. Authorized Representatives**

1. An authorized representative may apply on behalf of the applicant for all benefits including HERR benefits.
2. The authorized representative section of the HEAP Application (LDSS-3421) can be used to assign an authorized representative.
3. A dated and signed note from the applicant authorizing the individual to apply on their behalf is required if the authorized representative section of the HEAP Application (LDSS-3421) is not completed.

## **N. Duplicate Applications**

1. When an applicant has already applied for a benefit and submits a subsequent application for the same benefit in the current program year, this second application is considered a duplicate application. Duplicate applications can be both paper and online and must be denied. However, applications may not be denied prior to program opening in WMS or myWorkspace.
2. If an applicant submits multiple applications for a Regular or Emergency benefit, the application submitted to the district first, regardless of method (online or paper), takes precedence.
3. If an applicant submits a paper or online application for a Regular benefit, the application must be denied if the Regular HEAP benefit will be issued on an existing TA or SNAP case.

## **O. Residency**

1. All applicants must apply in their county of residence.
2. If an applicant applies in a county that is not their county of residence, then the applicant must be denied as not a resident of the district. The district must refer the applicant to their county of residence.

## **P. Application Processing Time Frames**

1. Application processing time frames for Regular benefits

- a. Applicants must be appropriately notified of the eligibility decision, either approval or denial, within 30 business days from the application date. State and locally recognized holidays and weekends will not be counted as a business day.

2. Application processing time frames for Emergency benefits

- a. In accordance with § 2604(c) of the LIHEAP statute, if the application involves a household in an energy related life-threatening or crisis situation, the agency will:
  - (1) No later than 18 hours after a household applies for Emergency benefits, provide some form of assistance that will resolve the life-threatening energy emergency if such household is eligible to receive such benefits.
    - Eligible households in a life-threatening situation must be provided appropriate assistance immediately.
  - (2) No later than 48 hours after a household applies for Emergency benefits, provide some form of assistance that will resolve the energy crisis situation if such household is eligible to receive such benefits.
- b. Applicants must be appropriately notified of the eligibility decision, either approval or denial, within 30 business days from the application date. State and locally recognized holidays and weekends will not be counted as a business day.
- c. If the household is HEAP eligible, the district must take at least one of the following actions:
  - (1) Obtain an extension of service from the utility company
  - (2) Restore utility service
  - (3) Arrange a fuel delivery
  - (4) Verify access to or availability of safe supplemental heat
  - (5) Verify temporary relocation has been offered or provided, or the applicant has access to temporary alternate housing
- d. If HEAP eligibility cannot be determined within the required time frame of 18 or 48 hours, the district must take at least one of the following actions:
  - (1) Referral to TA
  - (2) Referral to community resource
  - (3) The availability of or access to safe supplemental heat verified
  - (4) Access to temporary alternate housing verified
  - (5) Obtaining a ten-day hold on utility terminations under very specific circumstances
    - Only one ten-day hold per applicant is permitted
    - Use of ten days holds for utility shutoffs are only allowed when the shut off is imminent and eligibility cannot be determined before the shut off date due to the lack of essential information
- e. If the household is not eligible for HEAP, the district must take at least one of the following actions:
  - (1) Referral to TA
  - (2) Referral to community resource
  - (3) The availability of or access to safe supplemental heat verified
  - (4) Access to temporary alternate housing verified

3. Documenting date of crisis
  - a. The date of crisis must be documented in one of the following ways:
    - (1) With the applicant's termination notice or via the utility company's website
      - Verification must be retained in the case record.
    - (2) Via collateral contact with the home energy vendor
      - The worker must notate when and with whom the collateral contact was made on the Emergency Benefit Budget Worksheet (LDSS-3594B).
4. Documenting disconnect date
  - a. The date of disconnect should be clearly documented in the HEAP case record.

## **Q. Alternate Certifiers Application Processing Responsibilities**

1. The certifier may not complete any section of the application unless designated as an authorized representative or power of attorney. Any information collected by the certifier must be documented on the "Agency Use Only" section of the HEAP Application (LDSS-3421).
2. The certifier must make any notations regarding resolution in the "Agency Use Only" section of the HEAP Application (LDSS-3421). This information should include the information obtained and the source of the information.
3. Certifiers should obtain information directly from the applicant whenever possible. If information is obtained from another source, the source of the information and the reason for using the alternate source should be noted.

## **R. Pending Application Process**

1. Time Frames
  - a. Applications may be pended no longer than a total of ten business days for any resolution, verification, or documentation issue.
  - b. Applications remaining incomplete, unresolved, or lacking documentation at the end of the ten business day pending period must be denied, or a determination must be made based on available information.
    - (1) If an application is pended for self-employment or rental income deductions, and proof of such deductions is not received within the allowable pending period, an eligibility determination must be made based on available information. If the household's total gross income falls within Tier II income guidelines without allowable self-employment or rental deductions, the application must be approved for a Tier II benefit. If the household is above the income guidelines without allowable deductions, the application must be denied.
  - c. The pending time must be noted in the "Agency Use Only" section of the HEAP application.
2. Pending Period Start Date
  - a. The pending period begins on the first day that the district or Alternate Certifier sends the Documentation Requirements (LDSS-2642) form.
  - b. Districts or Alternate Certifiers may attempt to resolve applications and/or request information by phone. When the resolution cannot be completed on the first day of the pending period, the certifier

must send a copy of the Documentation Requirements (LDSS-2642) form to the applicant requesting the information.

- c. If the application was received prior to program opening and the applicant was sent the Documentation Requirements (LDSS-2642) form at least ten business days prior to program opening and has not provided requested information by program opening, no additional pending time will be allowed.
  - (1) If the Documentation Requirements (LDSS-2642) form was not sent more than ten business days before program opening, the applicant must be allowed the full ten business days to provide information.

## **S. Required Eligibility Interviews**

1. Applicants for Regular benefits who are not returning applicants must have an eligibility interview conducted either in person or on the telephone.
2. Applicants for Emergency benefits must have an eligibility interview conducted either in person or on the telephone.
3. Applicants for Cooling benefits who did not receive a Regular benefit or a Regular benefit greater than \$21 during the current program year must have an eligibility interview conducted either in person or on the telephone.
  - a. Applicants who received a Regular benefit equal to \$21 but reside in government subsidized housing with heat included in their rent are not required to have an interview.
4. All applicants for the HERR Component must have an in-person eligibility interview.
5. Applicants for Clean and Tune benefits who did not receive a Regular benefit or a Regular benefit greater than \$45 during the current program year must have an eligibility interview conducted either in person or on the telephone.
6. The following applications do not require eligibility interviews:
  - a. Returning applicants for Regular benefits
  - b. Early Outreach applicants
  - c. Autopay applicants
  - d. Applicants for Cooling Assistance who may apply using only a Cooling Assistance Request for Benefit (LDSS-4992)
  - e. Applicants for Clean and Tune who may apply using only a Clean and Tune Request for Benefit (LDSS-5081).
7. Certifier initiated interviews must be conducted within ten business days of the application date, this includes interviews where the applicant must call the district. The application date for all HEAP applications is the date that the signed and dated application is received by the certifier. Local procedures may:
  - a. Allow the applicant to call in for the interview
  - b. Require the eligibility examiner to call the applicant
  - c. Use a locally produced appointment letter for this purpose
8. An applicant who has not completed their scheduled eligibility interview within ten business days must be denied.

## **T. Transmittal of Applications from Alternate Certifier to District**

1. Time Frames

- a. Districts must establish timeframes with their Alternate Certifiers to submit applications to them which allows districts to meet the 30 business day processing timeframe requirement.
- b. Additional information regarding Alternate Certifier timelines for submitting applications to the district can be found in 13-LCM-11.

## **U. Completion of “Agency Use Only” Section of the HEAP Application**

1. All resolution, verification, and documentation issues must be clearly noted in the “Agency Use Only” section of the HEAP Application (LDSS-3421).
2. Once an application is complete and the benefit is calculated, the eligibility examiner must complete the “Agency Use Only” section of the HEAP Application (LDSS-3421).
3. The eligibility examiner must sign and date the “Agency Use Only” section of the HEAP Application (LDSS-3421).
4. The eligibility examiner’s supervisor must sign and date in the “Agency Use Only” section of the HEAP Application (LDSS-3421).

## **V. Voter Registration Form**

1. The Voter Registration form should be processed using the district’s established Voter Registration form procedures.
2. Alternate Certifiers who receive the HEAP Application (LDSS-3421) must leave the Voter Registration form attached and transmit to the district.

## **Chapter 3 – Application, Interview, and Documentation for Regular Component**

### **A. Definitions**

1. New Applicant – An applicant who did not receive a Regular benefit in the previous program year through the application process or did receive a Regular benefit in the previous program year but is applying in a different county in the current year.
2. Returning Applicant – An applicant who received a Regular benefit through the application process in the previous program year and resides in the same county.
  - a. Applicants who move within the same county are considered “returning applicants”.
3. Income Deeming – When an applicant verbally attests that no changes have occurred with regards to their income, residence or household composition since the applicant’s application for a Regular benefit in the same program year was certified, the household is eligible for income deeming. In these circumstances, no further documentation of income is required.

### **B. Application Processing Requirements**

1. Procedures for processing Regular HEAP applications are determined by whether the applicant is a “new applicant” or “returning applicant”.

### **C. Application Requirements for Regular Component**

1. New applicants:
  - a. The applicant must submit a complete HEAP Application (LDSS-3421) or an application through myBenefits in their county of residence as prescribed in Chapter 2.
2. Returning applicants:
  - a. The applicant must submit a complete HEAP Application (LDSS-3421) or an application through myBenefits in their county of residence as prescribed in Chapter 2.

### **D. Interview Requirements for Regular Component**

1. New applicants:
  - a. The applicant must complete an eligibility interview as prescribed in Chapter 2.
    - (1) Applicants for Regular benefits must be allowed to have a telephone interview.
    - (2) Applicants for Regular benefits who choose to have an in person interview must be allowed to do so.
    - (3) Districts may require households to have an in person interview on a case by case basis.
2. Returning applicants:
  - a. These applicants are not required to have an interview.

### **E. Documentation Requirements for Regular Component**

1. New applicants:
  - a. The applicant for Regular benefits must provide documentation for the following:
    - (1) Residence;
    - (2) Identity for each household member;
    - (3) Household income;



- (4) Proof of vulnerability must be provided, if applicable; and
  - (5) Vendor relationship.
- b. A valid Social Security Number (SSN), or proof that the individual has applied for an SSN, must be provided for all household members. Applicants who fail to provide a valid SSN must be pended for up to ten business days for this information.
  - c. Documentation may be provided in person, by mail, fax or electronically (if the applicant's district allows them to do so). Certifiers must use any permanent documentation available in the agency in order to avoid requiring duplicate information from the applicant.
  - d. The application must be denied or a determination must be made based on available information, if the applicant fails to comply with the documentation requirements.
2. Returning Applicants
- a. Documentation of earned income is required.
  - b. Documentation of unearned income is not required unless the certifier or local district has reason to believe there is an additional need for information to certify eligibility or calculate the benefit.
  - c. Changes in circumstances must be documented.
  - d. If an applicant moves, a new household member is born, there is a change in household composition, or if the vendor changes, the applicant must provide documentation of these changes.
  - e. A valid SSN, or proof that the individual has applied for an SSN, is required for all household members. Applicants who failed to provide a valid SSN must be pended for up to ten business days for this information.
  - f. Other documentation may be required as appropriate.
  - g. The application must be denied or a determination must be made based on available information, if the applicant fails to comply with the documentation requirements.
  - h. Permanent documentation on file at the district must be reviewed, and notated in the Agency Use Only section of the HEAP Application (LDSS-3421). If any required documentation is not on file, the applicant must be sent a copy of the Documentation Requirements (LDSS-2642) form requesting the missing information, and the application is pended for up to ten business days.

## **Chapter 4 – Application, Interview, and Documentation for Emergency Component**

### **A. Application Requirements for Emergency Component**

1. Income Deeming Eligible
  - a. Applicants for Emergency benefits who are eligible for income deeming must apply using the Emergency Benefit Budget Worksheet (LDSS-3594B) as prescribed in Chapter 2.
  - b. The income deeming section of the Emergency Benefit Budget Worksheet (LDSS-3594B) is not required for TA and SNAP households in receipt of ongoing benefits.
  - c. Applicants who choose to apply in person must be permitted to do so using the Emergency Benefit Budget Worksheet (LDSS-3594B).
2. Income Deeming Ineligible
  - a. Applicants for Emergency benefits who are not eligible for income deeming must apply using the Emergency Benefit Budget Worksheet (LDSS-3594B) and the HEAP Application (LDSS-3421), and provide full documentation. This includes households who:
    - (1) Had income increase by more than \$200 since the most recently certified HEAP Application (LDSS-3421);
    - (2) Had a change in household composition;
    - (3) Changed residence;
    - (4) Received a Regular benefit through the Autopay and the TA or SNAP case has now closed; or
    - (5) Did not receive a Regular benefit while the component was open and is now applying for an Emergency benefit.
  - b. Applicants who choose to apply in person must be permitted to do so using the Emergency Benefit Budget Worksheet (LDSS-3594B) and the HEAP Application (LDSS-3421).

### **B. Interview Requirements for Emergency Component**

1. Applicants for Emergency benefits must be permitted to apply via the telephone.
2. Applicants for Emergency benefits who are not the customer of record may still apply via the telephone as long as the applicant was part of the household for the Regular benefit and remains part of the household. The customer of record must also remain part of the household.
3. In all situations where the applicant is not eligible for income deeming and the household has received a Regular benefit, the applicant must have an interview. The interview conducted during the completion of the Emergency Benefit Budget Worksheet (LDSS-3594B) is considered sufficient unless the eligibility examiner has further questions after receipt of any additional information.

### **C. Documentation Requirements of Emergency Component**

1. The applicant's emergency situation must be documented. The eligibility examiner must use the following resources to verify the applicant's emergency situation:
  - a. Shut-off notice from utility company
    - (1) This may be included with the bill, a separate termination notice, via the utility company's website, or collateral contact with the utility company.

- If the utility website is used to verify the emergency situation, a printout must be retained in the case record, or the eligibility examiner must notate this on the Emergency Benefit Budget Worksheet (LDSS-3594B).
  - b. Current vendor statement or collateral contact with the vendor stating the applicant cannot obtain a heating fuel delivery, and the applicant is out of fuel, has less than a ten day supply or less than one-quarter (¼) tank of fuel.
2. The applicant's customer of record status must be documented with one of the following:
    - a. Current bill or vendor statement;
    - b. Utility website;
    - c. Current receipt; or
    - d. Collateral contact with the vendor.
  3. The applicant's and all household members' resources must be explored for all Emergency benefits. Only liquid resources are counted.
    - a. Resource verification is declaratory for all applicants and household members for Emergency benefits unless the eligibility examiner has reason to doubt the declared amount.
    - b. Since HEAP resource limits are consistent with the TA resource limits, resource verification is not needed when the Emergency benefit applicant is the customer of record and is also a recipient of ongoing TA benefits. Household members who are not in receipt of ongoing TA must be resource tested.
  4. All applicants for Emergency benefits who are ineligible for income deeming must provide income, residence and household composition documentation.
    - a. Certifiers must use existing documentation available in the agency, including documentation found in the TA and SNAP case record or I/EDR.

## **D. Emergency Benefit Phone Application Procedures**

1. Phone requests for Emergency benefits must be logged.
2. When an applicant calls to apply for an Emergency benefit, the eligibility examiner must complete the Emergency Benefit Budget Worksheet (LDSS-3594B) in its entirety, with special emphasis placed on logging the request and noting the application date, emergency situation, applicant resources and emergency benefit resolution date.
3. If eligibility cannot be determined, appropriate action must be taken within 18-48 hours, including confirming safe supplemental heat, temporary relocation, or referrals to community resources.

## **Chapter 5 – Application, Interview, and Documentation Requirements for Cooling**

### **A. Application Requirements for Cooling Assistance Component**

1. Applicants for the Cooling Assistance Component may apply using only the Cooling Assistance Request for Benefit (LDSS-4992) if the applicant:
  - a. Received a Regular benefit greater than \$21 in the current program year;
  - b. Received a Regular benefit equal to \$21 during the current program year and resides in government subsidized housing with heat included in their shelter costs; or
  - c. Is currently in receipt of ongoing TA or SNAP
2. Applicants for the Cooling Assistance Component must apply using both the Cooling Assistance Request for Benefit (LDSS-4992) and the HEAP Application (LDSS-3421) if the applicant:
  - a. Did not receive a Regular benefit greater than \$21 in the most recent program year;
  - b. Received a Regular HEAP benefit equal to \$21 and does not reside in government subsidized housing with heat included in their shelter costs;
  - c. Received their Regular benefit for the current program year on a TA or SNAP case, but are no longer in receipt of ongoing TA or SNAP; or
  - d. Received a Regular benefit greater than \$21 in the current program year, but has subsequently moved to a living situation which no longer qualifies them for a benefit greater than \$21, with the exception of government subsidized housing with heat included in their shelter costs.
3. Applicants requesting assistance for Cooling Assistance cannot apply online through myBenefits

### **B. Interview Requirements for Cooling Assistance Component**

1. Applicants for the HEAP Cooling Assistance Component who apply using only the Cooling Assistance Request for Benefit (LDSS-4992) are not required to have an interview.
2. Applicants for the HEAP Cooling Assistance Component who apply using both the Cooling Assistance Request for Benefit (LDSS-4992) and HEAP Application (LDSS-3421) must have an eligibility interview conducted either in person or by telephone.

### **C. Documentation Requirements for Cooling Assistance Component**

1. All applicants must provide medical documentation for the household member with a medical condition exacerbated by extreme heat.
  - a. The medical documentation must be in writing from a physician, physician's assistant or nurse practitioner and must clearly state the health condition, and that the individual would benefit from the establishment of a cooling room or fan.
  - b. The medical documentation must be dated within the previous 12 months from the month of application. Documentation older than 12 months may be used if the documentation provides sufficient information to indicate that the medical condition is considered chronic.
2. Applicants who apply using only the HEAP Cooling Assistance Request for Benefit (LDSS-4992) do not need to provide additional income or household documentation.
3. Applicants who apply using both the HEAP Cooling Assistance Request for Benefit (LDSS-4992) and the HEAP Application (LDSS-3421) must provide the following documentation:
  - a. Documentation of residence;
  - b. Documentation of the identity for each household member;
  - c. Documentation of household income;

- d. A valid SSN, or proof that the individual has applied for an SSN, for all household members.

## **Chapter 6 – Application, Interview, and Documentation Requirements for HERR**

### **A. Application Requirements for HERR Component**

1. Applicants for HERR benefits must be made in person at the district using the HEAP Application (LDSS-3421) this includes recipients of ongoing TA and SNAP.
  - a. The application must be signed by the homeowner.
  - b. Applicants requesting assistance for the HERR component cannot apply online through myBenefits.
  - c. Full documentation is required for all HERR applicants.
2. The homeowner must be the applicant for all HERR benefits.
  - a. An authorized representative or an individual with Power of Attorney may apply on behalf of the applicant for a HERR benefit.
3. All applications for HERR require supervisory review and must be reviewed by a county employee at least one level above the county employee certifying the application for assistance, even in those districts using a CSR plan for other types of HEAP applications.
4. The HERR Screening Form (LDSS-5010) may be completed by phone with the applicant prior to scheduling the in-person application and interview to help assess the household's circumstances and whether an application for HERR is appropriate.
  - a. If the applicant declines to proceed with an application after completion of only the HERR Screening Form (LDSS-5010), no further action is necessary, and a determination may not be issued.
5. The application date for HERR benefits is the date that the signed and dated HEAP Application (LDSS-3421) is submitted to the certifying agency.
6. The HERR Worksheet (LDSS-4867) and the HERR Assessment Form (LDSS-5010) must be used in conjunction with the HEAP Application (LDSS-3421) for all applicants for HERR benefits.

### **B. Interview Requirements for HERR Component**

1. All applicants for HERR benefits require an in-person interview, including TA/SNAP recipients.

### **C. Documentation Requirements for HERR Component**

1. All applicants for the HERR benefits must provide documentation for the following:
  - a. Essential primary heating equipment must be in need of repair or replacement.
    - (1) It must be documented by a participating HEAP HERR vendor or by a local weatherization sub-grantee that the applicant-owned primary heating equipment is inoperable or unsafe and is in need of repair or replacement.
  - b. Home ownership
    - (1) The applicant for HERR must be the documented owner of the dwelling, and must have owned and resided in the residence for the 12 months preceding the month of application. This must be documented by at least one of the following items:
      - Recorded deed
      - A real property website may be used instead of paper documentation of a deed to ease administrative burden or on an as needed basis. The printout or notation in the case

record is acceptable and must contain the date of acquisition and who owns the property. Districts must ensure the real property website is up to date.

- Titles for mobile homes or manufactured homes 1995 or newer.
  - Manufactured or modular homes sold prior to 1995, and not titled, applicants must provide a bill of sale in conjunction with a tax bill/receipt, mortgage papers/payment book or loan payment receipts, mobile home lot rent receipts/statement from park owner; or loan papers.
- c. The primary heating equipment in the dwelling must have been operable sometime during 12 months prior to the month of application, and must be documented.
- (1) This may be accomplished through client documentation, confirmation through a utility website that the account has been active or collateral contact with the home energy vendor.
- d. Resources
- (1) The applicant for HERR benefits must document all available liquid resources for all household members.
- All applicants receive a standard resource exclusion of \$3,000 in addition to all other applicable exemptions.
  - Applicants in receipt of ongoing TA or Code A SSI do not need to be resource tested. Household members who are not in receipt of ongoing TA or Code A SSI must be resource tested.
- (2) Co-owners must also document available liquid resources, including those who do not live in the dwelling.
- If the resources of the co-owner not residing in the dwelling exceed the established resource limits, they must pay a prorated share of the repair or replacement based on the number of co-owners.
  - If the co-owner does not provide documentation of resources, only the applicant's share of the repair or replacement will be paid for with HEAP funds.
  - If the co-owner is not accessible, only the applicant's share of the repair or replacement will be paid for with HEAP funds.
    - (i) Prior to authorizing payments for a HEAP prorated benefit, it must be documented and verified that the client and/or co-owner(s) share of the cost has been guaranteed, paid or that the client has made satisfactory payment arrangements for the repair or replacement before the HEAP payment is authorized.
    - (ii) Applicants who have a documented instance of domestic violence with the co-owner are not required to provide proof of the co-owner's resources.
- e. Household Income
- (1) The applicant and all household members must document all sources of income; earned or unearned.
2. Applicants may verbally attest to the availability of homeowner's insurance coverage when completing the Heating Equipment Repair & Replacement Worksheet (LDSS-4867) with the certifier. Additional documentation may be requested if the certifier has reason to doubt the attestation.

## **D. Emergency Resolution Timeframes for HERR Component**

1. Action to resolve an eligible household's emergency situation must be taken within 18 hours of the Emergency benefit application date if the household is in a situation without heat, or within 48 hours of

the Emergency benefit application date if the loss of heat is imminent. Resolution may include action other than the issuance of a benefit, such as temporary relocation, use of space heaters, etc. Resolution must be included on the Heating Equipment Repair and Replacement (HERR) Worksheet (LDSS-4867).



## **Chapter 7 – Application, Interview, and Documentation Requirements for Clean and Tune**

### **A. Application Requirements for Clean and Tune Benefit**

1. Applicant households may apply using only the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) if the applicant:
  - a. Received a Regular HEAP benefit greater than \$45 during the current program year; or
  - b. Is currently in receipt of TA or SNAP benefits
2. Applicant households must apply using both the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) and the HEAP Application (LDSS-3421) if the applicant:
  - a. Did not receive a Regular benefit greater than \$45 in the current program year;
  - b. Received their Regular benefit for the current program year on a TA or SNAP case, but are no longer in receipt of ongoing TA or SNAP; or
  - c. Received a Regular benefit greater than \$45 in the current program year, but has subsequently moved to a living situation which no longer qualifies them for a benefit greater than \$45.
3. Applicants requesting assistance for Clean and Tune cannot apply online through myBenefits.

### **B. Interview Requirements for Clean and Tune Benefit**

1. Applicants for Clean and Tune that meet the requirements to apply using only the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) are not required to have an interview.
2. Applicants for Clean and Tune that must apply using both the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) and the HEAP Application (LDSS-3421) must have an interview completed either in person or by telephone.

### **C. Documentation Requirements for Clean and Tune Benefit**

1. Applicants must meet all HEAP documentation requirements in order to be eligible for the HEAP Heating Equipment Clean and Tune benefit.
2. All applicants may verbally attest to homeownership when completing the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) with the certifier. Additional documentation may be requested if the certifier has reason to doubt the attestation.
3. Applicants who apply using only the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) do not need to provide additional income or household documentation.
4. Applicants who apply using both the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) and the HEAP Application (LDSS-3421) must provide the following documentation:
  - a. Documentation of residence;
  - b. Documentation of the identity for each household member;
  - c. Documentation of household income;
  - d. A valid SSN, or proof that the individual has applied for an SSN, for all household members.
5. Districts must use any permanent documentation available in the applicant's case record or within the agency, if applicable.
6. Applicants whose request for a Clean and Tune benefit is pended to provide required documentation must be provided the Documentation Requirements (LDSS-2642) form. A copy must be retained in the case record.

## Chapter 8 – Basic Eligibility

### A. Definitions

1. Household – 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.

### B. Basic HEAP Eligibility Background

1. There are basic eligibility requirements that must be met by applicants to be eligible for all HEAP components.
  - a. The Emergency, Cooling Assistance, HERR, and Clean and Tune components have additional eligibility requirements. This section represents the basic eligibility requirements that all applicants for HEAP must meet for all components of the program.
2. HEAP applicants must meet all the eligibility criteria for all the program components to receive HEAP benefits:
  - a. Residence;
  - b. Income based on household size;
  - c. Citizenship and legal permanent resident status;
  - d. Living situation;
  - e. Responsibility for heating/energy costs;
  - f. Valid SSN, or proof that the individual has applied for an SSN, for all household members

### C. Residence

1. The applicant must be a New York State resident.
2. The applicant must apply in the county in which they reside.
3. At the time of request, the applicant must reside in the dwelling for which assistance is being requested.
4. The dwelling must be the applicant's primary home.
  - a. Applicants who meet the definition of temporarily absent meet the residence requirement.

### D. Income Based on Household Size

1. The district must accurately identify required household members and require these individual(s) to be included on the application, and provide appropriate documentation required to calculate income.
2. Required Household Members:
  - a. Any individual residing in a household and related by blood, legal union, or adoption to any other person residing in the dwelling is presumed to be a household member. The following is a list of required household members that must be included on the HEAP Application (LDSS-3421) and in the household count:
    - (1) Relationship by blood, legal union, or adoption includes the following:
      - Spouse;
      - Father, mother;
      - Son, daughter;
      - Brother, sister;

- Stepmother, stepfather, stepbrother, stepsister;
  - Grandparent; or
  - Grandchild
- (2) Children under age 21 and their spouses
- Children under 21 are household members even if budgeted as a roomer and/or roomer/boarder for TA purposes.
- (3) Adopted children under 21 or children in the process of being adopted by a HEAP household member
- (4) Any individual included as a dependent on the head of household's federal income tax, including students
- Dependent students, as defined under "Student" in the Glossary, are included in their family's household, regardless of where they reside.
- (5) Independent students, as defined under "Student" in the Glossary are members of the household in which they live.
- Independent students are students who are at least 18 years old, attending a post-secondary institution full time, and not claimed as a dependent on another's tax return.
- b. In those cases where the individual is in receipt of TA or SNAP, the case budget must be reviewed to assist in determining the household composition.
- c. TA or SNAP recipients whose budgets or case records indicate that they share shelter and/or energy costs with the HEAP household are considered HEAP household members.
- d. Individuals residing in the dwelling, who are contributing in any way to household upkeep, directly or indirectly, even if a bill is not in their name, must be considered to be a part of the household.
- e. Individuals residing in the dwelling who have no income must be considered to be a part of the household.

### 3. Exceptions to Required Household Members

- a. An applicant may refute the presumption that certain individuals age 21 or older residing in the household, even those related by blood, legal union, or adoption, are household members.
- (1) The certifier must review the living situation in these cases. If the individual is sharing living expenses, has household bills in his/her name or is the owner or co-owner of the dwelling, that individual must be a household member.
- (2) There is no exception for children under the age of 21, spouses and dependent students. They all must be household members.
- b. If the applicant declares that someone living in the dwelling is not a household member, the applicant must provide a signed statement to that effect.
- (1) The statement must include the name of the person(s) not included in the HEAP household and whether or not the individual(s) contributes to the household. Only the applicant needs to sign this statement.

### 4. Individuals Not Considered Household Members

- a. The following individuals are not considered household members and must not be added to the household count:
  - (1) Individuals age 21 or older who are not a household member and do not make any contributions to the household. This applies when applicants can provide evidence that they are not household members.
  - (2) Roomers and/or roomer boarders in private housing
  - (3) Foster children or foster adults
  - (4) Household employees – unless they must otherwise be included based on household definition, as outlined in 2b above
  - (5) Federal living arrangement code C SSI recipients
  - (6) Fleeing felons, but any source of income they may have must be included when determining eligibility
  - (7) Individuals who are not U.S. citizens, qualified aliens, or U.S. non-citizen nationals, or individuals who fail to provide proof of status when required to do so. Any source of income they may have must be included when determining eligibility.
5. Joint Custody of Children
  - a. When determining household members where there is joint custody of children:
    - (1) The children are included in the HEAP household where they reside the majority of time;
    - (2) If the children live equal time in each parent’s household, the HEAP residence is determined according to the school district they attend; or
    - (3) If both parents reside in the children’s school district or the children are not school age, the parent that claims the children for tax purposes may claim them for HEAP.
6. Temporary absence of required household members
  - a. Applicants who have temporarily relocated due to a lack of heat or unsafe conditions are considered temporarily absent.
  - b. Household members temporarily absent due to the following reasons may be included on the HEAP Application (LDSS-3421) and in the household count:
    - (1) Medical treatment – as long as the person intends to return home.
    - (2) Short-term incarceration – the absence is not expected to extend beyond six months and the incarcerated individual does not expect to establish residence elsewhere upon release.
    - (3) Military service of any duration
    - (4) Work/business absence of any duration
7. Failure to include a required household member on the application
  - a. The entire household is ineligible if all required household members are not included on the application.
8. Failure of a required household member to provide income documentation
  - a. The entire household is ineligible for any HEAP component if any required household member fails to provide income documentation needed to calculate the household’s gross monthly income.
9. Income guidelines and tiers

- a. The household's gross income for the month of application must be at or below the maximum established limit for the household's size in order for the household to be income eligible for Regular, Emergency, Cooling Assistance, HERR, and Clean and Tune benefits.
- b. Households are placed in the appropriate income tier (I or II) based on the household's gross income and the household size for the month of application.
- c. Income limits are set at the higher of 60% State Median Income (SMI) or 150% of the Federal Poverty Level (FPL) guidelines.
- d. Any household that does not meet the categorical income eligibility requirements and exceeds the income limit for the appropriate program year based on household size is ineligible for HEAP, and must be denied for excess income.

#### 10. Categorical Income Eligibility

- a. Categorical income eligibility refers to income eligibility only. A household who is categorically income eligible has met the HEAP income test because they have already been income tested in the TA, SNAP, or Code A SSI program. These households must still meet all other applicable eligibility criteria to receive benefits.
- b. For HERR purposes, a household is considered categorically income eligible only when the homeowner applicant is in active receipt of recurring TA, SNAP, or Code A SSI.
- c. A household is considered categorically income eligible if, at the time of application, at least one household member is an active recipient of recurring TA (Family Assistance or Safety Net Assistance), SNAP, or Code A SSI benefits on or before the date of the HEAP application/request for benefits.

#### 11. Households ineligible for categorical income eligibility

- a. TA, SNAP, or Code A SSI recipients who have not been determined eligible for ongoing benefits at the time of the HEAP application/request for benefits are not categorically income eligible.
  - (1) This includes applicants in receipt of expedited SNAP benefits or emergency TA benefits.
- b. If the only individual in the HEAP household receiving TA, SNAP, or Code A SSI benefits is a roomer or roomer/boarder, the household is not categorically income eligible since the benefit recipient must be a HEAP household member.
- c. A minor child budgeted as a roomer or roomer/boarder is required to be a household member for HEAP (see Household Composition section). However, these cases are not categorically income eligible because of the roomer budgeting methodology.
  - (1) If there is no other TA, SNAP, or Code A SSI recipient in the household, the household is income tested and the total amount of the TA grant for the minor child is counted as income.

#### 12. Countable Earned and Unearned Income Requirements

- a. The following are considered countable income for all HEAP component purposes and must be included for income calculation purposes:
  - (1) Gross wages (before deductions)
  - (2) Commissions (before deductions)
  - (3) Salaries (before deductions)
  - (4) Per diem income (e.g. jury duty, poll worker, exam proctor)
  - (5) Net profit from self-employment, (after allowable deductions)

- (6) Social Security payments after deduction of Medicare premium, Part B and D, including payments paid to or on behalf of full-time dependent students
- (7) Supplemental Security Income (SSI), including payments paid to or on behalf of full-time dependent students
- (8) Railroad Retirement benefits after deduction of applicable Medicare premium, Part B and D
- (9) Retroactive lump sums for Social Security, SSI, or Railroad Retirement which can be prorated over a specific period of time
- (10) Unemployment insurance benefits (UIB)
- (11) Veteran's benefits, including disability payments
- (12) Veteran's survivor's benefits, including payments made to or on behalf of full-time dependent students
- (13) Pensions
- (14) Payments from insurance and annuities
- (15) Striker benefits from union funds
- (16) Experience Works income (formerly called Green Thumb income)
- (17) Workers' Compensation payments
- (18) Disability payments
- (19) Alimony/Spousal Support
- (20) Child support payments, court ordered amount or actual amount received if less, even if paid to minors or full-time dependent students
- (21) Military family allotments including those paid to or on behalf of full-time dependent students
- (22) Housing allowance to military personnel
- (23) Regular cash support from absent family members or someone not living in the household
- (24) Dividends
- (25) Interest, even if not paid directly to the household
- (26) Royalties
- (27) Income from rents after allowable deductions
- (28) Income from estates or trusts
- (29) Interest portion of mortgage/land contract payments received by the household
- (30) Income from an Individual Retirement Arrangement (IRA)
  - The total amount drawn by the household in the most recent 12 month period, including the month of application
- (31) Disbursements from IRA accounts
- (32) Payments from roomers or roomer/boarders
- (33) Severance pay
- (34) Vacation pay
- (35) Family Subsistence Supplemental Allowance (available only to active military personnel)
- (36) Oneida Indian Nation stipends

- (37) Earned income from fleeing felons and from non-qualified aliens who reside in the household
- (38) All other income not specifically excluded under the “excluded income” section

13. Excluded Earned and Unearned Income

- a. The following sources of income are not included for income calculation purposes:
  - (1) Reimbursement for expenses, including, but not limited to, medical and/or employment
  - (2) Loans, including student loans
  - (3) College/post-secondary school grants and scholarships funds, including stipends issued as part of a fellowship grant
  - (4) Earned income of full-time dependent students aged 18 and older, but unearned income is still counted
  - (5) Earned income of dependent minors under age 18
  - (6) Medicare premium Part B deducted from monthly Social Security benefit and Part D Medicare premium
  - (7) Irregular and/or infrequent income that does not exceed \$30 over a three month period
  - (8) Payments for foster children
  - (9) Income received from temporary employment related to the decennial census through the United States Census Bureau
  - (10) Earned income from Senior Community Service Employment Programs
  - (11) Code C SSI payments made to the household for care of SSI adults
  - (12) Adoption subsidy payments
  - (13) Tax refunds/tax credits
  - (14) Earned Income Tax Credit (EITC) payments, received monthly or in a lump sum
  - (15) Bonuses, including, but not limited to, holiday, performance, or quarterly
  - (16) Non-recurring lump sum payments when such payments are not for a specific period of time, such as one time sale of real property or insurance settlements
  - (17) Agent Orange payments, both lump sums and recurring payments
  - (18) Federal action program payments made to participants in the retired senior volunteer program, foster grandparents, and senior companion program
  - (19) Workforce Innovation and Opportunity Act (WIOA) payments, formerly known as JTPA
  - (20) Reverse mortgage payments
  - (21) Home equity payments
  - (22) Nazi restitution payments
  - (23) Special energy assistance payments, cash or in-kind, provided by an energy company or a non-profit agency
  - (24) In-kind contributions
  - (25) Child Development Study research stipend payments
  - (26) Income of amnesty aliens
  - (27) Aid and attendance payments to veterans

- (28) Flex credit payments
- (29) Payments to Vietnam veterans' children with Spina Bifida
- (30) Income committed to the payment of inpatient hospital or skilled nursing facility care
- (31) Income committed to home health care services which are incurred towards Medicaid/Medicare eligibility. Home health care services are those services rendered by a person, other than a relative, who is qualified to provide such services as assistance with personal hygiene, feeding, dressing, or household tasks. Any individual who has been appropriately trained and is supervised by a registered or licensed practical nurse may provide these services.
- (32) Payments made by a household to housekeepers/homemakers and reimbursed under Title XX. Homemaker services include assessing the need for, arranging for, providing and evaluating the provision of personal care, home management, incidental tasks by a trained homemaker who meets department standards.
- (33) Allowable expenses deducted from self-employment income
- (34) Allowable expenses deducted from rental income
- (35) Interest accrued on an IRA that is not mature
- (36) Attica settlement payments
- (37) Interest accrued on 401(k) or other retirement accounts that have not yet matured
- (38) AmeriCorps living stipends
- (39) Interest accrued on individual development accounts for TA recipients
- (40) Interest accrued on prepaid burial accounts
- (41) Funds drawn from crowdfunding platforms such as, GoFundMe, Indiegogo, Fundanything, GiveForward, and other fundraising platforms.

#### 14. Income Calculation

- a. HEAP income eligibility is based on the HEAP household's size and gross monthly income for the calendar month of application.
- b. Calculating gross income - In calculating gross income, the eligibility examiner must calculate the monthly earnings for each month as follows:
  - (1) Calculating Weekly/Bi-Weekly Income
    - Weekly income: the four gross pay amounts are added together, divided by 4, and the result is multiplied by 4.333333 to arrive at a monthly amount. The average amount is entered into ABEL using a frequency code of W.
    - Bi-weekly: the two gross pay amounts are added together, divided by 2, and the result is multiplied by 2.166666 to arrive at a monthly amount. The average amount is entered into ABEL using a frequency code of B.
  - (2) Calculating income received twice per month
    - If payment is received twice per month, but not bi-weekly, the amount is multiplied by 2 to determine the monthly amount. The amount is entered into ABEL by using a frequency code of M.
  - (3) Calculating income from contract employment
    - Applicants who are employed under a 12-month contract may have the option of receiving their salary on a schedule other than a 12-month schedule.



- If the payment schedule is 12 months, the amount received in the month of application is counted.
  - If the schedule is other than 12 months, the annual salary is divided by 12 to determine the monthly income for HEAP. The amount is entered into ABEL using a frequency code of M.
- (4) Calculating Social Security income
- The gross monthly benefit amount after the deduction of the Medicare Part B and Medicare Part D premiums is counted as income. Medicare Part D premium amounts are also deducted from the gross Social Security amount if paid directly by the applicant.
  - The monthly amount is entered into ABEL using a frequency code of M.
- (5) Calculating dividends/interest income
- Determine the interest or dividends earned year to date prior to the month of application.
  - If the monthly amount varies, average the amount received year to date.
  - The monthly amount is entered into ABEL using a frequency code of M.
- (6) Calculating IRA income
- In order to determine the monthly amount, the amount drawn year to date prior to the month of application is countable income. If amounts are drawn on a schedule other than monthly or the monthly amounts differ, average the amount received year to date to determine the monthly amount.
- (7) Calculating rental income
- Applicants may use the previous year's signed and completed federal income tax form with a completed Schedule E and complete the HEAP 12 Month Method Self-Employment Income Tax Calculation Worksheet (LDSS-4997) or
  - Applicants may choose to have their income calculated for the three months prior to the month of application, with allowable deductions. The three month's net profit is divided by three to calculate the monthly amount with negative income converting to "0" for the purposes of averaging. If the applicant chooses this method, the district must use the HEAP 3 Month Method Rental Income Calculation Worksheet (LDSS-5001) to calculate income.
  - The following are allowable deductions:
    - (i) Interest paid on loans to purchase the rental property
    - (ii) Insurance premiums for the property
    - (iii) Taxes paid or incurred on the rental property
    - (iv) Advertising
    - (v) Heat and/or utility costs paid by the owner for the rental property
    - (vi) Improvements or repairs necessary to maintain the property as income producing
  - The following are not allowable deductions for HEAP:
    - (i) Payments on loan principal
    - (ii) Depreciation
    - (iii) Net loss

- (iv) Non-essential repairs/improvements
  - The monthly amount is entered into ABEL using a frequency code of M.
- (8) Calculating lump sum payments
  - Countable lump sum payments, such as retroactive Social Security, SSI, Railroad Retirement, Workers Compensation, are pro-rated over the time period for which they are intended to cover.
- (9) Calculating Oneida Indian Nation stipends
  - These stipends are prorated over the period they are intended to cover.
- (10) Calculating severance pay or vacation pay
  - The total amount received in the month of application is counted as income.
- (11) Calculating striker's income
  - Striker's income is treated the same as other income.
- (12) Calculating self-employment income
  - Applicants may use a signed and completed income tax form for the appropriate year with a completed Schedule C, Schedule F, Schedule K-1 with the 1065, or Schedule K-1 with the 1120S. The HEAP 12 Month Method Self-Employment Income Tax Calculation Worksheet (LDSS-4997) must be completed when the applicant chooses this method; or
  - Applicants may choose to have their income calculated for the three months prior to the month of application, with allowable deductions. The three month's net profit is divided by three to calculate the monthly amount with negative income converting to "0" for the purposes of averaging. If the applicant chooses this method, the HEAP 3 Month Method Self-Employment Worksheet (LDSS-3785) must be completed to calculate income.
  - The following are allowable business expenses:
    - (i) Telephone
    - (ii) Feed for livestock
    - (iii) Gasoline to operate business equipment
    - (iv) Heat or Utilities
    - (v) Veterinary fees
    - (vi) Fertilizers
    - (vii) Purchase of materials, supplies or inventory
    - (viii) Interest payments on loans
    - (ix) Advertising
    - (x) Insurance
    - (xi) Bank charges and fees
    - (xii) Repairs
    - (xiii) Business Taxes
    - (xiv) Business vehicle expenses
    - (xv) Business rent of property or equipment

- (xvi) Other expenses essential to operate the business
- The following are non-allowable expenses:
  - (i) Depreciation
  - (ii) Personal business and entertainment expenses
  - (iii) Personal transportation
  - (iv) Purchase of capital equipment
  - (v) Payments on principals of loans
  - (vi) Expenses normally incurred by the household and not directly essential to the business
- c. All final calculations are rounded down to the nearest dollar.
- d. Change in income
  - (1) Any known change of circumstance must be taken into consideration when calculating or projecting income.
    - If earned income will end, change, or increase, within the month of application, the certifier must factor the change into the income calculation.
    - Changes in any other type of income within the month of application must be taken into consideration.
    - If applicant's UIB will end in the month of application, the certifier must determine how many benefits will be received in the month and calculate the income accounting for the change.
    - Reasonably expected increases must also be considered if the income will be received within the month of application.
- e. Calculation of Zero or Low Income
  - (1) Basic maintenance must be explored when:
    - The household's income is zero; or
    - The household's shelter (rent or mortgage) expenses exceed household income.
  - (2) The eligibility examiner must complete the Low Income Worksheet (LDSS-3829) with the applicant.
  - (3) Certifiers must obtain available documentation and verification to support statements about the household's maintenance. This includes, but is not limited to:
    - Applicant statements;
    - Written, signed statements from individuals providing assistance/support;
    - Bank statements, bankbooks showing withdrawals;
    - Unpaid bills, collection notices; and,
    - Applications for benefits such as UIB, TA, SNAP, SSI, etc.
  - (4) Completion of the Low Income Worksheet (LDSS-3829) is not required for households that are in receipt of ongoing TA, SNAP, or Code A SSI.

## E. Citizenship/Alien and Legal Permanent Resident Status

1. Only U.S. citizens, U.S. non-citizen nationals, or qualified aliens are included in the HEAP household count and are eligible for benefits.
2. Applicants must certify that all required household members are U.S. citizens, U.S. non-citizen nationals, or qualified aliens by attesting to citizenship question found in HEAP Application (LDSS-3421).
  - a. Certifiers may require documentation whenever there is a question regarding an individual's status. This includes situations where the attestation contradicts information on the HEAP Application (LDSS-3421) or file, or information from another verifiable source contradicts the person's attestation.
3. A qualified alien is a person who meets one of the following requirements:
  - a. An alien granted Permanent Resident Alien Status under the Immigration and Nationality Act (INA)
  - b. An alien granted asylum under § 208 of the INA
  - c. A refugee admitted to the United States under § 207 of the INA
  - d. An alien paroled into the United States under § 212(d)(5) of the INA for a period of at least one year
  - e. An alien whose deportation is being withheld under § 243(h) of INA as in effect prior to April 1, 1997, or whose removal is being withheld under § 241(b)(3) of INA
  - f. An alien granted conditional entry under § 203(a)(7) of INA as in effect prior to April 1, 1980
  - g. An alien who is a Cuban or Haitian entrant as defined in § 501(e) of the Refugee Education Assistance Act of 1980
  - h. A United States citizen or legal permanent resident's battered spouse, or child, or parent or child of such battered person, and otherwise satisfies the requirements of 8 USC 1641(c)
  - i. Native North American Indians born in Canada and possess at least 50% American Indian blood or members of a federally recognized tribe born outside of the United States
  - j. Amerasian immigrants
  - k. Certain Hmong or Highland Laotian tribe members
  - l. Veteran, spouse, unmarried surviving spouse and unmarried dependent child of a U.S. veteran who fulfilled minimum active duty requirement (two years)
  - m. Active military duty or a member of the Armed Forces on full-time duty in the Army, Navy, Air Force, Marine Corp or Coast Guard, spouses and dependent children
  - n. United States non-citizen national as defined by the federal government
  - o. Victims of a severe human trafficking who have been certified (adults) or received an eligibility letter (children) by the Office of Refugee Resettlement (ORR)
  - p. Special immigrant visa holders—Iraqi and Afghan nationals
4. Income calculation of non-qualified aliens
  - a. Income of non-qualified aliens who are excluded from the household is counted in determining eligibility and income tier.
5. Resources of non-qualified aliens
  - a. Resources of non-qualified aliens or household members who fail to provide required documentation should be explored and counted, unless such resources would normally be excluded under HEAP resource rules.

6. Individuals in the US on a student visa are not HEAP eligible
7. Self-declared aliens who fail to provide required verification and/or documentation of status must have:
  - a. Their applications pended for a maximum of ten business days for required documentation of immigration status.
  - b. If the required documentation of immigration status is not provided, the case should be processed excluding the individual(s) who failed to document their immigration status.
  - c. The benefit is not adjusted even if the documentation is later provided.
8. Benefit determination for citizenship/alien status:
  - a. A benefit is not issued in cases where all household members are non-qualified aliens.
  - b. A benefit is not issued in cases where all household members fail to provide required documentation.
9. Benefit determination for households that contain both citizens/qualified aliens and non-qualified aliens:
  - a. In these cases, benefits may only be issued for citizens and/or qualified aliens.
  - b. The household size for income eligibility determination is based on the number of citizens and those meeting the alien status qualifications.
  - c. If the only vulnerable individual is a non-qualified alien, the add-on for vulnerability is not included in the benefit calculation.
  - d. Benefits may be issued in the name of a non-qualified alien only when eligible household members are minor children or when the non-qualified alien is the customer of record for the energy bill.
  - e. A household may still qualify for Emergency benefits if the customer of record is a non-qualified alien and the household is otherwise eligible.
  - f. HERR benefits may not be issued when the sole homeowner is not a qualified alien.

## **F. Living Situation – Eligible Living Arrangements**

1. Households are considered to be in an eligible living arrangement when they reside in a dwelling where they pay directly for heat or make undesignated payments for heat in the form of rent.
2. The following arrangements are considered eligible living arrangements:
  - a. Tenants of a private residence
  - b. Individuals that own their own home
  - c. Tenants of subsidized housing with heat included in their rent; these tenants with heat included are eligible for a \$21 benefit
    - (1) Households that receive Section 8 vouchers but pay market value for rent are not considered subsidized housing for HEAP purposes.
  - d. Individuals in commercial enterprises are not excluded from eligibility based on living arrangements; commercial enterprises include commercial boarding houses, YMCA, and YWCA
  - e. If otherwise eligible, subsidized housing tenants who are directly responsible for utility costs may receive Emergency benefits if the electricity is necessary to run the thermostat and heating equipment
  - f. For recipients of recurring TA or SNAP, the HEAP living arrangement is based on the shelter allowance code budgeted in the TA or SNAP ABEL budget
3. Households in the following living arrangements are eligible for a Regular benefit of \$21:

- a. Government subsidized housing with heat included in the rent;
  - b. Publicly operated or State-certified private nonprofit residential drug or alcoholic treatment facilities;
  - c. Private nonprofit residential drug or alcoholic treatment facilities that are authorized as a SNAP retailer by the United States Department of Agriculture (USDA) or are in receipt of a letter from the certifying State agency stating that the facility operates to further the goals of Title XIX;
  - d. Publicly operated or State-certified private nonprofit enriched housing;
  - e. Publicly operated or State-certified private nonprofit residential group living facilities serving no more than 16 residents;
  - f. Publicly operated or State-certified private nonprofit supervised or supportive living arrangements; and,
  - g. State-Operated Community Residences.
    - (1) These households are not eligible for Emergency benefits or any other HEAP benefit. The only exception is for eligible households in government subsidized housing with heat included in the rent that also pay a supplier directly for heat-related utility services. These households may be eligible for a heat-related Emergency benefit if such benefit is necessary to resolve the household's heat-related energy crisis.
4. Households in the living arrangements listed below are not eligible for HEAP. This applies even if the household meets all other eligibility criteria:
- a. Individuals paying for room only or room and board who do not reside in a commercial enterprise are not eligible for HEAP on their own behalf. This includes TA, SNAP, or SSI recipients coded/budgeted as roomers or roomer/boarders.
  - b. Roomers or roomer/boarders in private housing are not eligible for HEAP and are not counted in the household. The payment made by the roomer or roomer/boarder is counted as income for the applicant.
    - (1) Minor children in receipt of TA and budgeted as roomers or roomer/boarders for TA purposes are included in the household of the grantee (but the household is not categorically income eligible).
  - c. Individuals/households living in cars, vans, or temporarily living in recreational vehicles
  - d. Individuals/households temporarily living in hotels/motels
  - e. Children residing in agency boarding homes, group homes, or institutions and/or who are in receipt of payments under Title IV-E of the Social Security Act
  - f. Military personnel who live on base in government provided housing and who do not pay directly for heat or do not make undesignated payments for heat in the form of rent
  - g. Households that have no responsibility for heating costs and do not make undesignated payments for heat in the form of rent
  - h. Migrant or seasonal farm workers that have no responsibility for heating costs and do not make undesignated payments for heat in the form of rent
  - i. Students residing in dormitories
    - (1) When students residing in private housing are claimed as dependents, they are members of their family's household.

- j. When the district is aware that the household is residing in an unsafe or condemned dwelling, and when it has been determined that the deficiencies cannot be reasonably corrected in a manner that would ensure safe, healthy habitation.
- k. Residents of congregate care facilities (licensed or unlicensed), dormitories, agency boarding homes, group homes or institutions, unless listed above as eligible for the \$21 benefit.

## **G. Responsibility for Heating/Energy Expense**

- 1. Each household must document that they pay a vendor directly for actual charges incurred for the cost of energy or document that they pay indirectly for the cost of energy that is included in their rent.

## **H. Provide a Valid SSN for All Household Members**

- 1. All applicants must provide a valid SSN for each household member as a condition of eligibility.
- 2. When an SSN cannot be validated through the WMS SSN validation process, the following additional steps must be taken:
  - a. The district must verify that the correct SSN was entered into WMS.
  - b. If the SSN was entered correctly into WMS, the applicant must be given a copy of the Documentation Requirements (LDSS-2642) form and given ten business days to provide a valid SSN or proof that the validation issue has been resolved. If the applicant does not, the application must be denied.
- 3. When a household member does not have an SSN, the following steps must be taken:
  - a. The applicant must be given a copy of the Documentation Requirements (LDSS-2642) form and given ten business days to provide a valid SSN or proof that the applicant/household member applied for an SSN. If the applicant does not, the application must be denied.
- 4. Failure to provide an SSN
  - a. If an applicant refuses to provide a valid SSN or apply for one for any household member, the entire household is ineligible and the application must be denied.

## Chapter 9 – Regular Component Eligibility Criteria

### A. Basic Eligibility

1. There are basic eligibility requirements that must be met by applicants in order to be eligible for all HEAP components. Each component has additional specific eligibility requirements. This section represents the basic eligibility requirements that must be met by all applicants for the Regular benefit.
2. All applicants for the Regular benefit must comply with the basic eligibility requirements found in Chapter 8 and are follows:
  - a. Residence – The applicant must be a New York State resident and reside in the county in which they apply for assistance.
  - b. Income Based on Household Size – Each applicant household must meet specified income guidelines based on their household size.
  - c. Citizenship and Legal Permanent Resident Status – In order to receive benefits, all HEAP household members must be U.S. citizens, U.S. non-citizen nationals, or qualified aliens.
  - d. Living situation – Applicants must reside in an eligible living arrangement during the month of application.
  - e. Responsibility for heating/energy costs – Each applicant must document that they pay a vendor directly for actual charges incurred for the cost of energy, or document that they pay indirectly for the cost of energy that is included in their rent.
  - f. Valid SSN – All applicant household members must provide a valid SSN or proof that the individual has applied for an SSN.

### B. Additional Eligibility Criteria for Regular Component

1. Proof of a direct vendor relationship for a heater's benefit
  - a. Acceptable documentation to establish a vendor relationship is as follows:
    - (1) Current fuel or utility bill;
    - (2) Vendor statement; or
    - (3) Collateral contact with the vendor and notated in the case record.
  - b. The bill for utility service or fuel does not have to be in the applicant's name as a condition of eligibility for the Regular benefit. If the account is not in the applicant's name, a direct vendor relationship must be established.
    - (1) In these cases, documentation of the heating account must be supplemented by documentation of direct responsibility for the bill. Direct responsibility must be notated in the case record and documented by one or more of the following:
      - Vendor statement or collateral contact with the vendor specifying who pays the bills;
      - Current receipts for payment of heating bill; or
      - Cancelled checks showing payments to the vendor.
  - c. Certifiers should explore possible shared meter applicant situations when utility bills are not in the landlord's name, and the information suggests a shared meter situation.
2. Applicants must provide proof of indirect payment for the cost of energy included in rent with a copy of a signed lease agreement between the applicant and the landlord.
3. Vulnerability



- a. In order to receive an add-on for vulnerability, applicants must provide proof of eligibility.
- b. The following are considered vulnerable for HEAP purposes:
  - (1) Children under age six on the application date;
  - (2) Individuals age 60 or older on the application date; or
  - (3) Individuals who are disabled on the application date; disabled is defined as:
    - Receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act or receiving disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;
    - A veteran with a service connected or non-service connected disability rates or paid as total (110%) by the Veteran’s Administration (VA) or is considered by the VA to be in need of regular aid and attendance or permanently housebound;
    - A surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound;
    - A surviving child of a veteran and considered by the VA to be permanently incapable of self-support;
    - A surviving spouse or child of a veteran and entitled to compensation for service connected death or pension benefits for a non-service connected death based on a VA determination and has a disability considered permanent under the Social Security Act. “Entitled” in this definition refers to those veteran’s surviving spouses and children who are receiving the benefits stated above or have been approved for such payment;
    - Receiving Federal or State administered supplemental benefits under § 212(a) of Public Law 93-66;
    - Receiving a Federal, State or local government disability retirement pension because of a disability considered permanent under § 221(i) of the Social Security Act. This includes individuals receiving payments under the Federal Employment Compensation Act (FECA). Individuals receiving FECA payments are considered permanently disabled under § 221(i) of the Social Security Act if the payments are made to a person in lieu of Civil Service Retirement (CSR) benefits;
    - Persons receiving FECA payments pending a determination of eligibility for CSR may not be considered disabled under this provision. Only those who can document that they have elected to receive FECA payments in lieu of CSR benefits satisfy the requirements of this provision; or
    - Receiving an annuity under:
      - (i) Section 2(a)(I)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under Title XVI of the Social Security Act;
      - (ii) Section 2(a)(I)(iv) of the Railroad Retirement Act of 1974 and is determined to qualify for Medicare by the Railroad Retirement Board; or
      - (iii) Receiving authorization of Medical Assistance (MA) based upon disability or blindness. In New York State, such medical assistance recipients are those who have been certified by Medical Assistance as blind, disabled or “SSI-related”, pursuant to Title XVI.
- c. Vulnerability must be documented with one of the following:
  - (1) Copy of a benefit check

- (2) An award letter or other written statement of eligibility for benefits received from one or more Federal/State programs included in the criteria used for determining disability for the SNAP program as listed above.
  - (3) Documentation of vulnerability due to age may be found in Chapter 17: Documentation Requirements, Section C.
4. Tier I eligibility
  - a. In order to receive a Tier I income add-on, the applicant must provide proof of income eligibility.
5. Income eligibility requirements are found in Chapter 8: Basic Eligibility.

## Chapter 10 – Heat or Heat Related Emergency Component Eligibility Criteria

### A. Basic Eligibility

1. There are basic eligibility requirements that must be met by applicants to be eligible for all HEAP components. Each component has additional specific eligibility requirements. This section represents the basic eligibility requirements that must be met by all applicants for the Emergency benefit component.
2. All applicants for the Emergency benefit component must comply with the basic eligibility requirements found in Chapter 8: Basic Eligibility and are as follows:
  - a. Residence – The applicant must be a New York State resident and reside in the county in which they apply for assistance.
  - b. Income Based on Household Size – Each household must meet specified income guidelines based on their household size.
  - c. Citizenship and Legal Permanent Resident Status – In order to receive benefits, all HEAP household members must be U.S. citizens, U.S. non-citizen nationals, or qualified aliens.
  - d. Living situation – Applicants must reside in an eligible living arrangement during the month of application.
  - e. Responsibility for heating/energy costs – Each household must document that they pay a vendor directly for actual charges incurred for the cost of energy or document that they pay indirectly for the cost of energy that is included in their rent.
  - f. Valid SSN – All applicant household members must provide a valid SSN.

### B. Additional Eligibility Criteria for Emergency Component

1. ALL of the following eligibility requirements must be met prior to issuing a heat or heat-related Emergency benefit:
  - a. The Regular benefit must not be available, or any credit on the account is insufficient to resolve the emergency.
    - (1) If the Regular benefit is available, that benefit should be issued to resolve the applicant's emergency situation.
    - (2) If the applicant has any credit remaining on their utility or deliverable fuel company's account, that credit should be used to resolve the applicant's emergency situation first.
    - (3) Under no circumstance should the Regular benefit be coupled with an Emergency benefit to resolve a heating emergency.
  - b. The applicant is facing a heat or heat-related crisis as defined below:
    - (1) Utility service for heating (natural gas or electric) is terminated or scheduled for termination.
    - (2) Utility service necessary to operate the primary heating equipment is terminated or scheduled for termination.
      - Portable space heaters are not considered primary heating equipment, and therefore not eligible to receive a heat-related emergency benefit for the domestic electric account.
    - (3) The applicant is without heating fuel or has less than one-quarter ( $\frac{1}{4}$ ) tank of oil, kerosene or propane or less than a ten day supply of other heating fuels and cannot obtain a delivery.
      - Applicants on automatic delivery with a credit hold or delivery hold are eligible if they meet the criteria above.

- (4) The primary heating equipment does not need to be operable in order for the household to meet the Emergency benefit eligibility criteria.
- c. The applicant must be the customer of record for a heat or heat-related emergency.
  - (1) A customer of record is the person(s) who has an account in their name with an energy vendor.
  - (2) The following are also considered to be customer of record:
    - The legal spouse who currently resides with the customer of record.
    - The surviving legal spouse of a deceased customer of record.
    - An individual whose Emergency benefit will re-establish the account in their name.
  - (3) If the customer of record is not available to apply, applicants for Emergency benefits who are not the customer of record may still apply as long as the applicant was part of the household for the Regular benefit and remains part of that household. The customer of record must remain part of the household count for budgeting purposes.
  - (4) A commercial account has no bearing on Emergency benefit eligibility, as long as all other eligibility criteria have been met.
- d. The applicant and all household members must meet the resource limit requirements.
  - (1) Active TA recipients have been resource tested and do not have to document resources under this component
    - All other households must comply with resource rules, including SNAP recipients, Code A SSI, and categorically income eligible households where the customer of record is not the TA recipient.
  - (2) Applicants for the Emergency benefit component must not have more than \$2,000 (or \$3,000 if the household contains a member age 60 or older) in available liquid resources in order to be eligible.
  - (3) The applicant's resource availability is determined by reviewing all available liquid resources.
    - The applicant must be able to access these funds prior to loss of fuel or termination in order to be considered an available resource.
  - (4) The following are considered available liquid resources for the Emergency benefit component:
    - Cash
    - Checking and/or savings account balances
    - Stocks/bonds
    - Certificates of Deposit (CDs)
    - IRA accounts, including remaining amounts from a closed out IRA
    - Lump sums from sale of property or insurance settlements and balances from any other lump sum not specifically excluded
    - 401(k) and other retirement accounts, less the amount of penalties for withdrawal
    - Accessible account balances from crowdfunding platforms such as, GoFundMe, Indiegogo, Fundanything, GiveForward, and other fundraising platforms
    - Any other available funds not specifically excluded in the HEAP Manual
  - (5) The following are not counted as resources for the Emergency benefit component.

- Amounts earmarked for an allowable current monthly living expense such as:
  - (i) Shelter (only actual amount paid)
  - (ii) Fuel
  - (iii) Utilities
  - (iv) Homeowners insurance (the annual premium is excluded if not in an escrow account)
  - (v) Mandated fees
  - (vi) Water/sewer/trash removal
  - (vii) Real estate taxes (the annual amount for both school and property)
  - (viii) Food
  - (ix) Medical expenses (anticipated out of pocket for the month of application)
  - (x) Telephone
  - (xi) Car/transportation (employment related)
  - (xii) Childcare
  - (xiii) Court ordered expenses
- Money earmarked for payment of the current year's property and/or school taxes for the primary residence
- Income tax refunds: the total amount of income tax refunds is exempt as a resource in the month received and for 12 months following receipt
- One burial plot per household member
- One written pre-arranged burial agreement with a cash value not exceeding \$1,500 per household member and interest on the burial account
- Irrevocable burial agreements
- Life insurance policies
- Accounts, such as PASS accounts, designated by the Social Security Administration as exempt from SSI resource limits
- Real and personal property
- Equipment
- Automobiles and other vehicles
- Household furnishings
- Livestock
- Agent Orange settlements
- Nazi restitution payments
- Attica settlement payments
- College grants
- EITC payments
- Payments from reverse annuity mortgages

- Loans (including college loans, personal loans, home equity loans and lines of credit)
  - Credit cards or advances from credit cards
  - Individual Development Accounts (IDA)
  - Supplemental needs trusts
  - Disaster relief grants, e.g. FEMA grants
- (6) Applicants who do not meet the resource test must be denied.
- (7) If the eligibility examiner needs clarification of the declared resource amounts, resources may be documented with the following:
- Checking statements;
  - Savings statements or bankbooks;
  - Stock certificates;
  - Bank or dividend statements;
  - Savings bonds; and
  - Statements from the institution where funds are deposited or managed.

### **C. Shared Meter Situations**

1. Definition – A shared utility meter is a utility meter that measures gas, electric, or steam service provided to a dwelling and also measures service to other space outside that dwelling.
2. Necessary Action – When a certifier identifies a shared meter situation that is potentially in violation of § 52 of the Public Service Law, the procedures outlined below are followed:
  - a. Determine if the applicant household meets all eligibility criteria for Emergency benefits.
  - b. Initiate a referral for a shared meter investigation, using the “Request for a Shared Meter Investigation” form. This can be found in the TA Energy Manual. Landlord/owner information must be provided by the certifier.
  - c. Commit the appropriate Emergency benefit, pending the outcome of the shared meter investigation. If it is ultimately determined that a shared meter does not exist, the payment may be authorized.
  - d. If the utility company determines that a shared meter situation exists in violation of § 52 of the Public Service Law, the utility company is required to establish the account in the owner/landlord’s name. The applicant will no longer be the customer of record and is not eligible for an Emergency benefit.

### **D. Additional Emergency Situations**

1. The following may also be considered emergency situations:
  - a. The applicant is in an emergency situation as described in Section B above and does not have alternative housing available.
    - (1) The applicant may be relocated in this situation.
  - b. The applicant must be offered temporary shelter or relocation because they are in an emergency home heating situation which is deemed by the district to be detrimental to the health and/or safety of household members.

- (1) The district may temporarily relocate the applicant when the unsafe home heating situation cannot be resolved and the applicant has no alternative housing.
- c. The applicant's propane vendor will no longer deliver fuel and a new vendor must be secured.
  - (1) A propane tank deposit may be authorized if the applicant is heating with propane at the time of application, is without or has less than one-quarter ( $\frac{1}{4}$ ) tank of propane, and the current propane vendor refuses to make a delivery due to the applicant's arrears and/or history of non-payment.
- d. Households are not required to obtain deliveries on a credit basis. Deliveries made to households on automatic delivery or on a budget plan are not considered credit deliveries.
  - (1) Applicants participating in a utility company's low income program at the time of application for the Emergency benefit component are not considered to be in an emergency situation, unless that applicant's service may actually be terminated by the company through its normal termination process.
  - (2) Applicants whose contract or service is terminated by an Energy Service Company (ESCO) are not considered to be in an emergency since service will revert back to the utility company. The exception to this is if the ESCO has the ability to terminate utility service.
  - (3) Applicants in shared meter situations are eligible for a heat or heat-related Emergency benefit as long as the applicant is otherwise eligible.

## Chapter 11 – Cooling Assistance Component Eligibility Criteria

### A. Basic Eligibility

1. There are basic eligibility requirements that must be met by applicants to be eligible for all HEAP components. Each component has additional specific eligibility requirements. This section represents the basic eligibility requirements that must be met by all applicants for the Cooling Assistance Component.
2. All applicants for the Cooling Assistance Component must comply with the basic eligibility requirements found in Chapter 8: Basic Eligibility and are as follows:
  - a. Residence – The applicant must be a New York State resident and reside in the county in which they apply for assistance.
  - b. Income Based on Household Size – Each household must meet specified income guidelines based on their household size.
  - c. Citizenship and Legal Permanent Resident Status – In order to receive benefits, all HEAP household members must be U.S. citizens, U.S. non-citizen nationals, or qualified aliens.
  - d. Living situation – Applicants must reside in an eligible living arrangement during the month of application.
  - e. Responsibility for heating/energy costs – Each household must document that they pay a vendor directly for actual charges incurred for the cost of energy or document that they pay indirectly for the cost of energy that is included in their rent.
  - f. Valid SSN – All applicant household members must provide a valid SSN.

### B. Additional Eligibility Criteria for Cooling Assistance Component

1. The applicant or a household member must have a documented medical condition exacerbated by extreme heat that would benefit from the establishment of a cooling room, or a fan. The medical documentation must be issued and signed by a physician, physician's assistant, or a nurse practitioner and clearly state the medical condition and the benefit of a cooling room or fan.
  - a. Applicants who received a HEAP benefit of \$21 in the current program year and do not reside in government subsidized housing with heat included in their shelter costs are in an ineligible living situation, and therefore are not eligible for this component.
  - b. Applicants who have moved since receiving their Regular benefit, may apply for the Cooling Assistance Component using the HEAP Application (LDSS-3421) and the HEAP Cooling Assistance Request for Benefit (LDSS-4992).
  - c. Applicants with a working air conditioner less than five years old are ineligible for this component.
  - d. Applicants who have received a HEAP funded air conditioner within the past five years are ineligible for this component.
    - (1) Applicants who received a HEAP funded air conditioner within the past five years and subsequently move are ineligible to receive a HEAP funded air conditioner in their new home.
    - (2) Applicants who received a HEAP funded fan within the past five years and subsequently move are eligible to receive a HEAP funded air conditioner in their new home.



## Chapter 12 – Specific Requirements for Cooling Benefits

### A. Work Completion

1. Cooling vendors must contact eligible households to schedule installation within ten business days from the date of authorization by the district.
2. Vendors must notify districts if they cannot meet this timeframe and provide the reason.
3. Notice requirements:
  - a. Applicants must be provided written notice of the eligibility decision made on the application for HEAP benefits no later than thirty 30 business days from the date of the receipt of the final vendor invoice for payment.

### B. Scope of Work

1. Benefits are not to exceed \$800 per household, including the cost of an air conditioner, administrative costs, labor, program support, materials, removal of the old unit and minor repairs essential for safe installation. Funds may not be used for any other purpose.
2. Only one HEAP funded air conditioner or fan will be provided in an eligible dwelling.
3. Vendors are required to determine the most appropriate living space for the creation of a cooling room.
4. Vendors are required to ensure that the client's electrical system meets load requirements necessary for safe operation of the air conditioner and must conduct an assessment of the electrical load capacity prior to installation.
5. Vendors must calculate the BTUs of the cooling room to ensure the purchase of an appropriately sized air conditioning unit.
  - a. In circumstances where an air conditioner cannot be safely installed, the vendor must provide a fan, at a reasonable cost, for the established cooling room.
6. Air conditioners are limited to window installations, existing sleeve installations and portable units.
  - a. Whenever possible, window equipment with an Energy Star rating must be installed.
  - b. In the event that an Energy Star rated window unit cannot be safely installed, a non-Energy Star rated unit or a portable unit may be installed
7. Vendors are responsible for registering warranties with manufacturers and providing copies of the completed warranty to clients.
8. The client or dwelling owner is responsible for the maintenance of the air conditioner.
  - a. This includes removing, covering, storing and/or reinstalling the unit or the installation sleeve after vendor installation.
9. Recipients of the Cooling Assistance Component should be directed to contact the vendor directly for any issues that arise with the unit after installation.

### C. Cooling Assistance Services Invoice

1. Both the vendor and the district use the HEAP Cooling Assistance Services Invoice form (LDSS-5044).
  - a. Districts use this form to notify a vendor that an individual is approved for services. Districts must complete the following sections:
    - (1) The "Customer Contact" section is used to communicate customer information to the vendor.
    - (2) "Agency Use Section" must have the "Application Date", "Date Approved", "Invoice Date Received", and the "Collateral contact with client" sections completed.

## D. Payments

1. Cooling Assistance Component benefit payments are issued directly to the vendor after completion of all work and submission of the completed Cooling Assistance Services Invoice (LDSS-5044).
  - a. Vendors must return the completed form to the district with client signature, in order to receive payment. The sections to be completed prior to returning to the district are:
    - (1) The Services Provided checklist to identify services performed by the vendor,
    - (2) The Customer Section to be completed by the client to attest that services have been completed; and
    - (3) A Vendor Use Only section with the total amount for the air conditioner and installation; signed by the technician.

## E. Prohibited Payments

1. The following circumstances make an applicant ineligible for a Cooling benefit:
  - a. The applicant does not have a documented medical condition that is exacerbated by extreme heat.
  - b. The applicant resides in a dwelling that is only eligible for a \$21 heat-included benefit, with the exception of households residing in government subsidized housing with heat included in the rent.
  - c. The applicant has received a HEAP funded air conditioner within the past five years.
  - d. The applicant has a working air conditioner that is less than five years old.

## Chapter 13 – HERR Component Eligibility Criteria

### A. Basic Eligibility

1. There are basic eligibility requirements that must be met by applicants to be eligible for all HEAP components. Each component has additional specific eligibility requirements. This section represents the basic eligibility requirements that must be met by all applicants for the HERR benefit component.
2. All applicants for the HERR benefit component must comply with the basic eligibility requirements found in Chapter 8: Basic Eligibility and are as follows:
  - a. Residence – The applicant must be a New York State resident and reside in the county in which they apply for assistance.
  - b. Income Based on Household Size – Each household must meet specified income guidelines based on their household size.
    - (1) Applicant homeowners who are in receipt of ongoing TA, SNAP, or Code A SSI are considered to be categorically income eligible.
  - c. Citizenship and Legal Permanent Resident Status – In order to receive benefits, all HEAP household members must be US citizens, U.S. non-citizen nationals, or qualified aliens.
  - d. Living situation – Applicant homeowners must reside in an eligible living arrangement during the month of application.
  - e. Responsibility for heating/energy costs – Each household must document that they pay a vendor directly for actual charges incurred for the cost of energy or document that they pay indirectly for the cost of energy that is included in their rent.
  - f. Valid SSN – All applicant household members must provide a valid SSN.

### B. Additional Eligibility Criteria for HERR Component

1. All of the following eligibility requirements must be met prior to issuing a HERR benefit.
  - a. The applicant's primary heating equipment must be in need of repair or replacement, be unsafe or inoperable.
    - (1) This must be verified by a participating vendor with a signed vendor agreement on file with NYS OTDA.
  - b. The applicant for HERR must be the documented homeowner of the property for the 12 months prior to the month of application. This must be documented by at least one of the following items:
    - (1) Recorded deed
    - (2) A real property website may be used instead of paper documentation of a deed to ease administrative burden or on an as needed basis. The printout or notation in the case record is acceptable and must contain the date of acquisition and who owns the property. Districts must ensure the real property website is up to date.
    - (3) Titles for mobile homes or manufactured homes 1995 or newer.
    - (4) For manufactured or modular homes sold prior to 1995, and not titled, those applicants must provide a bill of sale in conjunction with a tax bill/receipt, mortgage papers/payment book or loan payment receipts, mobile home lot rent receipts/statement from park owner; or loan papers.
    - (5) An individual with a life estate and life use is HERR eligible unless the deed or life estate contract specifies that the deeded owner, not the individual with life use, is responsible for

repairs and/or maintenance. Responsibility of repairs and/or maintenance must be either part of the deed or other legal document executed at the time of the original property transfer. Modifications made to meet eligibility requirements do not meet ownership requirements for this component.

- c. The applicant must have resided in the dwelling for the 12 months prior to the month of application.
  - (1) Documentation includes, but is not limited to a statement from trailer park owner, mortgage receipts, or two of the following: statement from another person, current mail, or school records.
- d. The dwelling must be the applicant's primary residence.
  - (1) Roadworthy trailers or mobile homes registered with the Department of Motor Vehicles are not considered permanent primary residences.
- e. The applicant must document that the equipment being replaced or repaired has been the primary heating equipment in the dwelling for the 12 month period prior to the month of application.
  - (1) Documentation may include: fuel delivery slips, confirmation of delivery and/or payment for fuel, confirmation through a utility website that the account has been active and gas or electric costs incurred, or collateral contact with the home energy vendor.
- f. The applicant's dwelling must be in compliance with local building and safety codes, must not be in condemned status, and must be safe and structurally sound. The dwelling must not be considered to be unsafe and/or unfit for habitation.
- g. The applicant's dwelling must not have more than two units.
- h. The applicant must not have a signed sales contract to sell the dwelling for which they are applying for assistance.
- i. Eligibility for applicants whose dwelling is in the process of foreclosure or for sale on the open market must be assessed on a case-by-case basis to determine when and if the premises will actually be vacated by the applicant.

### **C. Additional Action Based on Determination**

1. The applicant, any co-owners, and all household members must meet the resource limit requirements.
  - a. Applicants for the HERR benefit component must not have more than \$3,000 in available liquid resources to be eligible.
  - b. The applicant's resource availability is determined by reviewing all available liquid resources. Resources for all household members, as defined by HEAP, must be declared and explored.
  - c. The applicant for HERR benefits must document all available liquid resources for all household members.
    - (1) Applicants in receipt of active TA or Code A SSI do not need to be resource tested.
  - d. If the co-owner is not accessible, refuses to provide documentation of resources, or has resources that exceed the established limits, only a prorated share of the repair or replacement cost will be paid by HEAP.
    - (1) Prior to authorizing payments for a HEAP prorated HERR benefit, it must be documented & verified that the client and/or co-owner(s) share of the cost has been guaranteed, paid or that the client has made satisfactory payments arrangements for the repair or replacement before the HEAP payment is authorized.
      - Applicants must be given ten business days to provide this documentation and it must be requested using the Documentation Requirements (LDSS-2642) form.

- (2) Applicants who are victims of documented domestic violence situations may be exempt from documenting the co-owner's resources.
- e. A list of available liquid resources and allowable deductions for the HERR component can be found in Chapter 10: Heat or Heat-Related Emergency Benefit Component Eligibility Criteria.
- f. Applicants who have available liquid resources, less any exempt resources, must contribute this amount to the cost of the repair or replacement.
  - (1) A list of exempt resources can be found in Chapter 10: Heat or Heat-Related Emergency Benefit Component Eligibility Criteria.
- g. Applicants who have available liquid resources, after exemptions are applied, that equal or exceed the cost of the repair or replacement or applicants who do not meet the resource test are not eligible.

#### **D. Resource Documentation**

1. Resources must be documented for all household members including co-owner(s) who do not reside in the dwelling. A complete listing of acceptable documentation can be found in Chapter 10.
2. Resources are determined in the same manner as for the applicant, including the standard resource exclusion.
3. HEAP funds will pay only a prorated share of the repair or replacement, based on the number of owners when the co-owner(s) is not accessible, the co-owner(s) refuses to provide documentation of resources, and/or the co-owner(s) has resources that exceed the established limits.

## Chapter 14 – Specific Requirements for HERR Benefits

### A. Work Completion

1. Vendors should complete the heating equipment repair or replacement work within five business days from the date of authorization by the district.
2. Vendors must notify districts if they cannot meet this timeframe and provide the reason.
3. Notice requirements:
  - a. Applicants must be provided written notice of the eligibility decision made on the application for HEAP benefits no later than 30 business days from the date of the receipt of the final vendor invoice for payment.

### B. Scope of Work

1. Repair of essential primary heating equipment is defined as the labor and materials necessary to restore or fix an eligible household's essential heating equipment to a sound useable condition without the replacement of the heating system (furnace/boiler).
  - a. This includes repair or replacement of chimneys or using other venting systems and repair or replacement of oil tanks.
  - b. When the cost of repair may exceed or be comparable to the cost of replacement, the district should explore replacement.
2. Replacement of essential primary heating equipment is defined as the materials and labor necessary to replace an eligible household's essential heating equipment by removal of an existing heating system and replacement with a new heating system.
  - a. The repair or replacement of essential heating equipment necessary for the system's safe and proper operation, such as chimneys, chimney liners or other direct venting systems and oil tanks may be included as part of a replacement.
  - b. Eligible applicants may receive one heating equipment replacement benefit within a ten-year period.
3. Prior to the start of all work, whether repair or replacement, the work must be approved and authorized by the district.
4. All repairs or replacements on either State or sovereign lands must be completed to the satisfaction of all State and local codes, in addition to individual sovereign nation's protocols and rules.
5. Repair of the existing inoperable heating equipment must be explored prior to replacement.
6. Replacement of essential primary heating equipment may be explored in situations when a licensed qualified participating vendor provides a written statement documenting the current existing primary heating system is inoperable and/or unsafe and the reason why; and written verification that the essential heating equipment cannot be repaired.
7. Work is limited to essential components of the primary heating equipment necessary to ensure that the heating system will operate safely and within all applicable State and local building codes.
  - a. Work is limited to the primary heat source. Primary heat source is defined as the heating equipment used within the 12 month period prior to the month of application to heat the majority of the dwelling and is located inside the dwelling, with the exception of outdoor wood boilers and exterior units that are encapsulated.
  - b. Installation or repair of fuel tank gauges should be included as part of the repair of essential equipment if original gauges are faulty or nonexistent.

- c. Portable space heaters or portable kerosene heaters are not considered a primary heat source and are not eligible for repair and/or replacement under this component.
  - d. At the household's request, inoperable/unsafe primary heating equipment may be replaced with a different type of system if the cost of the alternative system is comparable (defined as \$500 or less) to the replacement with the same type of system. The final approval for replacement with a different system type is made by the local district.
  - e. When a boiler has frozen pipes, HERR benefits may assist with repairing the sections of piping absolutely necessary for the safe and proper installation and operation of the boiler.
  - f. The cost of removal and proper disposal of the heating equipment in accordance with all State and local codes and regulations must be included in the job scope and cost.
8. All repair and replacement jobs must include the installation, per manufacturer's specifications, of at least one carbon monoxide detector when one is not present or the current carbon monoxide detector in the dwelling is over five years old.
  9. With the recipient's consent, vendors should install a programmable thermostat in the dwelling when repairing or replacing the primary heating equipment.
  10. Whenever possible, replacement furnaces and boilers installed must be Energy Star rated or high-efficiency rated at a minimum of 92% efficiency or higher.
    - a. Installation of non-Energy Star rated or non-high efficiency equipment may only be considered when Energy Star rated or 92% or greater high-efficiency heating equipment cannot be obtained within a reasonable timeframe or when the cost of the Energy Star or high-efficiency heating equipment exceeds the HERR benefit limit of \$6,500.
    - b. For oil hydronic (boilers) systems, 83% efficiency or above is considered high efficiency.

## C. Job Proposals

1. Job Proposal Requirements
  - a. All job proposals must be based on an onsite assessment.
  - b. OTDA requires that districts obtain a minimum of two job proposals for replacement work above \$3,000.
    - (1) Districts must adhere to local open competitive bidding procedures.
  - c. Districts should offer applicants the opportunity to obtain their own job proposals from a HEAP participating HERR vendor.
    - (1) Vendor lists should be provided to assist applicants.
    - (2) If the applicant declines the offer of the vendor list and requests assistance with obtaining bids/job proposals, this must be noted in the case record and the district must contact vendors on the applicant's behalf.
2. Job Estimate Submission
  - a. Job estimates must include a detailed job scope with labor and material costs listed.
  - b. Job estimates must be completed based on the requirements of the Home Energy Assistance Program (HEAP) Heating Equipment Repair/Replacement Job Proposal (LDSS-4867A) form and NYS Heating Equipment Repair and Replacement Vendor Agreement.
  - c. Vendors must submit job estimates on the current Heating Equipment Repair/Replacement Job Proposal form (LDSS-4867A) and require both vendor and customer signature on the form to attest that the estimate was prepared based on an onsite assessment.
3. Job Proposal Approval

- a. OTDA recommends that the district contract with the lowest qualified bidder.
  - (1) A vendor other than the lowest bidder may be awarded the job on a case-by-case basis.
  - (2) Allowable exceptions to the lowest bidder rule include, but are not limited to:
    - Past issues with the proposals or work of the lowest bidding vendor;
    - Inability of the lowest bidder to complete the work within five business days;
    - Inability of the lowest bidder to obtain or install Energy Star/high efficiency rated equipment when applicable; and
    - Customer contract or long term relationship with a vendor other than the lowest bidder.
  - (3) Multiple bids are not required for repairs of \$500 or less.
    - Vendors must request and receive district approval prior to commencing any work.
    - Districts should use local procedures for obtaining job proposals for repair and replacement work.
  - (4) Estimates that are not based on an on-site assessment are not valid and must not be accepted.
  - (5) Only vendors with a signed Heating Equipment Repair and Replacement Vendor Agreement on file with NYS OTDA may perform HERR work.

## D. Payments

1. HERR benefit payments are issued directly to the vendor after completion of all work, submission of final itemized bill, and recipient confirmation of installation and operation of the heating system.
  - a. Districts must contact the recipient to confirm the installation, equipment (thermostats, CO detectors, tank gauges, if applicable), and operation of the heating unit and the condition of the dwelling upon job completion prior to authorizing payment for HERR benefits.
  - b. Prior to authorizing payments for a HEAP prorated benefit, it must be documented & verified that the client and/or co-owner(s) share of the cost has been guaranteed, paid or that the client has made satisfactory payments arrangements for the repair or replacement before the HEAP payment is authorized.
2. Vendor's Responsibilities
  - a. After work is complete, vendors must submit a final itemized bill on company letterhead.
    - (1) Itemized bills should include the total amount of labor costs, in addition to the amount of the unit.
  - b. Bills must be submitted no later than 15 business days after work completion. Districts may not pay vendors until the work has been completed, an itemized bill is received, and client confirmation of satisfactory work completion has been obtained.
  - c. Vendors may not charge New York State sales tax. Local County Sales Tax may be collected if applicable.
3. Estimate Payments
  - a. A reasonable cost associated with obtaining job estimates or documenting the condition of the system and to provide an estimate of work is an allowable expense.
  - b. The following conditions also apply to estimate payments:
    - (1) The cost of estimates may only be paid for eligible households. Districts must not incur costs or require applicants to incur costs for estimates prior to the eligibility determination.



- (2) Estimate fees may only be paid to vendors that are not awarded the repair or replacement job.
- (3) Districts with a contracted single source HERR vendor must not pay for estimates with program funds. These costs must be part of the contract and must be paid from the district's administrative funds.

## **E. Timely Benefit Payments**

1. All HERR invoices must be date stamped when they are received.
2. Benefit payments are issued directly to the vendor after completion of all work, submission of final itemized bill, and recipient confirmation of installation and operation of the heating system.

## **F. Prohibited Payments**

1. The following circumstances make an applicant ineligible for a HERR benefit:
  - a. The applicant has not owned and resided in the dwelling for the 12 months prior to the month of application.
  - b. The applicant has failed to document that the heating system in need of repair or replacement has been the primary heating system for the 12 months prior to the month of application.
  - c. Work that was started or completed prior to the applicant's HEAP eligibility determination.
  - d. Work that was not authorized by the district.
  - e. Work on residences that contain more than two units.
  - f. Heating equipment that is inoperable due to flood, fire, or other natural disasters.
  - g. The applicant's homeowner's insurance is available to pay for the repair or replacement.
  - h. The dwelling has been determined to be unsafe, is not habitable, or is out of compliance with building codes and the situation cannot be corrected in a reasonable or cost effective manner in order to ensure safe and healthy habitation.
  - i. Installation of a heating system into a dwelling where one does not exist.
  - j. The applicant's primary heating equipment was replaced using HEAP funds within ten years from the application date.
  - k. The applicant's dwelling is for sale and the owner is in possession of a signed sales contract.
    - (1) When the applicant's dwelling is in the process of foreclosure, the application will be assessed on a case-by-case basis to determine when and if the premises will actually be vacated by the applicant.
  - l. Parts and labor charged for the repair or replacement of any optional or non-essential heating system components.
  - m. Work on dwellings that are not considered permanent primary residences, including roadworthy trailers or mobile homes registered with the Department of Motor Vehicles.
  - n. Dwellings being purchased through a land contract or rent-to-own agreements.

## **G. Referral**

1. All households approved for a HERR benefit must be referred to the Weatherization Assistance Program operated through the New York State Homes and Community Renewal (HCR) using the DHCR WAP #37 referral form.

## Chapter 15 – Clean and Tune Benefit Eligibility Criteria

### A. Basic Eligibility

1. There are basic eligibility requirements that must be met by applicants to be eligible for all HEAP components. Each component has additional specific eligibility requirements. This section represents the basic eligibility requirements that must be met by all applicants for the Heating Equipment Clean and Tune benefit component.
2. All applicants for the Heating Equipment Clean and Tune benefit component must comply with the basic eligibility requirements found in Chapter 8: Basic Eligibility and are as follows:
  - a. Residence – The applicant must be a New York State resident and reside in the county in which they apply for assistance.
  - b. Income Based on Household Size – Each household must meet specified income guidelines based on their household size.
    - (1) Applicant homeowners who are in receipt of ongoing TA, SNAP, or Code A SSI are considered to be categorically income eligible.
  - c. Citizenship and Legal Permanent Resident Status – In order to receive benefits, all HEAP household members must be US citizens, U.S. non-citizen nationals or qualified aliens.
  - d. Living situation – Applicant homeowners must reside in an eligible living arrangement during the month of application.
  - e. Responsibility for heating/energy costs – Each household must document that they pay a vendor directly for actual charges incurred for the cost of energy.
  - f. Valid SSN – All applicant household members must provide a valid SSN or proof that the individual has applied for an SSN.

### B. Additional Eligibility Criteria for Clean and Tune Benefit

1. All of the following eligibility requirements must be met prior to issuing a Heating Equipment Clean and Tune benefit.
  - a. The applicant must be the homeowner.
    - (1) An applicant attestation to homeownership may be accepted. Districts must require documentation whenever there is reason to question the statement of homeownership.
    - (2) Applicants that received a current program year Regular HEAP benefit in an amount of \$45 or less are not eligible for the Heating Equipment Clean and Tune benefit. However, such applicants who move into an eligible living situation may apply for this component using both the HEAP Heating System Clean and Tune Request for Benefit (LDSS-5081) and the HEAP Application (LDSS-3421).
  - b. The applicant for Clean and Tune must have been the homeowner of the property for the 12 months prior to the month of application.
  - c. The applicant must have resided in the dwelling for the 12 months prior to the month of application.
  - d. The dwelling must be the applicant's primary residence.
    - (1) Roadworthy trailers or mobile homes registered with the Department of Motor Vehicles are not considered permanent primary residences.
  - e. The applicant's dwelling must be in compliance with local building and safety codes, must not be in condemned status, and must be safe and structurally sound. The dwelling must not be considered to be unsafe and/or unfit for habitation.

- f. The applicant must not have a signed sales contract to sell the dwelling for which they are applying for assistance.
  - (1) Eligibility for applicants whose dwelling is in the process of foreclosure or for sale on the open market must be assessed on a case-by-case basis to determine when and if the premises will actually be vacated by the applicant.
- g. The primary heating equipment must be older than 12 months prior to the month of application.
- h. The applicant's primary heating equipment must not have been cleaned and tuned within the past 12 months prior to the month of application.
- i. In cases where the primary heat source is wood or wood products, the chimney must not have been cleaned within the past 12 months prior to the month of application.
- j. Applicants with service contracts that include clean and tune services are not eligible.

## Chapter 16 – Specific Requirements for Clean and Tune Benefits

### A. Work Completion

1. Vendors must schedule the heating equipment clean and tune services within ten (10) business days of the receipt of the referral by the district.
2. Vendors must notify districts if they are unable to schedule the clean and tune services within ten (10) business days.
3. The district must then send the applicant a copy of the Documentation Requirements (LDSS-2642) form with the “Other” box checked and the following language, “(vendor name) tried to contact you regarding the HEAP Heating Equipment Clean and Tune, but was unsuccessful. Please contact us by (date) to resolve this”.
4. Notice requirements:
  - a. Applicants must be provided an appropriate notice of the eligibility decision made on the request for HEAP Heating Equipment Clean and Tune benefit no later than thirty (30) business days from the date of the receipt of the final vendor invoice for payment. A copy of all notices must be retained in the case record for 6 years, including the current program year.

### B. Scope of Work

1. Clean and tune of essential primary heating equipment is defined as the labor and materials necessary to clean an eligible household’s primary heating equipment, and to identify necessary repairs to ensure efficient and safe operation of the heating unit.
  - a. This includes chimney cleaning for households where the primary heat source is wood or wood products.
2. Prior to the start of all work, the work must be approved and authorized by the local district.
3. All repairs or replacements on either State or sovereign lands must be completed to the satisfaction of all State and local codes.
4. Work is limited to essential components of the primary heating equipment necessary to ensure that the heating system will operate safely and within all applicable State and local building codes.
  - a. Work is limited to the primary heat source. Primary heat source is defined as the heating equipment used within the 12 month period prior to the month of application to heat the majority of the dwelling and is located inside the dwelling, with the exception of outdoor wood boilers and exterior units that are encapsulated.
  - b. Only one HEAP funded heating equipment clean and tune will be provided per eligible household per program year.
  - c. Vendors must obtain district approval for any minor repairs necessary to ensure the proper and safe operation of the heating equipment.
    - (1) Approved repairs in combination with the clean and tune service must not exceed \$400.
    - (2) If it is determined that that heating equipment is inoperable or unsafe to operate, the vendor must cease work and refer the customer to the local district.
5. All clean and tune jobs must include the installation, per manufacturer’s specifications, of at least one carbon monoxide detector when one is not present or the current carbon monoxide detector in the dwelling is over five years old.
6. With the client’s consent, vendors should install a programmable thermostat if one is not present in the dwelling

## C. Payments

1. Heating Equipment Clean and Tune benefit payments are issued directly to the vendor after completion of all work, submission of completed Heating Equipment Clean and Tune Services Invoice (LDSS-5083).
  - a. The Services Provided checklist to identify services performed by the vendor.
  - b. The Customer Section to be completed by the client to attest that services have been completed.
  - c. The Vendor Use section with total amount for the clean and tune services, including parts, cost, and labor. This section must be signed and dated by the technician.
  - d. The Agency Use Section with the application date, date approved, invoice date received, and collateral contact with client including date
2. Vendor's Responsibilities
  - a. Bills must be submitted no later than 15 business days after work completion. Districts may not pay vendors until the work has been completed, an itemized bill is received, and client confirmation of satisfactory work completion has been obtained.
  - b. Vendors must charge the same rate for services performed for households not in receipt of HEAP.
  - c. Vendors must provide services directly and may not contract out any portion of work.
  - d. Vendors must perform the clean and tune services according to the specified industry standards and as outlined in the HEAP Heating Equipment Clean and Tune Services Invoice (LDSS-5083).
  - e. Vendors may not charge New York State sales tax. Local County Sales Tax may be collected if applicable.

## D. Timely Benefit Payments

1. All Clean and Tune invoices must be date stamped when they are received.
2. Benefit payments are issued directly to the vendor after completion of all work.

## E. Prohibited Payments

1. The following circumstances make an applicant ineligible for a Clean and Tune benefit:
  - a. The applicant has not owned and resided in the dwelling for the 12 months prior to the month of application.
  - b. The primary heating equipment is less than 12 months old.
  - c. The primary heating equipment or chimney has been cleaned within the past 12 months.
  - d. Work that was started or completed prior to the applicant's HEAP eligibility determination.
  - e. Work that was not authorized by the district.
  - f. Heating equipment that is inoperable due to flood, fire, or other natural disasters.
  - g. The applicant has a service contract that includes clean and tune services.
  - h. The dwelling has been determined to be unsafe, is not habitable, or is out of compliance with building codes and the situation cannot be corrected in a reasonable or cost effective manner in order to ensure safe and healthy habitation.
  - i. The applicant's dwelling is for sale and the owner is in possession of a signed sales contract.
    - (1) When the applicant's dwelling is in the process of foreclosure, the application will be assessed on a case-by-case basis to determine when and if the premises will actually be vacated by the applicant.

- j. Parts and labor charged for the repair or replacement of any optional or non-essential heating system components.
- k. Work on dwellings that are not considered permanent primary residences, including roadworthy trailers or mobile homes registered with the Department of Motor Vehicles.
- l. Dwellings being purchased through a land contract or rent-to-own agreements.

## Chapter 17 – Documentation Requirements

### A. Documentation Requirements

1. Both new and returning applicants for HEAP benefits must provide documentation to support their eligibility.
  - a. New applicants for Regular benefits must provide full documentation of the following:
    - (1) Residence;
    - (2) Identity for each household member;
    - (3) Household income;
    - (4) Vendor relationship; and
    - (5) Proof of vulnerability, if applicable
  - b. Returning applicants for Regular benefits are only required to submit documentation of earned income unless there have been changes to the following eligibility criteria since the prior year's certification:
    - (1) A change in household composition;
    - (2) A change in residence;
    - (3) A change in living arrangement;
    - (4) A change in heating source when the address remains the same;
    - (5) A change in income source; or
    - (6) A change from homeowner to renter or vice versa
  - c. Documentation of unearned income may be required whenever the certifier or district believes there is an additional need for information to certify eligibility or calculate the benefit.
  - d. Applicants with at least one member of the household in receipt of recurring TA, SNAP, or Code A SSI do not have to submit documentation of earned or unearned income.
  - e. Income documentation is not required for households eligible to participate in the income deeming process for Emergency benefit applications.
  - f. When earned and/or unearned income documentation is required, it must be obtained for each source of income in the household.
  - g. Earned income must be documented for all applications. This includes rental and self-employment income.
  - h. Permanent documentation on file at the district must be verified and notated in the Agency Use Only section of the HEAP Application (LDSS-3421). If any required documentation is not on file, the applicant must be sent a copy of the Documentation Requirements (LDSS-2642) form requesting the missing information, and the application is pended for up to ten business days.
2. Documentation may be original, copies, in electronic format, or collateral contact made by the certifier.
  - a. All collateral contact must be documented in the "Agency Use Only" section of the HEAP Application (LDSS-3421) or the Emergency Benefit Budget Worksheet (LDSS-3594B) and retained in the case record.
3. Notification of Required Documentation to Applicants

- a. Applicants must be appropriately notified of any additional information and/or documentation needed to complete their application.
  - (1) The Documentation Requirements (LDSS-2642) form is used to notify applicants.
  - (2) The Request for Documentation, found in myWorkspace, may be used for applicants who have submitted their application via myBenefits.
- b. Applicants must be provided with a date for the information/documentation to be returned to the district or certifier.
- c. The applicant must be informed that their application will be denied, or that a determination must be made based on available information, if the information/documentation is not provided by the due date.
- d. Districts and Alternate Certifiers may attempt to resolve questions on applications or pending documentation by phone prior to sending the Documentation Requirements (LDSS-2642) form. If the application cannot be completed on the first day of the pending period, the form must then be sent.
- e. The pending documentation start and end dates must be entered in the “Agency Use Only” section of the HEAP application (LDSS-3421), on the Emergency Benefit Budget Worksheet (LDSS-3594B), or in the case record for electronically filed applications.

## **B. Failure to Provide Documentation**

1. Any HEAP applicant who fails to provide the required documentation must be denied, or a determination must be made based on available information.
  - a. If an application is pended for self-employment or rental income deductions, and proof of such deductions is not received within the allowable pending period, an eligibility determination must be based on available information. If the household’s total gross income falls within Tier II income guidelines without allowable self-employment or rental deductions, the application must be approved for a Tier II benefit. If the household is above the income guidelines without allowable deductions, the application must be denied.
2. Any applicant who has been denied for failure to provide documentation, but still wishes to receive a HEAP benefit must reapply for assistance.

## **C. Types of Documentation**

1. Residence must be documented by providing:
  - a. ONE of the following:
    - (1) Current rent receipt with name and address
    - (2) Statement from landlord
    - (3) Utility bill
    - (4) Copy of lease with address
    - (5) Water, sewage or tax bill
    - (6) Homeowner’s or renter’s insurance policy
    - (7) Mortgage payment book or receipts with address
    - (8) OR
  - b. TWO of the following:
    - (1) Statement from another person



- (2) Current mail
2. Identity for each household member must be documented by providing:
  - a. ONE of the following:
    - (1) Photo I.D.
    - (2) Driver's License
    - (3) U.S. Passport
    - (4) Naturalization Certificate
    - (5) Hospital/Doctor's Records
    - (6) Adoption Paper
    - (7) School records
    - (8) OR
  - b. TWO of the following:
    - (1) Statement from another person
    - (2) Validated Social Security Number
    - (3) Birth/Baptismal Certificate
3. Earned income documentation from wages
  - a. Earned income from wages must be documented with the following:
    - (1) For weekly income – pay stubs for the four most recent pay periods prior to the application date.
    - (2) For bi-weekly or semi-monthly income – pay stubs for the most recent two pay periods prior to the application date.
    - (3) If the applicant cannot provide pay stubs, the applicant may provide a statement attesting to their income. That statement must then be confirmed with collateral contact with the applicant's employer.
    - (4) If the applicant cannot provide pay stubs, and the district subscribes to the Work Number Social Services Verifier database, a screen print of the applicant's income can be used.
4. Earned income documentation from self-employment
  - a. Applicants who choose to calculate self-employment income using the three months prior to the month of application, with allowable deductions, must document their income by providing the following:
    - (1) Organized business records, including, but not limited to:
      - Income receipts;
      - Expense receipts;
      - Tax records;
      - Signed statements from person(s) for whom work has been performed and payment made.
  - b. Applicants whose gross self-employment income falls within Tier I, are not required to document expenses unless they choose to do so.

- (1) If the household's gross income does not fall within Tier I income guidelines, documentation of expenses must be obtained. The case must be pended using the Documentation Requirements (LDSS-2642) form.
  - (2) If the requested information is not received within ten business days, a determination must be made based on available information. If self-employment income has been verified and the household falls within Tier II income guidelines without allowable deductions, the application must be approved for a Tier II benefit. If the household's total income is above the income guidelines without allowable deductions, the application must be denied.
- c. When the applicant chooses to have their self-employment income calculated based on the three months prior to the month of application, the district must use the HEAP 3 Month Method Self-Employment Worksheet (LDSS-3785) to calculate income and retain it in the case record.
- d. Applicants who choose to calculate self-employment income using a signed and completed income tax form from the appropriate year with applicable schedules, must provide the following documentation:
- (1) The most recently filed, signed, and completed federal income tax form, U.S. Individual Income Tax Return (Form 1040), if filed. If the applicant has not filed for the current year, the prior year should be used.
    - Since the IRS requires business income and deductions to be documented, HEAP will not require documentation other than the tax forms, but if clarification of a deduction is necessary, the district may request additional documentation.
    - If the applicant has not filed their federal income taxes for the previous or current year, they are not eligible to document their income with their tax form and must document their income for the three months prior to the month of application.
    - If the applicant has filed their federal income tax return without a specific schedule, such as C, F, or K-1, they are not eligible to document their income with their tax return and must document their income for the three months prior to the month of application.
  - (2) In conjunction with the filed Form 1040, a copy of the corresponding schedule as follows must be provided:
    - Schedule C Profit or Loss from a Business (Sole Proprietorship); Use of schedule C-EZ is permissible. However, since this form does not itemize deductions, districts may request proof of the amount and types of deductions that have been made
    - Schedule F Profit or Loss from Farming;
    - Form 1065 U.S. Return of Partnership Income and Schedule K-1
    - Form 1120 S U.S. Tax Return for an S Corporation and Schedule K-1; or
    - Schedule E Supplemental Income and Loss (used for rental income)
  - (3) The electronic receipt to show the taxes were filed, if the federal income tax return was filed electronically.
- e. When the applicant chooses to have their self-employment income calculated using their federal income tax return, the district must use the HEAP 12 Month Method Self-Employment Income Tax Calculation Worksheet (LDSS-4997) to calculate income and retain it in the case record.
5. Earned income documentation from rental income
- a. Applicants who choose to calculate rental income using the three months prior to the month of application, with allowable deductions, must provide the following documentation:

- (1) Income receipts;
  - (2) Expense receipts;
  - (3) Tax statements; and
  - (4) Business records
- b. Districts must use the HEAP 3 Month Method Rental Income Calculation Worksheet (LDSS-5001) to calculate income and retain it in the case record when the applicant chooses to have their rental income calculated using the three months prior to the month of application.
- c. In cases where the household's total income, including gross rental income, is within Tier I income guidelines, it is not required to document expenses unless the applicant chooses to do so.
- (1) If the household's gross income does not fall within Tier I income guidelines, documentation of expenses must be obtained. The case must be pended using the Documentation Requirements (LDSS-2642) form.
  - (2) If the requested information is not received within ten business days, a determination must be made based on available information. If rental income has been verified and the household falls within Tier II income guidelines without allowable deductions, the application must be approved for a Tier II benefit. If the household's total income is above the income guidelines without allowable deductions, the application must be denied.
- d. Applicants who choose to calculate rental income using a signed and completed income tax form from the appropriate year with applicable schedules, must complete the HEAP 12 Month Method Self-Employment Income Tax Calculation Worksheet (LDSS-4997), and provide the following documentation:
- (1) If filed, the most recent year's signed and completed federal income tax form.
  - (2) Since the IRS requires business income and deductions to be documented, HEAP will not require documentation other than the tax forms, but if clarification of a deduction is necessary, the district may request additional documentation.
  - (3) If the applicant has not filed their federal income taxes they must document their income for the three months prior to the month of application.
6. Unearned income from benefits (Social Security, SSI, Veteran's, Disability, UIB, Railroad Retirement)
- a. Unearned income from benefits must be documented with one of the following:
- (1) A current award letter
  - (2) Collateral contact by the district or Alternate Certifier with the agency providing the benefits
  - (3) Printout from UIB website
    - Districts have access to the UIB website and may print out the documentation and put it in the case record. If the UIB information is not printed, it must be noted in the agency use section/case notes of myWorkspace that UIB website was checked and the amount that was verified.
  - (4) State On-Line Query (SOLQ)
    - Districts have access to SOLQ and may print out the documentation and put it in the case record. If the SOLQ information is not printed, it must be noted in the agency use section/case notes of myWorkspace that SOLQ was checked and the amount that was verified.
7. Unearned income from child support

- a. Unearned income from child support must be documented with one of the following:
  - (1) Court orders;
  - (2) Copies of checks;
  - (3) Collateral contact/statements from Support Collection Unit;
  - (4) The current separation or divorce agreements with the amount; or
  - (5) Signed statement provided by person making payments. This option should only be used if other documentation is not available.
8. Unearned income from spousal support
  - a. Unearned income from spousal support must be documented with one of the following:
    - (1) Court orders;
    - (2) Copies of checks; or
    - (3) The current separation or divorce agreements with the amount.
9. Unearned income from interest, dividends, or IRAs
  - a. Unearned income from interest, dividends, or IRAs must be documented with one of the following:
    - (1) Bankbooks;
    - (2) Interest statements;
    - (3) Dividend statements;
    - (4) Bank statements; or
    - (5) Tax statements.
10. Unearned income from room or room and board
  - a. Unearned income from room or room and board must be documented with a signed statement from the applicant with the amount paid by the roomer or roomer/boarder.
11. Unearned income from Oneida Indian Nation stipends
  - a. As the Oneida Nation will not provide direct documentation, the following documentation must be provided:
    - (1) Copies of checks;
    - (2) Bank deposit record; or
    - (3) Third-party and/or applicant statements.
12. Vulnerability based on age or disability
  - a. It is only necessary to document vulnerability for one household member.
  - b. Disability must be documented by providing one of the following:
    - (1) SSA award letter
    - (2) Copy of benefit check
  - c. Age must be documented by providing one of the following:
    - (1) Birth certificate
    - (2) Baptismal certificate

- (3) Hospital records
- (4) Naturalization certificate
- (5) Driver's license

## **Chapter 18 – Verification Requirements**

### **A. Definition**

1. Verification is the process whereby a certification worker confirms or clarifies through the applicant or collateral contact that information provided by the applicant is accurate.
  - a. The verification process is most often used with returning applicants for the Regular benefit component.
  - b. Verification may be conducted in other circumstances when the district or Alternate Certifier needs clarification before making an eligibility decision.
2. Verification is supplied by the applicant, but districts and Alternate Certifiers may verify information with a collateral contact.

### **B. Requirements**

1. Information should be obtained directly from the applicant unless the applicant is unable to provide clear information or communicate clearly. It must be noted if the information is obtained from someone other than the applicant.
  - a. Verification may be needed for an applicant for the Regular benefit component when there is a change in unearned income.

### **C. Notations of Verification**

1. Notations regarding verification are recorded on the “Agency Use” section of the HEAP Application (LDSS-3421).
  - a. Notations must include the source of the information and any pertinent details regarding the verification.

## Chapter 19 – Pending Time

### A. Pending an Application

1. Applications may be pended for a maximum of ten business days for documentation. Pending time is not included in the 30 business day processing time frame.
2. Applicants must be provided a Documentation Requirements form found in myWorkspace, or the Documentation Requirements (LDSS-2642) form. A copy must be retained in the case record.
3. The pending documentation start and end dates must be entered in the “Agency Use Only” section of the HEAP Application (LDSS-3421), on the Emergency Benefit Budget Worksheet (LDSS-3594B), or in the case record for electronically filed applications.
4. If the application was received prior to program opening and the applicant was sent the Documentation Requirements (LDSS-2642) form at least ten business days prior to program opening and has not provided requested information by program opening, no additional pending time will be allowed.
  - a. If the notice was not sent more than ten business days before program opening, the applicant must be allowed the full ten business days to provide information.
5. If the documentation is not received, the application must be denied, or a determination must be made based on available information. The applicant may reapply at any time.

## Chapter 20 – Forms, Notices, and Publications

### A. General Requirements

1. State prescribed forms and language
  - a. Certifiers must use the State prescribed forms and reproduce any mandated language without change.
2. Local equivalent forms
  - a. Local equivalent forms are forms developed by the districts which are designed to be used in place of State-mandated forms. Local equivalent forms must contain all of the information required on the State-mandated forms, but may also contain additional information required for the districts own purposes.
  - b. Local equivalents may differ in format as well as media from the mandated forms. Districts develop local equivalent forms for many reasons. These include producing forms to accommodate sight-impaired workers, producing different sized forms that better fit in local case record folders, producing forms that have the agency address preprinted, and producing electronic forms to be used in place of hard copy forms.
  - c. The goal of the local equivalent form approval process is to guarantee that districts are using forms that are legally, programmatically and systemically accurate and up to date.
  - d. All requests must be submitted only to the Bureau of Management Services as outlined below. Requests submitted directly to program organizations, under Department Regulation 300.6 or through any other means, will be forwarded to the Bureau of Management Services, and an approval may be delayed.
  - e. Approval is required whenever a local equivalent version of a new or revised form is proposed.
    - (1) The request for approval should contain the following information:
      - The number and title of the form for which the proposed local equivalent will substitute
      - A sample of the proposed local equivalent with the additional information being added by the district highlighted.
      - A statement of why the proposed local equivalent is needed. This should include an explanation of how the proposed local equivalent will better meet the district's needs.
      - The proposed implementation or effective date.
    - (2) If submitting a hard copy request for approval, it should be submitted to:

New York State Office of Temporary and Disability Assistance  
Bureau of Management Services, Forms Management Unit  
93 Broadway  
Menands, NY 12204
    - (3) If submitting the request electronically, please include an electronic Word version of the proposed form with your memo. The request should be sent to the following email address for review and decision: <mailto:otda.sm.Local.Equivalent.Requests@otda.ny.gov>
    - (4) All prior approved waivers remain valid unless OTDA revises a form for which a district has a waiver or the district wants to make changes to a form with an approved waiver.
    - (5) Districts interested in requesting a waiver to use a local equivalent form should consult 16-ADM-03 for guidance.



3. Distribution of applications, forms and notices
  - a. Generally, only established certifying agencies may distribute HEAP applications. This ensures that all required information is provided to the applicant.
  - b. If districts allow distribution by entities other than certifiers, the district must ensure that the entire HEAP application packet and any additional requested forms are distributed.
  - c. The HEAP Application (LDSS-3421), plus any required information, is available via the internet for printing and completion. This version of the application must be submitted following local procedures.
  - d. The HEAP Application can be found online at the following address:  
[www.otda.ny.gov/programs/heap/apply](http://www.otda.ny.gov/programs/heap/apply).
  - e. Districts may access HEAP forms and notices via Centraport under Forms, OTDA Forms or at [www.otda.state.nyenet/ldss\\_eforms](http://www.otda.state.nyenet/ldss_eforms).
  - f. OTDA forms and written documentation are in alternative formats for the blind or visually impaired. Please refer to 16-ADM-08 for additional information.
  - g. How to Order Forms:
    - (1) Forms with LDSS or PUB numbers are produced by OTDA and can be ordered. When ordering or reordering any HEAP form, be sure to order sufficient quantities for the entire program year. Districts must also take into consideration the form supply needs of Alternate Certifiers when placing orders. Districts should check the current supply prior to placing an order.
    - (2) HEAP forms and notices are also available on Centraport under Forms-OTDA Forms or at [https://otda.state.nyenet/ldss\\_eforms/](https://otda.state.nyenet/ldss_eforms/). Orders for all forms are placed through the District's ordering procedures using OTDA Form 876, "Request for Documents and Publications," or using the Bureau of Management Services' Electronic Forms and Publications" Online System.
      - Completed requests may be submitted by e-mail or electronically:
        - (i) E-mail: <mailto:forms.orders@otda.ny.gov>
        - (ii) Electronically: <http://formorders/>
      - Questions concerning ordering forms should be directed to BMS Document Services at 1-800-343-8859, ext. 4-9522.

## B. Forms

1. Forms required for HEAP vary depending on the method of application. The following forms may be used to obtain information and/or document HEAP eligibility:
  - a. HEAP Application (LDSS-3421) – This form is the application for the Regular benefit component, the Emergency benefit component for applicants not eligible for income deeming, the HERR component, the Heating Equipment Clean and Tune Benefit for applicants who did not receive a Regular benefit, or received a benefit of \$45 or less in the current year, and the Cooling Assistance component for applicants who did not receive a Regular benefit or received a \$21 benefit in the current year. It includes application instructions. This form is filled out by the applicant to provide information regarding residence, income, citizenship, living situation, responsibility for heating/energy costs, and a valid SSN. The certifying agency must complete page 6 of the application.

- b. Emergency Benefit Budget Worksheet (LDSS-3594B) – This form is used to apply for the Emergency benefit component.
- c. Cooling Assistance Request for Benefit (LDSS-4992) – This form is used to apply for the Cooling Assistance Component.
- d. Cooling Assistance Services Invoice (LDSS-5044) – This form is mandatory for the Cooling Assistance Services Component. This form is used by the districts to notify a vendor that an individual is approved for services.
- e. Heating Equipment Repair Replacement Worksheet (LDSS-4867) – This form must be completed in conjunction with the HEAP Application (LDSS-3421) for every HERR benefit. It is filled out by the district when interviewing the applicant for a HERR benefit.
- f. Heating Equipment Repair/Replacement Job Proposal (LDSS-4867A) – This form must be completed by vendors when submitting bids for HERR benefits. Districts must use completed forms to make the final determination when choosing a vendor for this component.
- g. Heating Equipment Repair and Replacement Screening Form (LDSS-5010) – This is a mandatory form used by HEAP eligibility examiners prior to an applicant completing an application for HERR. This is a screening tool for the HERR Component to help assess whether an application for HERR is appropriate.
- h. Heating Equipment Clean and Tune Request for Benefit (LDSS-5081) – This form is used to apply for the Heating Equipment Clean and Tune benefits. It is filled out by applicants when the applicant received a Regular benefit greater than \$45 in the current year, and it is the only application in these cases. When the applicant did not receive a Regular benefit greater than \$45 in the current year, this form must be used with the HEAP Application (LDSS-3421).
- i. Heating Equipment Clean and Tune Invoice (LDSS-5083) – This form is mandatory for the Heating Equipment Clean and Tune benefit. This form is used by the districts to notify a vendor that an individual is approved for services.
- j. Documentation Requirements (LDSS-2642) – This form is used if all required documentation is not included with the HEAP Application (LDSS-3421), districts send this form to applicants with a listing of required documentation. The form is also used as a pending notice to inform applicants of missing documentation.
- k. The Low Income Worksheet (LDSS-3829) – This form must be completed by the eligibility examiner for applicants who claim zero income or whose shelter expenses (rent or mortgage) exceeds their income. This form must be completed during the interview process, but if an interview is not required, it may be completed over the phone.
  - (1) Completion of the Low Income Worksheet (LDSS-3829) is not required for households that are in receipt of ongoing TA, SNAP, or Code A SSI.
- l. The HEAP 3 Month Method Self-Employment Worksheet (LDSS-3785) – This form is to be used by the eligibility examiner to assist with the calculation of self-employment income for those applicants who choose to provide income documentation for the three months prior to the month of application. This is a mandatory form.
- m. The HEAP 12 Month Method Self-Employment Income Tax Calculation Worksheet (LDSS-4997) – This form is to be used by districts to assist with the calculation of self-employment income for those applicants who choose to use their federal income tax return as documentation of income. This is a mandatory form.
- n. The HEAP 3 Month Method Rental Income Calculation Worksheet (LDSS-5001) – This form must be used by districts to assist with calculation rental income for those applicants who choose to

provide income documentation for the three months prior to the month of application. This is a mandatory form.

- o. Home Energy Assistance Program Qualified Alien (LDSS-4998) – This form must be provided to applicants upon request. This information is also available online at [www.otda.ny.gov/programs/applications/4998.pdf](http://www.otda.ny.gov/programs/applications/4998.pdf)
- p. Home Energy Assistance Program Guarantee of Payment (LDSS-5000) – This is a form that districts send to participating HEAP vendors to guarantee both Regular and Emergency component benefits. This form is mandatory if using a written guarantee. A written guarantee should only be used for the Regular benefit if the applicant is in an emergency situation.
- q. HEAP Desk Guide (LDSS-5005) – This guide is updated annually and provides certifying agencies with benefit amounts, income eligibility guidelines, information on eligible living situations, documentation, and documentation requirements.
- r. HEAP Vendor Refund Form (LDSS-5043) – This is a mandatory form used by HEAP vendors. The vendor refund form is used to support the refund process. The form includes the HEAP participant information, payments received by the vendor, and the amount refunded to the district.
- s. HEAP Systems Quick Reference Tool (LDSS-5099)- This guide is a quick reference worker tool. This form provides certifying agencies with system codes and information for HEAP.

## C. Notices

- 1. The following Notices of Eligibility will be provided to applicants for all HEAP components when a manual notice is necessary. A manual notice must be sent when one is not issued via CNS.
  - a. Home Energy Assistance Program (HEAP) Notice of Eligibility Decision – Approval (LDSS-3494A) – This form is used to provide applicants with notice of approval for a HEAP component benefit. Districts must manually print and mail this form to the applicant, and retain a copy in the case record.
  - b. Home Energy Assistance Program (HEAP) Notice of Eligibility Decision – Denial (LDSS-3494B) – This form is used to provide applicants with notice of denial for a HEAP component benefit. Districts must manually print and mail this form to the applicant, and retain a copy in the case record.
- 2. Applicants must be provided notice of eligibility within 30 business days of the application date.

## D. Publications

- 1. The following publications are used to provide information to prospective applicants and may be displayed at districts and Alternate Certifiers.
  - a. Keep the Heat On With HEAP Brochure (PUB-4735) – This is the official HEAP brochure and is an optional publication.
  - b. Keep the Heat On With HEAP Poster (PUB-5007) – This is the official HEAP poster and is an optional publication.
  - c. No Cost Clean and Tune (English/Spanish) (PUB-5157) – This is the official flyer for the promotion of the HEAP Clean & Tune benefit, and is an optional publication.
  - d. Beat the Heat with HEAP! (English/Spanish) (PUB-5182) – This is the official flyer for the promotion of the HEAP Cooling Assistance Component, and is an optional publication.

## Chapter 21 – HEAP Benefits

### A. Overview

1. Regular benefits are structured to ensure that the highest benefits are paid to those households with the highest energy costs. This benefit structure takes into account income, energy costs and family size. A Regular benefit is an annual supplement to assist eligible households in paying a portion of their heating costs. This includes both direct costs and heating costs paid through a portion of the household's rental payment.
2. Heat and heat-related Emergency benefits are available to assist eligible low-income households in meeting a heat or heat-related crisis as defined by HEAP.

### B. Regular Benefit Component

1. The Regular benefit is available once during a program year. Districts will be notified if additional benefits or supplements become available.
2. Benefit levels for the Regular benefit component are based on the applicant's income, living situation, fuel type, and presence of a vulnerable individual, if applicable.
3. Heat-included benefits
  - a. Applicants who meet all other eligibility criteria for the Regular benefit component, as defined in Chapter 8 and Chapter 9, and who make undesignated payments for energy in the form of rent may be eligible for a heat-included benefit.
  - b. Benefit amounts can be found in the NYS HEAP State Plan on OTDA's website at: <http://otda.ny.gov/programs/heap/stateplan.asp>
  - c. Applicants in living situations as defined in Chapter 8 are eligible for a \$21 Heat and Eat benefit.
4. Heater's benefits
  - a. Applicants who meet all other eligibility criteria for the regular benefit component, as defined in Chapter 8 and Chapter 9, and have the heating bill in their name or has primary responsibility to the vendor to pay the bill may be eligible for a heater's benefit.
  - b. Heater's benefits are available to tenants who reside in a multiple unit dwelling and share heating costs with other tenants, but can document that they pay the vendor directly for a bill based on their actual usage.
  - c. Benefit amounts can be found in the NYS HEAP State Plan on OTDA's website at: <http://otda.ny.gov/programs/heap/stateplan.asp>
5. Households may receive a supplemental Regular benefit if they received a heat-included benefit but subsequently move within the program year and are then responsible for the heating bill.
  - a. The supplemental benefit is the difference between the calculated heating benefit minus the heat-included Regular benefit.
  - b. Income deeming does not apply.
  - c. The recipient must have moved but still reside within New York State.
  - d. The recipient must apply for the supplemental benefit in the county in which they currently reside.
  - e. Recipients who received less than the maximum heater's benefit may not receive a supplement during the same program year even if the household's circumstances have changed.
  - f. The WMS Code of H9 (HEAP Supplemental Benefit) is used to issue the supplemental benefit.

- g. All other rules for Regular benefits still apply and the Regular benefit component must be open at the time of application.
6. TA or SNAP recipients who received a payment through the HEAP Mass Authorization process may receive a supplement if:
  - a. The recipient paid for heat at the time of pull down and only received the heat-included benefit.
  - b. The household contains a vulnerable individual who is not on TA or SNAP. These recipients must complete and file a HEAP Application (LDSS-3421).
  - c. Recipients may receive a Supplemental Regular benefit if they received a heat-included benefit but subsequently move within the program year and are then responsible for the heating bill.
  - d. The requirements listed in Section B above also apply to TA and SNAP recipients.

## C. Emergency Benefit Component

1. Depending on the applicant's heating situation, they may be eligible for more than one Emergency benefit in a program year.
  - a. Applicants who heat with a deliverable fuel but need electricity to run their primary heating equipment may be eligible for both a heat and heat-related Emergency benefit.
  - b. Applicants who heat with natural gas and their utility company does not provide electric service but requires electricity to run their heating equipment may be eligible for both a heat and heat-related Emergency benefit.
2. Heat-related Emergency benefits
  - a. Applicants who meet all other eligibility criteria for the Emergency benefit criteria defined in Chapter 10 and require electric service restored to run their primary heating equipment may be eligible for a heat-related Emergency benefit.
  - b. Benefit amounts can be found in the NYS HEAP State Plan on OTDA's website at: <http://otda.ny.gov/programs/heap/stateplan.asp>
3. Heat Emergency benefits
  - a. Applicants who meet all other eligibility criteria for the Emergency benefit criteria defined in Chapter 10 and have the heating bill in their name or has primary responsibility to the vendor to pay the bill may be eligible for an Emergency benefit.
  - b. Benefit amounts can be found in the NYS HEAP State Plan on OTDA's website at: <http://otda.ny.gov/programs/heap/stateplan.asp>
4. Propane tank installation/deposit
  - a. Applicants who meet all other eligibility criteria for the Emergency benefit criteria defined in Chapter 10, who are currently heating with propane, are currently without or have less than one-quarter ( $\frac{1}{4}$ ) tank of propane, and require a tank installation and/or deposit to secure a new propane vendor when their current vendor will not make a delivery due to applicant's arrears may be eligible for a propane tank installation/deposit benefit. This benefit is only available to applicants when the Emergency benefit component is open.
  - b. The maximum benefit amount for propane tank installation/deposit is \$500 – Benefit may be accessed multiple times, but may not exceed this amount per program year.
  - c. This benefit is not intended to establish new propane service for applicants who use another source of heat and want to switch to propane.

- d. This benefit is not available for households who are moving and attempting to set-up new service at the new residence.
5. Temporary relocation
  - a. Applicants who meet all other eligibility criteria for the Emergency benefit criteria defined in Chapter 10, and a living in a situation deemed by the district to be detrimental to the health and/or safety of household members may be eligible for temporary relocation. This benefit is only available to applicants when the Emergency benefit component is open.
  - b. The maximum benefit amount for temporary relocation is \$500 – Benefit may be accessed multiple times, but may not exceed this amount per program year.
6. Weather related and supply shortage
  - a. In the event of weather related emergencies and/or a temporary supply shortage of fuel/propane, the district is authorized to purchase a supply of safe, supplemental heating devices which meet local building codes and can be loaned on a short term basis to eligible households until such time as a delivery of the household's primary heating fuel can be obtained.
  - b. District administrative funds must be used for this purpose. Purchases cannot be made for individual households.

## **D. Cooling Assistance Component**

1. The Cooling Assistance Component benefit is available once every five years per applicant.
  - a. Applicants who meet all other eligibility criteria defined in Chapter 11 may be eligible for a Cooling Assistance Component benefit.
  - b. Benefit amount can be found in the NYS HEAP State Plan on OTDA's website at:  
<http://otda.ny.gov/programs/heap/stateplan.asp>

## **E. Heating Equipment Repair and Replacement Component**

1. Applicants who meet all other eligibility criteria defined in Chapter 13 may be eligible for a HERR component benefit.
2. Benefits include:
  - a. The materials and labor necessary to restore and/or repair an eligible household's essential primary heating equipment to a sound useable condition by repair, or removal of an existing heating system and replacement with a new heating system.
    - (1) Primary heating equipment may include chimneys, chimney liners, direct venting systems, and oil tanks.
  - b. All repair and replacement jobs must include the installation, per manufacturer's specifications, of at least one carbon monoxide detector when one is not present or if the current carbon monoxide detector in the dwelling is over five years old.
3. Benefits amounts are as follows:
  - a. Up to \$3,000 – Benefit to repair an applicant's primary heating equipment. Benefit may be accessed multiple times, but the total may not exceed this amount per program year.
  - b. Up to \$6,500 – Benefit to replace an applicant's inoperable primary heating equipment. Benefit may be accessed once every ten years per applicant.

## **F. Heating Equipment Clean and Tune Benefits**

1. Applicants who meet all other eligibility criteria defined in Chapter 15 may be eligible for a Clean and Tune component benefit
2. Benefits include:
  - a. The materials and labor necessary to clean and tune an eligible household's essential primary heating equipment.
  - b. All clean and tune jobs must include the installation, per manufacturer's specifications, of at least one carbon monoxide detector when one is not present or if the current carbon monoxide detector in the dwelling is over five years old.
  - c. The maximum benefit amount for Clean and Tune is up to \$400 per applicant per program year. This includes any repairs to ensure the proper and safe operation of the heating equipment. Approved repairs in combination with the clean and tune service must not exceed \$400.

### **G. \$21 Nominal HEAP Benefit Advance Payment**

1. Districts must authorize an advance payment of \$21 to newly-eligible and recertified HEAP eligible SNAP households not incurring a separate cost for heating/air conditioning expenses. The authorization will allow a household to qualify for the highest-level Heating/Cooling Standard Utility Allowance (HCSUA); thereby maximizing the SNAP monthly benefit.
2. The \$21 Nominal HEAP Benefit is only provided to SNAP households that have established eligibility for ongoing SNAP benefits, and that meet all of the following criteria. The household must:
  - a. Not own their own home;
  - b. Not pay a separate charge for heating or air conditioning;
  - c. Not received a HEAP payment of more than \$20 in either the current month or previous 12 months;
  - d. Reside in a HEAP eligible living situation; and
  - e. Require the \$21 nominal heap benefit to qualify for the HCSUA.
3. The Nominal HEAP Benefit payments are issued year-round during the regular program year and between program years. The \$21 Nominal HEAP benefit will be deducted from any subsequent HEAP Regular benefit the household receives during the regular program year.

## Chapter 22 – Benefit Issuance

### A. General Requirements

1. The district is the designated agency for authorization of all HEAP payments.
2. Payments made directly to vendors will be issued through the New York State Office of the State Comptroller (OSC).

### B. Issuing Regular Benefits

1. Heating benefits
  - a. Heating benefits must be issued to the applicant household's primary heating vendor. In instances when the account is not in the applicant's name, the district must establish procedures for notifying the vendor which account must be credited.
  - b. Payments must be made to the heating vendor for all TA recipients who are budgeted with a fuel for heating allowance.
  - c. Regular benefits remain available to the recipient until exhausted.
  - d. Credits remaining unused for a period of 24 months after receipt by the vendor must be returned to the district.
2. Diversion of Benefits
  - a. In instances where the applicant may cut their own wood supply for the season or has gas wells they can access on their property; the Regular benefit may be issued to the applicant's utility company.
    - (1) The applicant's heating benefit may be diverted to the utility account only when the applicant can verify that they have a sufficient supply for the program year.
      - Requests must be made in writing by the applicant
      - Verification of the sufficiency of the heating supply must be contained in the case record.
      - Final approval or denial is made by the district.
3. Heat-included benefits (renter's benefits)
  - a. In accordance with local district's option and procedures, the \$21, \$40 and \$45 heat-included benefits may be issued either directly to the recipient via direct check or on their Electronic Benefit Transfer (EBT) card, or to the recipient's utility vendor.
  - b. Heat-included benefits of \$21, \$40, and \$45 should be directed, whenever possible, to the recipient's utility account if they pay a vendor directly for domestic electricity.

### C. Special Circumstances

1. If an emergency situation occurs after the TA recipient has moved to a new county, but is still on TA, the recipient must apply for an Emergency benefit in the county in which they currently reside. The new county is responsible for the payment of this benefit.
2. If the head of household (designated as applicant/payee relationship code 01) has received a HEAP benefit then establishes a new household or moves, they are not entitled to another HEAP benefit.
  - a. If a household member from the original household establishes a new household at a different residence or becomes a member in another household at a different residence, they may be eligible to receive a HEAP benefit.



3. Heater benefit balance payments to applicant households that include a renter whose heating cost is included in their rent, and who received a heat-included benefit of \$21, \$40, or \$45. These applicant households with the primary responsibility for the heating bill, if otherwise eligible, are to be issued the balance of the Regular benefit based on their household's heat type, income, and presence of a vulnerable individual.
  - a. The heater benefit balance must be paid using a Payment Type Code H1 – HEAP Regular Heater Benefit on a Case Type 60. The case must include all household members, including the renter who received a heat-included benefit. A Regular HEAP budget must be stored with a D, X or W in the RECD field to back out the \$21, \$40, or \$45 benefit previously received by the household. Households containing a member who is in receipt of on-going TA or SNAP benefits at the time of application are categorically income eligible.

## **D. Issuing Emergency Benefits**

1. All Emergency benefits must be issued directly to a participating HEAP vendor.
2. HEAP recipients with a current service contract with an Option E vendor who meet the following criteria should have a two-party check issued to the vendor on their behalf:
  - a. The cost of the service contract is paid separate and apart from the cost of the fuel commodity.
  - b. The service contract will be revoked if a delivery is accepted from any vendor other than the issuing vendor.
  - c. The service contract contains a "No Refund" clause of premium paid for the service contract.
  - d. Option E vendors may receive HEAP benefits only for those customers with acceptable service contracts for the current program year.
3. Special circumstances
  - a. When the recipient requires commodity for heating and cannot obtain a delivery from participating HEAP vendor, the payment may be issued as a two-party check with OTDA approval to the recipient and the available vendor.
  - b. If the TA or SNAP recipient is in an emergency situation and they have moved to a new county after receiving a Regular benefit, they must apply for the Emergency benefit in their new county of residence.

## **E. Issuing Cooling Assistance Component Benefits**

1. All Cooling Assistance Component benefits must be issued directly to a participating HEAP vendor.

## **F. Issuing Heating Equipment Repair and Replacement Component Benefits**

1. All HERR component benefits must be issued directly to a participating vendor.
2. Recipients may receive multiple repair benefits as long as the total amount does not exceed \$3,000 per program year.
3. Only one HEAP funded heating equipment replacement benefit up to \$6,500 per applicant household can be issued in a ten year period.

## **G. Issuing Heating Equipment Clean and Tune Benefits**

1. All Clean and Tune benefits must be issued directly to a participating vendor.
2. Recipients may receive only one heap fund clean and tune benefit can be issued in a 12 month period.

3. Up to \$400 per applicant can be issued per program year.

## H. Benefit Payment Methods

1. Regular heater's benefits
  - a. Vendor payments in counties outside of New York City may be issued in the following ways:
    - (1) By direct check for the full amount of the benefit to the vendor from the NYS OSC.
    - (2) By ePayments for the full amount of the benefit to the vendor (via the ACH) from the NYS OSC.
    - (3) By a two-party check made payable to both the recipient and the vendor.
      - Two-party checks should be used only in those instances where the household heats with oil/kerosene and whose vendor participates in HEAP only through Option E of the Vendor Agreement.
      - Option E vendors may continue to participate in HEAP only for those customers with acceptable service contracts for the current program year.
  - b. Vendor payments in New York City are issued by the NYC Human Resources Administration (HRA) Management Information System (MIS).
2. Regular heat-included benefits
  - a. Vendor payments in counties outside of New York City may be issued in the following ways:
    - (1) By direct check for the full amount of the benefit to the vendor from the NYS OSC.
    - (2) By ePayments for the full amount of the benefit to the vendor (via the ACH) from the NYS OSC.
    - (3) By a direct check to the recipient or an EBT card for TA or SNAP recipients.
  - b. Vendor payments in New York City are issued by the NYC HRA MIS.
3. Emergency benefits
  - a. Vendor payments in counties outside of New York City may be issued in the following ways:
    - (1) By direct check for the full amount of the benefit to the vendor from the NYS OSC.
    - (2) By ePayments for the full amount of the benefit to the vendor via the ACH from the NYS OSC.
    - (3) By a two-party check made payable to both the recipient and the vendor.
      - Two-party checks should be used only in those instances where the household heats with oil/kerosene and whose vendor participates in HEAP only through Option E of the Vendor Agreement.
      - Option E vendors may continue to participate in HEAP only for those customers with acceptable service contracts for the current program year.
  - b. Vendor payments in New York City are issued by the NYC HRA MIS.

## I. Benefit Reissuance and Transfer

1. Deceased applicants
  - a. Regular benefits that have been authorized for an applicant who dies before a delivery is made or before the utility account is credited may be reissued to another adult household member.

- (1) If there are no other adult HEAP household members, the Regular benefit must be returned to the district and cannot be reissued.
- b. Emergency benefits that have been authorized for an applicant who dies before a delivery is made or before the utility account is credited may be reissued to another adult household member only if they are in an emergency situation.
  - (1) If a credit from a previous benefit remains with the vendor, it may be used by other household members.
  - (2) If there are no other household members, the Emergency benefit must be returned to the district and cannot be reissued.
2. Change of vendor/closed accounts
  - a. When an account is closed, any credits remaining from a Regular benefit must be returned to the district and may be transferred to another vendor.
    - (1) Credits belong to the applicant of record (WMS relationship code 01–applicant/ payee).
      - If the recipient no longer has a heat or heat-related expense, the benefit is not reissued.
      - Regular and Emergency benefits credits are never cashed out to the recipient.
  - b. When a recipient closes an account and the Emergency benefit is not issued to the correct vendor, the benefit must be returned to the district and may be transferred to another vendor, as long as:
    - (1) The recipient closes the original account; and
    - (2) The recipient is the customer of record for a new heating or heat-related account.
  - c. When an account is closed, any credits remaining from an Emergency benefit must be returned to the district and may not be transferred to another vendor unless:
    - (1) The recipient closes the original account;
    - (2) The recipient is the customer of record for a new heating or heat-related account; and
    - (3) The recipient is still in an emergency situation as defined in the Glossary.
3. Autopay recipients who move
  - a. TA or SNAP recipients on the pull down list for the HEAP Mass Authorization who move to a new county before the Regular benefit is issued must have their benefit issued by the county upon whose list their name appears.
  - b. TA or SNAP recipients whose names appear on the Exception list for the HEAP Mass Authorization and move to a new county must apply for a Regular benefit in their new county of residence.
    - (1) When the original county does not have a vendor ID for the new vendor, the recipient's new county of residence should reissue the benefit.
4. Non-Autopay recipients who move
  - a. If a non-Autopay recipient is approved for a Regular benefit, but moves to a new county prior to receiving this benefit, the original county must reissue the benefit at the applicant's new address. A new application is not necessary.
    - (1) When the original county does not have a vendor ID for the new vendor, the recipient's new county of residence should reissue the benefit.

## J. Payment Reissuance

1. Lost or stolen checks/benefits

- a. Districts should follow their local procedures when tracking and reissuing lost or stolen checks that have been issued directly to recipients.
  - b. Lost or stolen checks issued by OSC must be reported to the HEAP Bureau using the missing check inquiry form and emailed to <mailto:heap.checkinquiry@otda.ny.gov>.
2. Stale dated checks
- a. Stale dated HEAP checks issued directly to vendors, which cannot be cashed, should be voided and replacement checks will be issued within 30 days. The district will be notified the NYS OTDA HEAP that the check was requested to be voided at NYSOSC. The district will be instructed to re-issue the payment using payment code J2 (HEAP Reissue Benefit).
  - b. Checks may only be reissued if the request is made by September 30th of the program year for which the benefit was issued.
3. EBT benefits
- a. EBT Benefits will be expunged 90 days after issuance if not accessed.
  - b. These benefits may be reissued if the request is made by September 30th of the program year for which the benefit was issued.

## **K. Erroneous Benefit Tracking and Recovery**

1. The districts must attempt to recover incorrect, misdirected, or inappropriate payments made to vendors or recipients.
  - a. Payments that are issued incorrectly, inappropriately or are misdirected, and that are not recovered within the program year for which they were issued, must be tracked.
  - b. Erroneous payments must be reported annually to OTDA and may be subject to recovery.
2. HEAP benefits may not be recouped from TA grants.
3. Overpayments may not be deducted from subsequent HEAP grants.
4. Districts may choose to refer recipients to the local investigative/fraud unit for action if it is determined that the applicant was intentionally fraudulent.

## **L. Prohibited Payments**

1. The following payments may not be issued from HEAP funds:
  - a. Security deposits
  - b. Marshall's fees
  - c. Surcharges beyond normal energy costs required by some commercial housing operators or utilities
  - d. Surcharges to tenants by subsidized housing authorities:
    - (1) Vendor payments to landlords unless the landlord has a signed Vendor Agreement as a submeterer with OTDA;
    - (2) Service which is for a business that is separate and apart from the recipient's primary residence;
    - (3) New York State Sales Tax on fuel deliveries
2. The following payments for Emergency benefits may not be issued from HEAP funds:
  - a. Emergency benefit payments to ESCOs or to third-party billing companies
  - b. Payments for emergencies which are not for heating or are not heat related

- c. Reconnection fees for utility service
- d. Emergency benefit payments to applicants who cut their own wood supply for the season or may have gas wells they can access on their property

## Chapter 23 – Files and Case Records

### A. Requirements for Districts

1. General requirements
  - a. Districts must maintain a complete case record for every HEAP applicant, whether approved or denied.
  - b. The Statewide Imaging/Enterprise Document Repository (I/EDR) is the official method of documentation retention for OTDA.
    - (1) Districts may use an approved on-base electronic storage database as permitted by OTDA.
    - (2) Documentation contained within I/EDR or an approved on-base electronic storage database is considered to be on file.
    - (3) It is the responsibility of the district to ensure that documents in I/EDR or an approved on-base electronic storage database are legible and accessible.
  - c. The active case record file must contain at least the current and previous year's applications, documentation, notations, notices, as well as any other relevant information.
  - d. The file must contain copies of any type of permanent documentation, such as birth certificates, driver's license, Social Security cards, deeds, etc.
2. Record retention
  - a. Applications and documentation, including notices must be retained for a period of six program years, including the current program year for Regular, Emergency, Cooling, and Clean and Tune.
  - b. Files for HERR benefits must be maintained for ten years.
3. File requirements
  - a. The case record must contain all of the following applicable material:
    - (1) The original signed HEAP Application (LDSS-3421)
      - Electronically filed applications are maintained by the system and are exempt from this requirement.
      - Eligibility examiners must complete page 6 of the HEAP Application (LDSS-3421), except applications that were filed electronically and processed in myWorkspace.
    - (2) The completed HEAP 3 Month Method Self-Employment Worksheet (LDSS-3785)
    - (3) The completed HEAP 12 Month Method Self-Employment Income Tax Calculation Worksheet (LDSS-4997)
    - (4) The completed HEAP 3 Month Method Rental Income Calculation Worksheet (LDSS-5001)
    - (5) The completed Low Income Worksheet (LDSS-3829)
    - (6) The completed Cooling Assistance Request for Benefit (LDSS-4992)
    - (7) The Manual Notice of Eligibility Decision (LDSS 3494A/3494B)
      - Manual notices must be printed and added to the case record
      - CNS notices are available online via Centraport COLD Notice Storage, and therefore are not required to be printed.
    - (8) The completed Emergency Benefit Budget Worksheet (LDSS 3594B)
    - (9) The completed Guarantee of Payment (LDSS-5000)

- (10) The completed Heating Equipment Repair and Replacement Worksheet (LDSS-4867)
  - (11) The completed Heating Equipment Repair and Replacement Screening Form (LDSS-5010)
  - (12) The completed Heating Equipment Repair and Replacement Job Proposal form (LDSS-4867)
  - (13) The completed Heating Equipment Clean and Tune Request for Benefit (LDSS-5081)
  - (14) The completed Weatherization Assistance Referral Form (WAP #37)
  - (15) The Documentation Requirements (LDSS-2642) form
  - (16) WMS Inquiry Screen Print
  - (17) Case notes
  - (18) WMS App-TAD and/or the WMS authorization form (LDSS-3209)
  - (19) The final vendor invoice for all heating equipment repair and replacement benefits
  - (20) Cooling Assistance Services Invoice (LDSS-5044)
  - (21) Heating Equipment Clean and Tune Services Invoice (LDSS-5083)
  - (22) All other applicable documentation, correspondences, and information
- b. In order to prevent duplicate payments to households, the district must perform a WMS inquiry on each adult household member to ensure payments have not already been issued.
- (1) Notations regarding the inquiry function may be substituted for the actual screen print.
    - The HEAP Inquiry Screen may be used for this function.
  - (2) WMS inquiry should be noted on page 6 of the application in the appropriate check box.
- c. Districts may opt to not file these documents in the HEAP case record if the documents are readily retrievable and it is noted in the HEAP record where the document is located.
- (1) The documents must be provided upon request for any audits or program monitoring.
  - (2) Districts that have waivers for producing or filing paper LDSS-3209s are exempt from this requirement as long as the waiver requirements are met.

## **B. Requirements for Alternate Certifiers**

1. General policy
  - a. File retention requirement
    - (1) NYS OTDA does not require certifying agencies other than the district to retain files.
      - Certifying Agencies who process mail in applications must be able to perform a comparison of the current year's application to the previous year's file and information.
      - Additional file requirements may be imposed on the local Offices for the Aging (OFA) by the NYS Office for the Aging and/or by the district.
    - (2) HEAP policy requires that all original files be retained by the district unless the Agreement between the district and the Alternate Certifier states the Alternate Certifier may retain the case records.
    - (3) The files maintained by the Alternate Certifier must be secure and accessible to NYS OTDA staff, auditors and their designees, and district staff upon request.
    - (4) The file retention requirements are the same as those for the district.
    - (5) Files remain the property of the local district and must be turned over upon request.

## Chapter 24 – Fair Hearings

### A. Fair Hearing Rights

1. Applicant rights
  - a. An applicant or recipient of HEAP is entitled to a fair hearing when:
    - (1) The application has not been acted upon within 30 business days after the date of filing a completed application;
    - (2) The application is denied; or
    - (3) The adequacy of the benefit is in dispute.
  - b. Hearings are held in accordance with office regulations.
2. Time frames for hearing requests
  - a. Hearings must be requested within 60 days of the notice date
3. Fair hearing requests
  - a. Fair hearings may be requested in writing, by telephone, by fax or electronically
    - (1) Written fair hearing requests may be directed to:  
NYS Office of Temporary & Disability Assistance  
Office of Administrative Hearings  
PO Box 1930  
Albany, NY 12201
    - (2) Telephone requests for fair hearings may be made by calling: 1-800-342-3334
    - (3) Electronic fair hearing requests may be made at the following website:  
<http://www.otda.ny.gov/oah>
    - (4) Faxed fair hearing requests may be sent to: (518) 473-6735

### B. Fair Hearing Required Notices

1. HEAP Notice of Eligibility Decision
  - a. All versions of the HEAP Notice of Eligibility Decision contain language advising applicants of their fair hearing rights.
  - b. The name, address and phone number of the local certifier issuing the notices must be included on the notice form.
  - c. Applicants must be informed that questions should be directed to the local certifying agency.

### C. Fair Hearing Process

1. Agency conference
  - a. A conference with the local district should first be attempted to resolve the issue, but is not required.
2. Notification
  - a. NYS OTDA will notify the district when an individual has requested a hearing, the issue involved, and the date of the hearing.
3. Necessary information
  - a. The district must obtain any necessary information from alternate certifiers.
4. Hearing requirements



- a. When an application is denied and the applicant requests a hearing, the district should be prepared to submit the following at the fair hearing:
  - (1) A copy of the HEAP Application (LDSS-3421);
  - (2) A copy of the Emergency Benefit Budget Worksheet (LDSS-3594B);
  - (3) A copy of the Notice of Eligibility Decision (LDSS-3494A, LDSS-3494B);
  - (4) A copy of the HEAP 3 Month Method Self-Employment Worksheet (LDSS-3785), HEAP 12 Month Method Self-Employment Income Tax Calculation Worksheet (LDSS-4997); Low Income Worksheet (LDSS-3829)
  - (5) A copy of the HEAP 3 Month Method Rental Income Calculation Worksheet (LDSS-5001);
  - (6) A copy of the Heating Equipment Repair Replacement Worksheet (LDSS-4867);
  - (7) A copy of the Heating Equipment Clean and Tune Request for Benefit (LDSS-5081);
  - (8) A copy of the Cooling Assistance Request for Benefit (LDSS-4992); and
  - (9) Copies of any relevant documents/narratives
- b. Hearings involving benefit calculation benefit adequacy, or changes in the application status will require documentation in support of the local certifying agency's decision.

## **D. Fair Hearing Decision**

1. Decision reversal
  - a. If the NYS OTDA Fair Hearing decision determines that the district decision was in error, corrective action will be taken.
2. Notification of hearing decision
  - a. The HEAP applicant and the district will receive copies of the hearing decision.
  - b. The district should also notify the original certifier of the fair hearing decision.

## Chapter 25 Vendor/Energy Supplier Information

### A. Definitions

1. A vendor or energy supplier is defined as:
  - a. An individual or entity engaged in the business of selling electricity, oil, gas, wood, kerosene or any other fuel used for home energy in a residential dwelling.
  - b. A third-party billing company approved by the PSC who provides third-party metering and billing for gas and/or electric service may also be considered a vendor, if the company provides customers with individually metered bills.
  - c. An ESCO, other than a regulated utility that sells natural gas and/or electricity.
  - d. Landlords may be considered energy suppliers/vendors if one of the following is met:
    - (1) The landlord owns gas wells and charges tenants for the gas provided to individual housing units;
    - (2) The landlord is a recognized commercial vendor who supplies fuel to individual housing units owned by the landlord; or
    - (3) The landlord supplies individually metered fuel from a common tank to individual housing units.
    - (4) Landlords meeting the criteria above must agree to comply with and sign a Vendor Agreement with NYS OTDA.
2. Transportation and Distribution
  - a. The process and cost of delivery and transportation of natural gas and/or electricity.

### B. Issuing HEAP Benefits

1. A signed Vendor Agreement on file with OTDA is required prior to issuing any vendor payment.
2. Regular benefits
  - a. Regular benefits must be issued to a vendor if the recipient pays the vendor directly for heat, even when the applicant is not the customer of record.
  - b. Heat-included benefits should be directed, whenever possible, to the recipient's utility account if they pay a vendor directly for domestic electricity.
  - c. Payments may be made directly to the vendor or as a two-party check.
  - d. Districts may issue Regular benefits to an ESCO if they are an approved HEAP vendor.
  - e. Recipients cutting their own wood must have their Regular benefit diverted to their utility provider, if they have one.
3. Emergency benefits
  - a. Emergency benefits must be issued to the recipient's vendor.
    - (1) The Emergency benefit may be issued to an Option E vendor when the recipient is exempt from using a participating vendor or OTDA has granted permission due to the unavailability of a participating vendor. All payments issued to Option E vendors must be as a two-party check.
  - b. Emergency benefits cannot be issued to ESCOs since they cannot terminate service and the household is not in a crisis situation as defined by HEAP.

- c. Emergency benefits may be issued for the threat of termination from the utility company because of non-payment of transportation and distribution costs.
  - (1) If the applicant's utility company provides billing services on behalf of their ESCO and the bill contains charges for both the commodity and the transportation and distribution and if there is a shut-off notice in these cases, the benefit may be issued to the utility.
  - (2) The Emergency benefit is pro-rated between commodity and transportation/distribution costs, unless the ESCO has terminated the contract with the applicant.
- 4. Emergency benefit guarantees
  - a. The payment must be issued when the district authorizes a HEAP benefit in order to secure a heating fuel delivery or prevent shut-off/restoring heat or heat-related service.

## **C. Payments, Refunds, Returned Checks, and Customer Credits**

- 1. Reporting requirements for locally vendor issued payments
  - a. If a district pays a vendor/landlord more than \$600 in HEAP benefits, the district must submit a 1099 Report form to the U.S. Internal Revenue Service.
- 2. Refund Policy/Close Out Policy
  - a. Any HEAP payment (Regular and/or Emergency) issued up front to a vendor or issued as vendor as authorized remains available to the recipient until:
    - (1) The credit is exhausted;
    - (2) The account closes; or
    - (3) The credit remains unused for a period of 24 months after receipt by the vendor.
- 3. Returning Credits/Refunds:
  - a. Credits or refunds are never returned to the recipient.
  - b. Credits remaining unused for a period of 24 months after receipt by the vendor must be returned to the district with the Vendor Refund Form (LDSS-5043) attached.
  - c. For municipal utility companies, credits exceeding one year's service must be returned to the district with the Vendor Refund Form (LDSS-5043) attached.
  - d. Propane tank deposits paid with HEAP funds must be returned upon collection of the tank by the vendor.
- 4. Credit Balances
  - a. A credit balance exists when the HEAP benefit is issued to the vendor/energy supplier and the benefit exceeds any balance due on the recipient's account.
  - b. Credit balances for both Regular and Emergency benefits cannot be cashed out to customers.
  - c. Credit balances may remain on the account until expended or for a maximum period of 24 months after receipt by the vendor. Unused credit balances must be returned to the district if unused for 24 months with the Vendor Refund Form (LDSS-5043) attached.
  - d. If an excessive credit balance of Regular benefits accumulates from successive program years, the districts should investigate the reason.
  - e. Only the amount equal to the cost of one year's service can remain on the account.
- 5. Use of Customer Credits:
  - a. Vendors/Energy Suppliers may not transfer credits to another customer account without the express permission of the district.

- b. Credits may not be used for anything other than purchase of heating fuel/utility service.
- c. Unused balances must be returned to the district.
- d. The Vendor/Energy Supplier agrees that HEAP credits remaining on customers' accounts may be used for the purpose of purchasing future commodity through pre-buy plans upon customer request.
- e. Up to one year of HEAP credits may be transferred to a non-heating account provided that the customer's electric service is necessary to operate the primary heating equipment and/or distribute heat.
  - (1) This includes electricity necessary to operate the thermostat.

6. Vendor/Energy Supplier Refunds

- a. All refunds will be handled through the local district.
- b. Districts should provide vendors with copies of the Vendor Refund form (LDSS-5043).

7. Returned Checks

- a. If the vendor/energy supplier receives a payment they shouldn't have received as part of a larger check, the vendor returns the erroneous payment to the issuing district with a completed Vendor Refund Form (LDSS-5043).
- b. If a vendor receives an entire check they shouldn't have received, the vendor should return the uncashed check to:

NYS Department of Taxation and Finance  
Division of the Treasury  
110 State Street  
Albany, NY 12236

- c. The district will be notified when a returned check has been voided by the Division of the Treasury.

## D. Vendor Agreements

1. Vendors/energy suppliers who wish to participate in HEAP must sign a Vendor Agreement and agree to abide by the provisions outlined within the agreement.
2. NYS OTDA is responsible for obtaining and managing Vendor Agreements for all vendors/energy suppliers, except those that provide temporary housing.
3. Vendors/energy suppliers can request Vendor Agreements by calling the NYS OTDA HEAP Bureau at (518) 473-0332 or (866) 270-4327 or by sending an email requests to [heap.vendor@otda.ny.gov](mailto:heap.vendor@otda.ny.gov) or through the NYS OTDA website at <http://otda.ny.gov/programs/heap/vendoragreement.asp>.
4. Completed vendor agreements can be returned via fax to 518-474-0985 or emailed to heap. [heap.vendor@otda.ny.gov](mailto:heap.vendor@otda.ny.gov) or mailed to  
NYSHEAP Bureau  
40 North Pearl St, 11-B  
Albany, NY 12243.
5. General requirements
  - a. A signed Vendor Agreement, Certificate of Liability Insurance (listing NYSHEAP as the certificate holder) and a Substitute W-9 must be on file with the NYSHEAP Bureau prior to issuing any HEAP vendor payments.
  - b. All vendors/energy suppliers with a signed Vendor Agreement will be on the HEAP Participating Vendor list.

6. Viewing vendor information
  - a. The HEAP Participating Vendor list is accessible on Centraport.
  - b. If districts do not know their passwords to the HEAP Participating Vendor list, they must contact the OTDA HEAP Bureau at (518) 473-0332.

## Chapter 26 – Payments/Statewide Financial System

### A. Background

1. HEAP payments, with the exception of two-party checks, EBT benefits, and direct checks to recipients are issued directly from OSC and processed through the Statewide Financial System (SFS).
  - a. NYC payments are not processed through SFS.

### B. HEAP SFS New Prefix and Payment Inquiry

1. OSC uses several bank accounts to process HEAP SFS payments, which may result in the same check number for multiple HEAP SFS payments. These are not duplicate payments. They are separate payments issued from different bank accounts.
2. This has created complications in researching the details of each HEAP SFS check through BICS. Below are two changes made in BICS to help identify these checks as separate checks and to aid districts in researching each check's details in BICS.

### C. HEAP SFS Payment Prefix Change

1. After OSC provides HEAP payments to the vendors, SFS transmits payment information to OTDA. BICS updates the case record of assistance and vendor files.
  - a. OSC assigns a random prefix to the SFS Check/Trace #. It is four characters and begins with the letter "O", followed by the last number of the current year, then a random letter from A to Z, and ending with a number from 0 to 9.

### D. HEAP SFS Payment Inquiry

1. Districts may look up a vendor's HEAP SFS payment information on the FSB, PAB/CHK, VCH, SFS CHECK/TRACE # ENTRY FOR CASE RECORD OF ASSISTANCE INQUIRY screen (LCACVM).
  - a. This screen can be accessed from the BICS LDMIP Menu screen, Selection #12.
2. Districts must enter the line for the SFS Check/Trace# and the Year-YY (OPTIONAL).
3. The detailed information to be entered is as follows:
  - a. SFS Check/Trace # - Must be numeric and may be up to 8 digits. It can be found on the check or the SFS remittance statement.
  - b. Year-YY (OPTIONAL) – Enter the desired year of the check (Last 2 digits). If left blank, it will default to the current year. The year entered must be equal to or greater than 2007.
4. The possible outcomes from the SFS Payment Inquiry are as follows:
  - a. No results – Error message SFS CHECK/TRACE# not found.
  - b. One Result – If the check is for one case/voucher, enter the check number on line 2. This will display the LCRMNU screen. If there are multiple cases/vouchers attached to the check, when transmitted from screen LCACVM, it will display Screen LVO270.
  - c. Multiple Results – Grey Message with up to 8 prefixes. Districts must use the prefix results with the check/trace# combination and enter each combination on the CHECK/PAB# line (LCACVM), and transmit to get the check detail. The results for each check will be the same as #2 above for one or multiple case/voucher relationships.

### E. SFS Vendor Processing Report

1. To aid in the linking of BICS Vendor IDs and SFS data, districts receive in their BICS queue a district specific report that lists current HEAP vendors in BICS (sorted by EMPLOYER NO/SSN) and the SFS data assigned to the EMPLOYER NO/SSN.
  - a. The report is labeled SFS Vendor Processing Report.
2. The SFS Vendor Processing Report lists new or changed SFS vendor data. Districts should review the report and update the BICS vendor record, if necessary. In some instances, the data reported does not require an update to BICS.
3. The report will list:
  - a. Tax ID # (which is the EMPLOYER NO/SSN)
  - b. The BICS Vendor IDs and BICS demographics associated with that TAX ID (EMPLOYER NO/SSN)
  - c. The SFS data assigned to that TAX ID (EMPLOYER NO/SSN)
  - d. The sequence TAX ID, BICS VENDOR ID, SFS data will repeat itself for each EMPLOYER NO/SSN
  - e. Vendor Status – The SFS vendor data will be listed as Active (A) or Inactive (I).
4. The report is scheduled to be produced daily and will list vendors if SFS adds a new vendor or makes changes to SFS vendor data. New vendors added to SFS and changes to SFS vendor data will be coded on the left side of the report under the SFS Vendor ID with: N = New Vendor added to SFS and C = Change to SFS Vendor Data.
5. The report will be blank when there have not been any changes to SFS data or SFS has not added any new vendors.
  - a. There may be multiple BICS Vendor IDs associated with one EMPLOYER NO/SSN in a district. If the district is using all of the BICS Vendor IDs associated with that one EMPLOYER NO/SSN, each BICS Vendor ID must be linked with the SFS data.
  - b. Districts must link SFS data to the BICS Vendor ID through Vendor Operations in order for the vendor to receive HEAP OSC payments.
  - c. To perform the linking of BICS Vendor ID with SFS data, use BICS Vendor Operations (BICS Menu Selection 05). Enter BICS Vendor ID, Enter Selection 02 (Change Vendor Data) and XMT. Input all three fields: the SFS Vendor ID, Location and Address Seq and XMT. For a successful transaction, you should receive the message "Vendor Data Updated."
  - d. When reports contain two locations (MAINCHECK (LOC01) and MAINEPAY (LOC02)) for one SFS number, districts must use MAINEPAY(LOC02). This means that the vendor has opted to receive payment via ACH (direct deposit).
    - (1) There are a few exceptions to this rule in those instances you will receive direct instructions from the OTDA HEAP vendor unit.

## **F. Indirect Vendor Payment Line Processing**

1. Once the OSC payment process has begun for a program year, payments to vendors will be made by OSC on a weekly basis.
  - a. This includes HEAP payment types: H0, H1, H2, H5, H6, H7, H8, H9, HX, J1, J2, J9, 04, 16, and 17.
2. When a worker enters a payment line in WMS, and that payment meets the criteria for the OSC Payment Process, it will appear on an OSC voucher report the following Monday.

3. A HEAP OSC voucher will be created for each payment line where ALL of the following information is present:
  - a. Special claiming code of “G” or “H”;
  - b. Method of Payment (MOP) 02 (Vendor as Authorized) or 04 (Vendor as Billed Subject to Limit);
  - c. Pay line service period covers an active program year (may include past and current program year);
  - d. The vendor field in screen 6 must contain a valid vendor ID. The vendor’s EMPLOYER NO/SSN must appear in the BICS vendor record and must consist of nine non-equal numeric digits (for example, digits cannot be all zeroes or all nines); and
  - e. The customer account number field in screen 6 must contain either the client’s customer account number, HEAP case number, or phone number (cannot be blank or inactive).
4. Payments meeting these criteria will appear on OSC vouchers on the following Monday. The voucher is then available for district review (one or two weeks).
5. HEAP OSC Voucher generation is not controlled by the districts HEAP locks.

## **G. OSC Voucher Timeframes**

1. Districts will have an annual option prior to the beginning of each program year to choose either a six calendar day (one week) or a 13 calendar day (two week) HEAP OSC voucher review period.
  - a. Holidays are included in the days for review in both timeframes.
2. Payments need to be reviewed during the (one or two week) review period as follows:
  - a. The six calendar day review period includes the first Monday through close of business Saturday.
  - b. The 13 calendar day review period includes Monday through Sunday and the following Monday through close of business Saturday.
3. During the review period there are only two actions that districts may perform on a HEAP OSC voucher that is in OSC-ISSUED status: correction of the customer account number and voiding the voucher.
  - a. Payment lines cannot be voided once the voucher processing review period has ended. The BICS status is OSC SENT.
  - b. Each payment line has a unique voucher number and districts are able to void HEAP OSC vouchers using Accounts Menu, Selection 4 – Void a Voucher. Districts must not adjust payment lines on OSC vouchers to zero. Adjusting the payment line to zero would prevent the district from properly voiding the payment line in WMS, and may cause a duplicate issuance.
4. At the close of business on the Saturday of the (one/two week) review period, the voucher file will be pulled into a statewide payment file and submitted to OSC for payment. The file is certified by OTDA and sent to OSC.
5. OSC will process the file and mail paper checks on Wednesday, and electronically issue ACH payments on Thursday to the enrolled vendors.
6. CNS generated notices will be created at the time of the OSC file transfer. On the Monday after the statewide payment file is submitted to OSC, client notices will start going out.
7. Once the process begins, vendors will receive payments based on WMS authorizations. These payments may include HEAP benefits from multiple districts.
8. Districts have the option of selecting individual vouchers for processing during the first week of a two week review period.



- a. This process is called Early Selection and for districts who opt for a two week voucher review period, it is recommended that this process is used for the deliverable fuel providers.
- b. A full description of this process is available in the IPPS Manual, Appendix H - HEAP OSC Payment Process. The manual can be accessed at:
- c. <http://otda.state.ny.net/bfdm/finance/docs/IPPS-Manual.pdf>

## H. SFS Vendor Information

1. All HEAP Vendors currently receiving HEAP OSC payments should already be linked to an appropriate SFS vendor ID.
2. Districts are required to perform the following actions:
  - a. If a vendor no longer appears on the HEAP Participating Vendor List and the vendor wants to continue to be a HEAP vendor, the district should instruct the vendor to contact the OTDA HEAP Bureau to complete the Vendor Agreement process.
  - b. If a vendor appears on the HEAP Participating Vendor List and BICS SFS Vendor Inquiry shows no SFS data for a given BICS Vendor ID, the district should contact the OTDA HEAP Bureau to receive SFS data.
3. Prior to contacting the vendor or the OTDA HEAP Bureau staff, districts must verify that the vendor does not already have an SFS vendor ID.
4. Full remittance payment details are available to all HEAP vendors by accessing the SFS Vendor Portal through following link [www.osc.state.ny.us/vendor\\_management/index.htm](http://www.osc.state.ny.us/vendor_management/index.htm).
  - a. The message detail will contain the following:
    - (1) Invoice with the customer account number, R or E (Regular & Emergency) – District Code and Local District Voucher Number.
    - (2) Payment Message with the recipient's last name, first name, street address, and city.
5. Not all vendors have internet access; districts should continue to send BICS remittance on an ongoing basis upon request.
6. Vendors receiving less than 25 payments in a single check will still receive a paper remittance from OSC in the previous format. No paper remittance will be sent for payments of 25 or more.
7. OSC has discontinued emailing direct deposit vendors notifying them of their payments. Vendors will need to check the vendor portal weekly for this information.

## I. BICS SFS Vendor Inquiry Screen

1. In the BICS Menu (Screen 15 in WMS), select number 9 "Vendor and Misc. Inquiry".
2. In the "Vendor and Miscellaneous Inquiry" menu select "BSFS10 EMP NO/SSN" and enter the vendor EIN number.

## J. SFS Vendor Portal

1. The Vendor Portal can be found at the following address: [www.sfs.ny.gov](http://www.sfs.ny.gov)
2. Vendors can use the portal to maintain all of their information:
  - a. Vendors must create a NYS Vendor Self-Service Account to maintain address and contact information and view payment/status information for invoices paid.
  - b. Vendors can view payments and remittance details in the Vendor Portal.

- c. Vendors can also make changes manually by completing and submitting one of the forms listed below.
- d. Vendors can enroll in [ePayments](#) to receive payments through the electronic transfer of funds to their bank accounts via ACH.
- e. Vendors should contact the SFS Help Desk by phone: (855)233-8363, (518) 457-7737 or email: [helpdesk@sfs.ny.gov](mailto:helpdesk@sfs.ny.gov) if problems are encountered during login.

## K. SFS Vendor Forms

1. Vendor forms can be found at the following address:  
[http://www.osc.state.ny.us/vendor\\_management/forms.htm](http://www.osc.state.ny.us/vendor_management/forms.htm)
2. Vendors can use the following forms to make changes in SFS:
  - a. AC 3243-S: Electronic Payment (ePayment) Request
  - b. AC 3274-S: Update Vendor Name
  - c. AC 3326-S: Update Vendor Default Address
  - d. AC 33327-S: Update or replace the Primary Vendor Contact
3. Completed forms should be sent to OSC's Vendor Management Unit (VMU) using one of three methods:
  - a. Email: [vendupdate@osc.state.ny.us](mailto:vendupdate@osc.state.ny.us)
  - b. Fax: (518) 402-4212
  - c. Mail:  
NYS Office of the State Comptroller  
Vendor Management Unit  
110 State Street – Mail Drop 10-4  
Albany, New York 12236-0001

## L. Customer Account Number Inquiry Screen

1. A Customer Account Number Inquiry screen (LVO330) is available on BICS. This screen provides districts with the capability to search for cases using the Customer Account Number (CAN) and vendor ID.
2. LVO330 is accessed through Selection 09 – “Vendor and Miscellaneous Inquiry Menu” (LVMMNU) from the main LDMIP Menu.
3. At the bottom of LVMMNU under Customer Account Number Inquiry - LVO330, enter the Account Number, Vendor ID and transmit. Both the Account Number and Vendor ID are required fields.
4. The system returns a screen which displays the Account Number, Vendor ID, Vendor Name, Case Number, Case Name, Case Address and Telephone Number for each case.
5. If a CAN has more than one case for the same vendor, then the information for all the cases (up to 5 cases per screen) will be displayed.
6. If the case data has been migrated, then only the Case Number will be displayed with the message CASE DATA MIGRATED. CTRL + F5 (or the SF15 key) can be used to return to the LVMMNU screen with the Vendor ID pre-filled to aid in searching for multiple customer account numbers associated with one vendor.

7. Additional information for the HEAP OSC payment process can be found in Appendix H of the Indirect Payment Processing Sub-System (IPPS) Manual.
  - a. The IPPS Manual can be found at the following address:  
[www.otda.state.ny.net/bfdm/finance/docs/IPPS\\_Manual.pdf](http://www.otda.state.ny.net/bfdm/finance/docs/IPPS_Manual.pdf)

## **M. Vendor Refunds**

1. All refunds will continue to be handled through the districts.
2. OTDA has a Vendor Refund form (LDSS-5043) to help make the refund process more uniform.

## **N. Missing Checks**

1. When a district is advised by a vendor that they have not received a HEAP OSC check, the following procedures should be followed:
  - a. Make every effort to verify that the check is truly missing before taking any action.
  - b. Complete the HEAP OSC Check Inquiry form and submit it to OTDA using one of three methods:
    - (1) Mail:  
NYS OTDA  
Attention: HEAP OSC Check Inquiry Processing  
40 North Pearl Street, 11th Floor  
Albany, New York 12243
    - (2) Email: [HEAP.Checkinquiry@otda.ny.gov](mailto:HEAP.Checkinquiry@otda.ny.gov)
    - (3) Fax: (518) 474-9347
  - c. Districts will be notified of the results in two to three weeks.
  - d. Vendors should not be advised to contact OTDA.
  - e. Inquiries for the lost check process will only be accepted from district staff.

## Chapter 27 – Confidentiality of HEAP Client Information

### A. Confidentiality Rules

1. The New York State Home Energy Assistance Program (HEAP) State Plan, Program Integrity Supplement, “Privacy Protection and Confidentiality” states:
2. All personally identifying information about a HEAP applicant or recipient is confidential and may be disclosed only for purposes of investigating or prosecuting suspected fraud or abuse, in cooperation with Federal or State authorities regarding LIHEAP audits or investigations, or with the written consent of the applicant or recipient.
3. All employees and contractors of New York State OTDA and the districts are prohibited from disclosing any personally identifying information (PII) obtained by them in the discharge of their official duties relative to applicants/recipients of HEAP benefits or services except in the administration or supervision of HEAP. The applicant/recipient’s PII that appears on any screen in the WMS, myWorkspace or any other state or district system of record shall not to be disclosed unless it is necessary for the proper administration or supervision of HEAP. The applicant/recipient information collected through the process of determining HEAP eligibility or in the course of supervising the district’s administration of HEAP may be shared with individuals or entities found below in Section B.
4. Additionally, HEAP applicants/recipients have an expectation of privacy when they apply for a government program of assistance. Their personally identifying information should, therefore, be treated as confidential. The Personal Privacy Law under New York State Public Officer’s Law § 91, et seq., prohibits disclosure of government records or portions of records where it would violate the individual’s privacy rights.

### B. Authorized Disclosure of Case Specific Information

1. The following are examples of authorized disclosures of case specific information:
  - a. Public Service Commission (PSC) regulated utility companies may have access to confidential HEAP information if the disclosure is related to: (1) the district’s proper administration of the HEAP, i.e. related to the determination of HEAP eligibility (2) the OTDA supervision of HEAP or (3) the enrollment of the HEAP applicant/recipient in the utilities “Low Income Programs.”
    - (1) “Low Income Programs” are defined as the energy savings programs offered by the PSC regulated utilities to HEAP eligible recipients for gas and electric service. HEAP applicants consent to the disclosure of their personally identifying information to the utilities when they sign the HEAP Application (LDSS-3421).
  - b. New York State Energy and Research Development Authority (NYSERDA) and the EmPower New York contractors may have access to confidential HEAP information for their EmPower New York program. The EmPower New York program offers energy efficiency services to HEAP eligible recipients. EmPower New York may be an available resource to meet individual’s heating equipment repair or replacement needs. HEAP recipients consent to the disclosure of their personally identifying information to NYSERDA and the EmPower New York contractors when they sign the HEAP Application (LDSS-3421).
  - c. New York State Office for the Aging (SOFA) or any other HEAP Alternate Certifier who contracts with the district may have access to confidential HEAP information to perform their certification and/or outreach functions for HEAP. SOFA assures that eligible households, especially households with elderly individuals, are made aware of the assistance available under HEAP and under any similar energy-related assistance programs. SOFA may also refer HEAP clients to the utilities low income programs, weatherization and to EmPower New York. HEAP recipients consent to the disclosure of their personally identifying information to SOFA or the Alternate Certifiers for the purposes of outreach and for referrals to energy related assistance programs when they sign the HEAP Application (LDSS-3421).

- d. New York State Office of Homes and Community Renewal (HCR) and their weatherization contractors may have access to confidential HEAP information for the purpose of referral to their weatherization programs. HEAP recipients consent to the disclosure of their personally identifying information to HCR and their weatherization contractors when they sign the HEAP Application (LDSS-3421).
- e. The applicant/recipient may have access to their HEAP records or he/she may grant an Authorized Representative privilege to access to the HEAP records. The applicant/recipient consents to the disclosure of their personally identifying information to an Authorized Representative when they complete the HEAP Application (LDSS-3421).
  - (1) The Authorized Representative has privileges to: complete and file the HEAP Application, contact the agency and speak with the district worker, access the eligibility information in the case record, complete all forms, provide documentation and appeal agency decisions. The Authorized Representative designation remains in effect only for the current program year unless revoked by the applicant/recipient. The applicant/recipient must designate an Authorized Representative each program year.
- f. A household member on the applicant/recipient's HEAP Case may have access to confidential information in the case record if he/she provides proof of identification to the district.
- g. The HEAP Federal Supervising Agency, United States Department of Health and Human Services (HHS) may have access to confidential HEAP information for the purposes of any federal investigation. HEAP applicants/recipients consent to the disclosure of their personally identifying information to HHS for the purpose of investigation when they sign the HEAP Application (LDSS-3421).
- h. District and OTDA employees and contractors of OTDA or the district may discuss a HEAP application and/or HEAP case information with an authorized third-party or any other authorized governmental agency for the purpose of verification and confirmation of any information given on the HEAP Application (LDSS-3421). HEAP applicants/recipients consent to the disclosure of their personally identifying information to any other authorized governmental agency for the purpose of investigation when they sign the HEAP Application (LDSS-3421).

## **C. OTDA/District Computer Data Policy**

1. The Local Commissioners Memorandum (LCM) on computer data confidentiality policy for all the district and OTDA employees entitled "Use and Protection of Confidential Information" is found in policy document [18-LCM-10-T](#).

## Glossary

### **Adult**

An individual age 18 or over or an emancipated minor.

### **Alternate Certifier**

An agency other than the Social Services District who provides outreach to the public, assists applicants with applying for HEAP, and with collecting documentation from applicants.

### **Authorized Representative**

An individual who applies on behalf of a head of household. The authorized representative must provide a written statement signed and dated by the applicant, or the applicant must complete the authorized representation designation section on page 4 of the HEAP Application (LDSS-3421).

### **Automated Budgeting & Eligibility Logic (ABEL)**

Calculates the Temporary Assistance (TA), Supplemental Nutrition Assistance (SNAP) and Home Energy Assistance Program (HEAP) benefit amounts.

### **Automatic Delivery**

A customer's fuel delivery which is scheduled automatically based on the terms of an agreement with the home energy vendor.

### **Benefit Issuance Control System (BICS)**

The State's automated payment and issuance system driven by Welfare Management System (WMS) input.

### **Boarder**

A roomer who is provided meals and is not related by birth, marriage or adoption to the household.

### **Case Supervisory Review (CSR) Plan**

A district specific plan which permits district supervisors to review and approve a targeted or random sampling of HEAP cases. CSR plans must be approved in writing by OTDA and may not be used for HERR applications.

### **Categorically Income Eligible**

An applicant is considered to meet HEAP income guidelines because one or more members are actively receiving:

- FA – Family Assistance;
- SNA – Safety Net Assistance;
- SSI Code A – Supplemental Security Income (SSI) recipients who “live alone” and one member of SSI couples “living alone” (Code A) on the SDX file only. To be categorically eligible, an individual must be Code A for both State and Federal SSI
- SNAP – Supplemental Nutrition Assistance Program, formerly known as Food Stamps.

Categorically Income Eligible households, although income eligible, must meet all other HEAP eligibility requirements. These households would fall into Tier 1 income guidelines.

### **Collateral Contact**

The verbal verification made with vendors, employers, landlords and other sources used for documentation of HEAP eligibility criteria.

### **Commercial Rooming/Boarding Houses**

An establishment which is licensed or viewed by the community as a commercial enterprise, that receives compensation, with the intention of making a profit.

### **Congregate Care Facility**

A non-medical facility licensed or unlicensed which delivers care beyond a simple room and board. Some examples of congregate care facilities are the following:

- DSS certified Family Type Homes;
- OMH or OPWDD certified Family Care Facilities;
- Boarding Homes (NYS licensed);
- DSS certified Adult Residential Care facilities;
- OMH, OPWDD or DAAA Certified Community Residence;
- OASIS run Treatment Facilities; and
- Schools for the Developmentally Disabled.

**Co-Owner**

For the purposes of HEAP, a co-owner is a part owner of a dwelling, but does not reside in that dwelling and is not a household member at the time of application.

**Customer of Record**

A person(s) who has an account, in their name, with a home energy vendor and who resides in the dwelling for which they are requesting HEAP assistance.

**Direct Payment**

A payment that is issued directly through paper check or Electronic Benefit Transfer (EBT) to an eligible household.

**Disabled**

One of the three categories of vulnerable populations for HEAP purposes. A person is considered disabled if they are in receipt of or has been determined eligible for Supplemental Security Income under Title XVI of the Social Security Act or Retirement, Survivors and Disability Insurance Benefits under Title II of the Social Security Act as a result of disability.

**Electronic Benefits Transfer (EBT)**

The EBT program is administered by New York State OTDA and its contractor. EBT is designed to improve the delivery of public assistance and Supplemental Nutrition Assistance Program (SNAP) benefits to clients.

**Emergency Situation**

Being currently without heating fuel;

Having a heating fuel supply that is equal to or less than one-quarter (¼) of the household's fuel tank (for oil, kerosene and propane) and is unable to obtain a delivery;

Having a heating fuel supply that will last less than ten calendar days (for wood, coal and other deliverable fuels) and is unable to obtain a delivery;

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

Being in an emergency home heating situation which is deemed by the local district to be detrimental to the health or safety of household members if temporary emergency shelter or relocation is not provided.

**Emergency Resolution**

Action to resolve a household's emergency situation which must be taken within 18 hours from the time of the Emergency Application if the household is without heat or within 48 hours from the time of the Emergency Application if loss of heat is imminent.

**Energy Service Company (ESCO)**

Independent suppliers of energy (electricity and natural gas).

**Fair Hearing**

A formal administrative procedure by which an applicant or recipient may dispute a determination made by a local district.

**Imaging Enterprise Documentation Repository (I/EDR)**

The official method of electronic documentation retention for OTDA.

**Income Deeming**

When an applicant's household circumstances does not require further income documentation in a subsequent application for benefits.

**Month of Application**

The period of time for which eligibility is determined based on income and household circumstances. For HEAP purposes, this is the calendar month in which the application is filed.

**myBenefits**

An online tool for New York State residents to check possible eligibility for multiple human services benefit programs. With the exception of residents of NYC, users may apply online for SNAP and HEAP; recertify for SNAP or TA; report changes; and view case details.

**myWorkspace**

An intranet application that allows local district workers to process paper and electronic myBenefits applications and recertifications. The application transmits necessary data to WMS to open or deny SNAP or

HEAP cases or recertify SNAP or TA cases. Workers can also perform undercare processing on existing cases and perform recert tracking.

**New Applicant**

An applicant who did not receive a Regular benefit in the preceding program year through the application process or did receive a benefit but is applying in a different county in the current year.

**Pending Timeframe**

A specific period of time up to 10 business days that an applicant is provided to return necessary information to the certifier.

**Primary Heat Source**

The heating equipment used within the 12 month period prior to the month of application to heat the majority of the dwelling and is located inside the dwelling, with the exception of outdoor wood boilers and exterior units that are encapsulated.

**Power of Attorney**

A written document legally authorizing a person to act on behalf of another person. An individual designated as an agent on an executed Power of Attorney form may apply on behalf of the applicant for all HEAP benefit components. A copy of the executed Power of Attorney form must be kept in the case record.

**Program Year**

The period of time beginning October 1 and ending September 30.

**Returning Applicant**

An applicant who received a Regular benefit through the application process in the previous year and resides in the same county. This includes applicants who moved but only within the same county.

**Roomer**

An individual to whom a host household furnishes lodging for compensation.

**Roomer/Boarder**

An individual to whom a host household furnishes lodging and meals for compensation.

**Supplemental Needs Trust**

A trust established for any individual with a long term or permanent disability to supplement government benefits/assistance for which they are eligible. The individual cannot distribute or authorize distributions from this account.

**Supplemental Nutritional Assistance Program (SNAP)**

SNAP is the federally funded program with the purpose of reducing hunger and malnutrition by supplementing the food purchasing power of eligible low-income individuals. It was formally known as Food Stamps.

**State Data Exchange (SDX)**

This document provided by the Social Security Administration to OTDA lists all recipients of Supplemental Security Income.

**Student**

Any person enrolled full-time in a recognized educational institution. For academic institutions, the determination of what constitutes full-time attendance is based on the institution's definition of full-time. For trade schools and other non-academic institutions, a minimum schedule of 25 hours per week shall constitute full-time enrollment. "Full-time" attendance also includes:

- Resident pupils while temporarily absent from home, when the primary purpose is to secure educational, vocational or technical training and the parent retains full responsibility for and control of such minor;
- Enrolled in school, but on vacation;
- Instruction in the home (homeschooling) approved by the board of education; or
- Enrollment in any course leading to a high school equivalency certificate.

Independent Students – A person 18 years or older who has completed his/her compulsory education, who is now enrolled in a post-secondary institution, is living separate and apart from his/her family and is not claimed by them as a dependent. Independent students may be eligible for a HEAP benefit in their own name.

Dependent Students – A person under age 24 who has completed his/her compulsory education, who is now enrolled in a post-secondary institution, and is claimed as a dependent by his/her family (parents). Dependent students are not eligible to receive HEAP benefits in their own name.

**Subsidized Housing**



Any residential housing unit that receives a government rent subsidy which results in reduction of the tenant's monthly rental payment.

- Deep Subsidy – Refers to rental housing where the families rent contribution is based on their monthly income. The remaining rent is paid by a federal subsidy. (Pays all or a majority of the monthly housing expense.)
- Shallow Subsidy – Refers to rental housing that is below market level, but is not based on a percentage of the household's income. The ownership of the housing stock may be for-profit or not-for-profit. Owners receive subsidies or tax incentives to lower the cost of their mortgages or to rehabilitate existing housing or build new apartments. In exchange, they are required to set aside a certain percentage of apartments as affordable for low- and moderate-income people.

**Statewide Financial System (SFS)**

New York State government's accounting and financial management system.

**Temporary Assistance (TA)**

TA is temporary help for needy adults and children. If an individual is unable to work, can't find a job or their job does not pay enough, TA may be able to help them pay their expenses. In New York State, temporary assistance includes Family Assistance (FA), Safety Net Assistance (SNA), Emergency Assistance to Needy Families (EAF), Emergency Safety Net Assistance (ESNA) and Emergency Assistance to Adults (EAA).

**Temporary Absence**

Absence because of medical treatment, work, business, incarceration or military service where the individual does not intend to establish residence elsewhere and the absence is not expected to extend beyond six months. Individuals who are temporarily absent are still considered household members.

**Titles of The Social Security Act:**

Title I – Old-Age Assistance

Title II – Old-Age Assistance, Survivors, and Disability Insurance Benefits (Social Security)

Title IV-E – Adoption Assistance and Foster Care Programs

Title X – Grants to States for Aid to the Blind

Title XIX – Medicaid Program

Title XX –Social Services Block Grant

Title XVI – Supplemental Security Income for the Aged, Blind, and Disabled (SSI)

**Vendor**

An energy supplier or service provider that has a current Vendor Agreement with New York State to accept payment on behalf of the Home Energy Assistance Program.

**Vendor Agreement**

A signed agreement between New York State and a vendor that contains terms and conditions by which the vendor will provide Home Energy to eligible households.

**Verification**

The process whereby a certification worker confirms or clarifies through the applicant or collateral contact that information provided by the applicant is accurate.

**Vulnerable Populations**

Three groups targeted for higher HEAP benefits because of their vulnerability to higher energy needs:

- Disabled individuals
- Individuals aged 60 or older (elderly individuals)
- Children under six (very young children)