

TEMPORARY ASSISTANCE (TA) HEATING ALLOWANCES (con't)

5. Shared Meter/Shared Fuel

- Districts must provide a heating allowance to an A/R/G who is the documented tenant and customer of record and who has primary responsibility for residential heating costs for a utility bill which includes costs for the A/R/G's own dwelling unit and for space outside that unit (**shared meter situation**) when:
 - 1) the A/R/G is the documented owner of the residence; or
 - 2) a valid lease/rental agreement documents that the recipient assumed responsibility for heating costs prior to October 24, 1991. Extensions/renewals after this date are deemed to be new leases/rental agreements; or
 - 3) has a written agreement with their landlord assuming responsibility for payment of residential heating costs for space outside the A/R/G's own dwelling unit; or
 - 4) a shared meter investigation has determined that the quantity of heating service utilized outside of the recipient/grantee's unit is minimal and the owner is not required to be the customer of record.

D. Ineligible for Heating Allowances

1. **Households whose heat is included in the shelter payment.** A fuel type code of "0 – heat included in shelter costs" is entered in the fuel type field on the ABEL input screen.
2. **A/R/G residing in section 8 certificate housing** (the district must continue to enter the appropriate fuel type into ABEL once the tenant and customer of record requirement status is documented).
3. **A/R/G who does not meet the tenant and customer of record requirement.**
4. **A/R/G who is unable to document tenant and/or customer of record status:**
 - These cases must be provided with a shelter allowance without heat up to the agency maximum, if otherwise eligible. A fuel type of "X – no fuel allowed" is entered in the fuel type field on the ABEL input screen.

TEMPORARY ASSISTANCE (TA) HEATING ALLOWANCES (con't)

- When an A/R/G provides documentation of their customer and tenant of record status a heating allowance is provided prospectively from the date that documentation is provided.
- 5. **Non-legally responsible self-maintaining grantee** who charges the dependent children in receipt of TA **room, or room and board**.
- 6. Households where the heating **bill is in the minor child's name** (this does not apply to minor heads of households). A minor child is defined as a child under age 18 or 18 and in school. A fuel type of "X – no fuel allowed" is entered in the fuel type field on the ABEL input screen.

E. Documentation Requirements

1. **TENANT OF RECORD** - A person(s) who has primary responsibility for payment of the monthly shelter costs for their dwelling unit. A person(s) is also considered a tenant of record if they own their own residence. An applicant/recipient (A/R) is considered to meet the tenant of record requirement when the A/R is the legal spouse of the tenant of record residing in the same household or when the A/R is the surviving spouse of the deceased spouse who was the tenant of record.

Note: Individuals who contribute a portion of the monthly rent/mortgage to a person responsible for payment of the monthly shelter costs for their dwelling unit are not considered a tenant of record. In addition, a person(s) residing with a homeowner is not considered a tenant of record.

Districts **must** document the **tenant of record** status in the case record by obtaining one of the following:

- current landlord statement
- lease/rental agreement
- mortgage payment book
- deed/land contact
- current rent receipt with A/R/G's name and address
- collateral contact

TEMPORARY ASSISTANCE (TA) HEATING ALLOWANCES (con't)

2. **CUSTOMER OF RECORD** - A person(s) who has an account in their name with an energy provider. An A/R is considered to meet the customer of record requirement when the A/R is the legal spouse of the customer of record residing in the same household or is the surviving spouse of the deceased spouse who was the customer of record.

Districts **must** document the **customer of record** status in the case record by obtaining one of the following:

- current residential energy bill
- statement from an energy provider
- account ledger with A/R/G's name and current address
- collateral contact

F. TA Heating Allowances-Case Examples

Example 1

Ms. Smith and her three children are recipients of Family Assistance. Ms. Smith was living in an apartment with heat included. She subsequently moves into another apartment that does not include heat as part of the ongoing shelter expense. She submits a new landlord statement to her worker. The landlord statement documents her heating situation and that she is the tenant of record. Contact with utility company verifies that Ms. Smith at her current address is the customer of record and her primary heating source is natural gas. Ms. Smith is now eligible to receive a heating allowance for a household of four since she is the customer and tenant of record.

Example 2

Ms. Smith refuses to be screened for possible drug and/or alcohol abuse. As a result of this refusal, she is subject to a proration sanction until compliance. Ms. Smith retains her tenant and customer of record status. The worker does not change the Case (CA) or Household (HH) counts on the ABEL budget input screen. The proration sanction (PSP) field on the ABEL input screen is data filled with a 1. As a result, Ms. Smith continues to receive a heating allowance for four people, but her deficit is reduced by 25% (¼). The proration sanction process will apply the appropriate grant reduction. The family is still eligible for a heating allowance based on the household count.

TEMPORARY ASSISTANCE (TA) HEATING ALLOWANCES (con't)

Example 3

Ms. Smith complies with the drug and alcohol screening process, and the proration sanction is over. Ms. Smith reports that her 26-year-old brother has moved into the household and that he is not in receipt of or applying for Temporary Assistance (an NTA individual). The worker verifies that Ms. Smith retains her tenant and customer of record status. The district continues to provide a heating allowance based on the four persons in the TA case.

Example 4

Several months later, Ms. Smith's brother, John, applies for and is determined eligible for Safety Net Assistance. John does not choose to be made an essential person on Ms. Smith's Family Assistance case. Ms. Smith retains her tenant and customer of record status. Since there are no legal lines of responsibility and the cases do not reside as one economic unit, the district continues to provide Ms. Smith with a heating allowance. John is not entitled to a heating allowance on his case. This is accomplished by placing an X in the Fuel Type field.

Example 5

Ms. Smith's brother, John, leaves the household. Ms. Smith's oldest daughter, Veronica and her daughter move into the household. Veronica is 19 year's old and has graduated from high school. She applies for Family Assistance and is determined eligible. The worker sees that there are legal lines of responsibility between the cases. Cooperative budgeting methodologies are applied. The worker determines that the heating allowance must now be pro-rated between the two TA cases. The heating allowance is based on a household of six and is prorated between Ms. Smith's (4/6) and Veronica's (2/6) cases.

Example 6

Ms. Smith again moves leaving her daughter Veronica behind. Ms. Smith submits a landlord statement that verifies that she is the tenant of record in her new apartment and that she is responsible for paying the heating costs for her apartment and for a vacant studio apartment next to hers. The worker verifies with the utility company that Ms. Smith is the customer of record. A shared meter investigation determines that the landlord stores furniture in this studio apartment and that the quantity of heating service required for this vacant apartment will be minimal. Ms. Smith has also

TEMPORARY ASSISTANCE (TA) HEATING ALLOWANCES (con't)

signed a lease with the landlord, which includes her responsibility for this expense. The worker will provide Ms. Smith with a heating allowance for four people. Veronica's case also needs to be reviewed and new budget calculated to reflect her current living situation.

Example 7

Ms. Smith moves out of her current county of residence, leaving her three children in the custody of her mother, Andorra. Three months later, Andorra comes into the Department of Social Services to apply for assistance on behalf of her grandchildren. Andorra reports that she owns her own home, pays a mortgage and incurs heating expenses. The worker tells Andorra that she may receive assistance on behalf of her grandchildren but will have to document her actual expenses in order to receive a shelter and a heating allowance. Andorra says that she will be charging room and/or board, and will not provide documentation verifying her living expenses. The worker provides the appropriate room and board allowance and does not provide a heating allowance.

At recertification, Andorra states that she no longer wants room and/or board for her grandchildren. She brings in her mortgage book, her homeowners insurance and property tax information. She also includes her most recent heating bill. The worker allows a shelter without heat allowance equal to actual expenses or up to the agency maximum for a family of three (there are three grandchildren). The worker also allows a heating allowance for three since Andorra is a non-legally responsible self-maintaining grantee and has documented her tenant and customer of record status.

II. TA HEATING ALLOWANCE SCHEDULES

SCHEDULE SA-6a MONTHLY ALLOWANCES FOR FUEL FOR HEATING BEGINNING OCTOBER 1, 1987:

Oil, Kerosene, Propane

Counties of: Nassau, New York City, Suffolk, Westchester

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$70	70	70	73	77	82	88	93

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$68	68	68	71	74	80	85	91

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$69	69	69	72	75	81	87	92

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca, Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$69	69	69	72	75	81	87	92

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton, Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie, Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$72	72	72	75	78	84	90	96

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$71	71	71	74	78	83	89	95

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$77	77	77	80	84	90	96	102

TA HEATING ALLOWANCE SCHEDULES (con't)

**SCHEDULE SA-6b
MONTHLY ALLOWANCES FOR FUEL FOR HEATING
BEGINNING OCTOBER 1, 1987:**

Natural Gas, Coal, Wood, Municipal Electric Utilities not Regulated
by the Public Service Commission, Energy Services Company
(ESCO), Any Other Fuel not Covered by SA-6a and SA-6c

Counties of: Nassau, New York City, Suffolk, Westchester

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$56	56	56	58	61	65	69	74

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$55	55	55	57	60	64	68	73

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga,
Ontario, Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$54	54	54	56	58	63	67	71

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler,
Seneca, Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$58	58	58	60	63	68	72	77

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware,
Fulton, Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga,
Schoharie, Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$58	58	58	60	63	67	72	77

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$55	55	55	57	60	64	69	73

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$66	66	66	68	71	77	82	87

TA HEATING ALLOWANCE SCHEDULES (con't)

**SCHEDULE SA-6c
MONTHLY ALLOWANCES FOR FUEL FOR HEATING
BEGINNING OCTOBER 1, 1987:**

**Public Service Commission-Regulated Electric Utilities,
Village of Greenport Electric, Energy Services Companies
(ESCOS)**

Counties of: Nassau, New York City, Suffolk, Westchester

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$90	90	90	94	99	106	113	120

Counties of: Chautauqua, Dutchess, Orange, Putnam, Rockland, Ulster

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$105	105	105	109	114	123	131	139

Counties of: Columbia, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Wayne

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$107	107	107	111	117	125	134	142

Counties of: Albany, Cayuga, Chemung, Greene, Schenectady, Schuyler, Seneca, Tompkins, Yates

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$120	120	120	125	131	140	150	160

Counties of: Allegany, Broome, Cattaraugus, Chenango, Cortland, Delaware, Fulton, Jefferson, Madison, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie, Steuben, Sullivan, Tioga, Warren, Washington, Wyoming

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$122	122	122	127	133	142	152	162

Counties of: Clinton, Lewis, Oneida, St. Lawrence

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$122	122	122	127	133	143	153	163

Counties of: Essex, Franklin, Hamilton, Herkimer

Number of persons	1	2	3	4	5	6	7	8+
12 month	\$140	140	140	146	153	164	175	186

III. DOMESTIC ENERGY COSTS

A. Definition

Domestic energy is the energy required to supply lights, cooking, and hot water for a dwelling unit.

B. General Information

The Temporary Assistance (TA) budget does not include an allowance specifically intended to cover the costs associated with recipient's domestic energy costs. Districts must utilize the energy provider's average monthly billing amount to determine domestic energy costs for a **domestic energy account(s)**.

C. Restricted Amounts

When payments for domestic energy are made directly to an energy provider, amounts are restricted from the TA grant, not to exceed the following:

- An average monthly domestic energy usage amount based on actual billings for domestic energy, or
- An average monthly domestic energy usage amount supplied by the energy provider, or
- On combined domestic energy and heating bills, non-heating months (June, July and August) are to be used to determine domestic energy usage amount, since these months represent domestic energy usage only.
- In cases where there is more than one domestic energy provider, the average monthly billing amount of each provider must be combined to determine the households (total) average monthly billing amount.

Note: The HEA and the SHEA cannot be used to calculate a domestic energy budget restriction.

IV. METHODS OF PAYMENT (Heating and/or Domestic Energy Costs)

The method that districts use for providing Temporary Assistance (TA) recipients with energy assistance and for determining who is responsible for payment of heating and/or domestic energy costs depends on several factors and may change periodically during the period the recipient is on assistance. Though several options exist, certain categories and circumstances of individuals have mandated methods of payment which districts must use.

A. Unrestricted Payment(s)

- Under this method, the recipient retains sole responsibility for the payment of his/her heating and/or domestic energy costs. The district does not restrict the heating allowance and/or monthly domestic energy cost from the recipient's TA grant.
- Districts must follow the procedures outlined in the **Emergency Assistance-Temporary Assistance Households** section of this Manual when a recipient fails to meet his/her obligation for heating and/or domestic energy costs and is in an emergency situation.
- TA recipients who are not on restricted payment and pay their own energy bill(s) are not sales tax exempt.
- Districts should encourage recipients to pay their energy bills in a timely manner and may recommend them to go on “budget billing” (dividing yearly costs into monthly installments) with their energy provider(s). Paying a fixed amount by “budget billing” will assist the recipient in managing his/her energy costs and help prevent emergency situations. In order to go on “budget billing”, the district must refer the recipient to his/her energy provider.
- Districts should also discuss the restricted payment method with recipients in order **to reduce the potential of future energy emergencies.**

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)**B. Restricted Payment(s)**

1. General

- When a district places a recipient on restricted payment for his/her heating and/or domestic energy costs (including Energy Service Companies), the district must reduce the recipient's grant by the appropriate restricted amount(s) in accordance with this section. The district must reconcile paid and restricted energy amounts at least once a year.

Note: The district may explore "budget billing" for recipients on restricted energy payments. Since the district would pay a fixed amount each month and the energy provider(s) tracks payments the reconciliation process may be facilitated.

a. Authorization of Payments

- Districts have flexibility in the manner in which restricted payments are authorized to energy provider(s). Districts generally apply an option district wide or to a specific TA population. District staff must consult with their local administrators as to the adopted local policy. The payments options are:
 - 1) pay the entire actual energy bill, even when the bill is greater than the restricted amount using WMS Method of Payment Code "03 – Vendor as Billed" on screen 6 of the DSS-3209, or
 - 2) pay only the restricted amount using WMS Method of Payment Code "04 – Vendor as Billed Subject to Limit" and entering the restricted amount in the amount field on screen 6 of the DSS-3209.
- The Utility Billing and Payment Tape Exchange System (UTX) supports the payment options.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

b. Emergency Situations

Districts must follow the procedures in the **Emergency Assistance-Temporary Assistance Households** section of this Manual when a recipient is threatened with a loss of heating and/or domestic energy prior to the effective date of the restricted payment.

c. Notices

Districts must provide appropriate (timely/adequate) notice to TA recipients when the district initiates or terminates restricted payments.

Districts should provide notice to energy providers when the district initiates or terminates restricted energy payments.

d. Sales Tax

Districts are exempt from paying sales tax on the account(s) of a recipient who is on restricted payment for a non-utility (other than natural gas or electric) energy bill.

2. Voluntary Restriction Procedures

a. Requests for Restrictions

- 1) Family Assistance (FA) and cash-Safety Net Assistance (SNA) recipients may at any time request that the appropriate amount of their TA grant be restricted for energy costs [18 NYCRR 381.2(a)].
- 2) Districts must follow the procedures in the **Emergency Assistance-Temporary Assistance Households** section of this Manual when a recipient is threatened with a loss of heating and/or domestic energy prior to the effective date of the restricted payment.
- 3) A voluntary restriction request is not a condition of eligibility for TA.
- 4) The "Request for Voluntary Restricted Payments" form (Attachment A of the **Forms** section of this Manual) must be

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

signed and dated by the applicant/recipient and filed in the case record.

- 5) Districts must place a FA recipient on voluntary restriction when the FA recipient requests to be placed on restriction and the cash grant is adequate for appropriate restrictions [18 NYCRR 381.4(a)].
- 6) Districts may approve or deny a voluntary restriction request of a cash-SNA recipient [18 NYCRR 381.3(4)].

b. Requests to Discontinue Restriction

- FA and cash-SNA recipients have the right to request at any time the restricted payment(s) discontinued. The district must discontinue the restriction as soon as practical, but no later than thirty days after receipt of the written request.
- Districts can place a cash-SNA client on restricted payment if it is a less expensive and/or more easily controlled method of payment whether the cash SNA client requested restriction or not (18 NYCRR 381.3). Therefore, even though a cash-SNA recipient may request that his/her voluntary restriction be discontinued, the district can continue the restriction under the administrative ease provision.

c. Restricted Amounts

- 1) Whenever a district initiates a voluntary restriction request, the following budgeting methodology must be used [18 NYCRR 352.29(e)]:
 - a) If the bill represents **heat** costs only, the district restricts an amount not to exceed the monthly heating allowance from the TA cash grant [18 NYCRR 352.29(e)(1)]; or

Note: Since there is no separate heating allowance for recipients residing in or budgeted in accordance with Section 8 certificate housing provisions, restriction amounts for these cases are based on the appropriate monthly heating allowance schedule for the appropriate TA case size.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

- b) If the bill represents **domestic energy** costs only, the district restricts an amount not to exceed the average monthly amount of domestic energy costs from the TA cash grant [18 NYCRR 352.29(e)(2)]; or

Note: HEA and SHEA are considered in cases of mismanagement only. The average monthly billing amount must be used for non-mismanaged cases. For calculation of domestic energy costs, see the Domestic Energy Costs section of this Manual.

- c) If the bill represents **both heat and domestic energy** costs, the district restricts an amount not to exceed both the monthly heating allowance and average monthly domestic energy costs from the TA cash grant [18 NYCRR 352.29(e)(1) and (2)].

Note: Since there is no separate heating allowance for recipients residing in or budgeted in accordance with Section 8 certificate housing provisions, restrictions for these cases are based on the appropriate monthly heating allowance schedule for the appropriate TA case size. For heating allowance schedules, see the TA Heating Allowance Schedules section of this Manual.

- d) Time Frames

- The district's responsibility for heating and/or domestic energy restriction(s) begins and ends on dates designated by the district. Any energy bills submitted to the district which include costs incurred prior to or after the authorized period must be prorated to ensure that the district is only paying for costs incurred during the authorized period. Districts should notify energy vendors as soon as they are aware of the restricted payment termination.
- Example: The district notifies an energy provider that a TA recipient is on restricted energy payment from 3/10 to 5/31. The energy provider is notified on 5/10 that the TA case is being closed 5/15. The district receives an energy bill for 3/3 to 5/20. The district can only pay the

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

prorated portion of the bill that covers the TA authorized period of 3/10 to 5/15 (total bill ÷ billing days x TA authorization period).

d. Authorization of Payments

Districts have flexibility in the manner in which restricted payments are authorized to energy provider(s). Districts generally apply an option district wide or to a specific TA population. District staff must consult with their local administrators as to the adopted local policy. The payments options are:

1) pay the entire actual energy bill, even when the bill is greater than the restricted amount using WMS Method of Payment Code "03 – Vendor as Billed" on screen 6 of the DSS-3209, or

2) pay only the restricted amount using WMS Method of Payment Code "04 – Vendor as Billed Subject to Limit" and entering the restricted amount in the amount field on screen 6 of the DSS-3209.

- The Utility Billing and Payment Tape Exchange System (UTX) supports the payment options.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

3. Mandated Restricted Payments

a. Non-Cash Safety Net Assistance

1) General Requirements

Non-cash SNA (case types 12 and 17) benefits must be paid in the manner prescribed by law. The shelter must be restricted first followed by utilities (including heat), in accordance with 18 NYCRR 370.4(b)(2)(ii).

Note: As with all TA programs, recoupment of an overpayment has the highest priority of the grant restriction hierarchy.

2) Shelter Restriction Options

Districts have three (3) methodologies available to satisfy the mandated shelter restriction. Each of the methodologies may produce a different amount of remaining TA deficit after the mandated shelter restriction. The remaining TA deficit amount may influence the restriction policy of the district.

- Districts may restrict the agency maximum shelter allowance only. The district enters an "X" in the ABEL budget shelter restriction field, and the shelter cost, up to agency maximum, will be restricted prior to the restriction of domestic energy and/or heating costs.
- Districts may restrict the entire actual shelter cost (if the recipient requests that the excess amount be paid). The district enters a "P" in the ABEL budget shelter restriction field, a shelter cost, up to the actual amount, will be restricted prior to the restriction of domestic energy and/or heating costs.
- Districts may restrict the excess shelter costs that exceed the agency maximum shelter allowance (if the recipient requests that the excess amount be paid) after all other restrictions are satisfied. The district enters an "S" in the ABEL budget shelter restriction field and any remaining TA deficit will be applied to the shelter cost, up to the actual amount.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

3) Restricted Amounts

Whenever a district initiates a voluntary restriction request, the following budgeting methodology must be used [18 NYCRR 352.29(e)]:

- a) If the bill represents **heat** costs only, the district restricts an amount not to exceed the monthly heating allowance from the TA cash grant [18 NYCRR 352.29(e)(1)]; or

Note: Since there is no separate heating allowance for recipients residing in or budgeted in accordance with Section 8 certificate housing provisions, restriction amounts for these cases are based on the appropriate monthly heating allowance schedule for the appropriate TA case size.

- b) If the bill represents **domestic energy** costs only, the district restricts an amount not to exceed the average monthly amount of domestic energy costs from the TA cash grant [18 NYCRR 352.29(e)(2)]; or

Note: HEA and SHEA are considered in cases of mismanagement only. The average monthly billing amount must be used for non-mismanaged cases. For calculation of domestic energy costs, see the Domestic Energy Costs section of this Manual.

- c) If the bill represents **both heat and domestic energy** costs, the district restricts an amount not to exceed both the monthly heating allowance and average monthly domestic energy costs from the TA cash grant [18 NYCRR 352.29(e)(1) and (2)].

Note: Since there is no separate heating allowance for recipients residing in or budgeted in accordance with Section 8 certificate housing provisions, restrictions for these cases are based on the appropriate monthly heating allowance schedule for the appropriate TA case size. For heating allowance schedules, see the TA Heating Allowance Schedules section of this Manual.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

4) Payment Options

a) Domestic Energy Only Accounts

- The district may pay the entire actual domestic energy bill, even when the bill is greater than the restricted domestic energy amount, without the recipient's permission using WMS Method of Payment Code "03 – Vendor as Billed" on screen 6 of the DSS-3209, or
- The district may pay just the restricted domestic energy amount using WMS Method of Payment Code "04 – Vendor as Billed Subject to Limit" and entering the restricted amount in the amount field on screen 6 of the DSS-3209.

b) Heat Only Accounts

- The district may pay the entire actual heating bill (only with the recipient's written permission see Attachment A of the **Forms** section of this Manual), even when the bill is greater than the restricted amount, using WMS Method of Payment Code "03 – Vendor as Billed" on screen 6 of the DSS-3209, or
- The district may pay just the restricted amount using WMS Method of Payment Code "04 – Vendor as Billed Subject to Limit" and entering the restricted amount in the amount field on screen 6 of the DSS-3209.

c) Combined Heating and Domestic Energy Accounts

- The district may pay the entire actual combined heating and domestic energy bill, even when the bill is greater than the restricted amount(s), using WMS Method of Payment Code "03 – Vendor as Billed" on screen 6 of the DSS-3209, or

Note: When a single energy provider, on a combined billing basis supplies both the heating and domestic energy service, the entire energy bill may be paid without the written consent of the client.

- The district may pay just each of the restricted amounts using WMS Method of Payment Code "04 – Vendor as

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

Billed Subject to Limit” and entering the restricted amount in the amount field on screen 6 of the DSS-3209.

5) Reconciliation

- With any option, reconciliation of restricted and paid amounts is required in the manner outlined in this section.

6) Emergency Situations

- With any option, Social Services Law 131-s mandates and procedures take precedence.

7) Examples

Example 1:

A non-cash SNA case with domestic and heating energy supplied by a **single energy provider** has a remaining deficit of \$90.00 after the mandated shelter restriction. The monthly heating allowance is \$70.00 and average monthly domestic energy cost is \$50.00. After restricting these amounts in the appropriate ABEL input fields, ABEL displays restricted amounts of \$50.00 for domestic energy and \$40.00 for heating. The district may pay just \$90.00 monthly or the entire actual combined energy bill.

Example 2:

A non-cash SNA case with domestic and heating energy supplied by **separate energy providers** for domestic energy and heating, has a remaining deficit of \$90.00 after the mandated shelter restriction. The monthly heating allowance is \$70.00 and average monthly domestic energy cost is \$50.00. After restricting these amounts in the appropriate ABEL input fields, ABEL displays restricted amounts of \$50.00 for domestic energy and \$40.00 for heating. The district may pay \$50.00 monthly or the entire actual domestic energy bill. However, the district can only pay \$40.00 monthly for the heating bill, unless the non-cash SNA recipient provides written permission to pay the entire heating bill. With written permission, the district may pay \$40.00 monthly or the entire actual heating bill.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

b. Recipient Mismanagement

If a recipient fails the utility arrears management test, see the **Emergency Assistance-Temporary Assistance Households** section of this Manual, the district may guarantee utility payments to the utility company by means of restricted payment.

1) Restricted Amounts

Amounts restricted from the recipient's grant may not exceed the amount(s) outlined below:

a) Domestic Energy Only

The recipient's Home Energy Allowance (HEA) and Supplemental Home Energy Allowance (SHEA) or the average monthly billing amount, whichever is less.

Note: HEA and SHEA are considered in cases of mismanagement only. The average monthly billing amount must be used for non-mismanaged cases.

b) Heat Only (Non-section 8 Certificate Housing)

The recipients monthly heating allowance.

c) Heat Only (Section 8 Certificate Housing)

The balance of the recipient's shelter allowance minus the actual shelter obligation, up to an amount equal to the appropriate fuel allowance for the heating type and size of the TA household.

b) Combined Heat and Domestic Energy

The total of both the domestic energy and fuel allowance as determined separately using the above methodologies.

2) Notice Requirements

Districts must provide timely and adequate notice prior to initiating any restriction.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

4. Administrative Ease

- Districts **may**, as a matter of administrative ease and in accordance with 18 NYCRR 381.3, place a cash-Safety Net Assistance (case type 16) recipient on restricted payment when the district determines that restricted payment is less expensive or is a more easily controlled method of payment than providing cash to the recipient. Such restrictions do **not** require the written permission or request from the recipient and must be done in accordance with the restriction methodology outlined in this section of the manual.
- In addition, districts do **not** need the written consent of a cash-SNA recipient in order to pay the client's heating costs that exceed the monthly amount restricted as the heating allowance.
- Furthermore, the mandated restriction hierarchy that must be used for non-cash SNA cases does **not** apply to cash-SNA cases which have been placed on restricted payment(s) for administrative ease or for mismanagement.

5. Reconciliation of Restricted Accounts

a. Requirement

Whenever districts place a TA recipient on restricted payment for heating and/or domestic energy costs and pays the recipient's energy bills, the district must conduct a reconciliation of the amounts restricted and paid. The reconciliation must be completed at least once a year and when an energy restriction is terminated or when a TA case closes.

In order to facilitate the reconciliation process, districts must establish procedures to track energy payments made to energy providers. Districts who opt for "budget billing" for recipients on restricted payment should be able to obtain information regarding payments and actual cost of service from the energy provider(s).

b. Procedures

Reconciliation for heating and/or domestic energy costs is accomplished in the following steps:

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

- 1) The district must calculate the amount paid by the district to the recipient's energy provider(s) for the time period being reconciled.

NOTE: HEAP payments to an energy provider are not included in the calculations of the reconciliation process.

- 2) The district must then calculate the total amount(s) restricted for energy from the recipient's TA grant during the same time period used in Step 1.

NOTE: When calculating restricted amounts for cooperatively budgeted cases on restricted payment, the total amounts restricted from each cooperatively budgeted case must be added together.

- 3) The district then compares Steps 1 and 2.
 - If the amount paid to the energy provider(s) by the district is **less** than the amount restricted from the recipient's TA grant, the recipient has been underpaid and the district must take one of the following actions:
 - I. Apply the underpayment against any outstanding overpayment; or
 - II. If there is no outstanding overpayment, issue a refund to the recipient; or
 - III. If the overpayment is less than the underpayment, apply the underpayment against the overpayment and issue the remainder to the recipient.

NOTE: Underpayments for cooperatively budgeted cases are applied on a pro-rata basis to I., II, or III for each cooperatively budgeted case.

NOTE: When an electronic benefit transfer (EBT) system is operating in the district, and this system provides for the a non-cash debit option, non-cash SNA recipients cannot receive a cash payment which exceeds the maximum allowable monthly personal needs allowance (PNA = 20% of the Basic, HEA and SHEA). In cases where the energy reconciliation refund would generate an amount in excess of the maximum

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't

monthly PNA, the refund of the portion which exceeds the maximum monthly PNA in the month of calculation must be issued on a non-cash basis, [18 NYCRR 370.4(b)(2)(iv)]. Until such time that EBT is operational in the district, a refund may be issued as cash with the non-cash debit option.

- If the amount paid to the energy provider(s) by the district is **more** than the amount restricted from the recipient's TA grant, the recipient has been overpaid and is subject to recoupment. The overpayment is classified as an advance payment with the ABEL recoupment type of "3". It is not necessary to separate the cost of service into heat and domestic energy portions. Districts must send a timely and adequate notice to the recipient prior to initiating the future recoupment.

NOTE: Overpayments for cooperatively budgeted cases are applied on a pro-rata basis to each cooperatively budgeted case with a restriction.

- 4) After completing the reconciliation process, districts should review the restricted amount for domestic energy costs for those recipients on restricted payment for their domestic energy or combined heat/domestic energy and adjust the restriction accordingly.

C. Letter of Guarantee

If the district guarantees payment to the utility company by means of a letter of guarantee, the TA or SSI recipient maintains responsibility for the payment of their utility bill and the utility company is required to continue with its normal billing process to the customer. In the event the TA or SSI recipient fails to pay the bill, the utility company is prohibited from issuing a disconnect notice or terminating service to the guaranteed customer. In such cases, the utility company must continue service and issue a notice of non-payment to the customer. At the same time, a notice must be sent to the district that specifies the amount of arrears accumulated since the guarantee became effective.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

The district should attempt to contact the TA or SSI recipient in order to ascertain his or her ability to pay the arrearage. The receipt of a Notice of Non-Payment does not constitute an immediate need, since the service to guaranteed customers cannot be terminated by the utility company. If a district is unable to reach the TA or SSI recipient, or the TA or SSI recipient refuses to discuss payment of the guaranteed arrearage, the district must make the appropriate payment on behalf of the recipient. Any payment made to a TA recipient on guarantee is an overpayment subject to recoupment pursuant to 18 NYCRR 352.31(d).

It is essential that the District closely track all TA and SSI cases for which a form of guarantee has been issued:

- When a TA case is closed prior to the expiration of the guarantee period, the district must notify the utility company in writing no later than fifteen days after the TA case closing. The District is responsible for guarantee of payment until the end of the month in which the required notice of case closing is provided.
- For a SSI recipient, the district must notify the utility company in writing no later than fifteen days after receipt of a SDX report indicating that the SSI case is closed. The district is responsible for guarantee of payment until the end of the month in which the required notice of case closing is provided.

The WMS Anticipated Future Action (AFA) code of "303 – Expiration Date of Utility Guarantee Contract – Notification Required" should be used to track the six month guarantee period.

When the guarantee expires for the TA or SSI recipient after six months and the customer remains in receipt of TA or SSI, the utility company must continue to hold any arrearage incurred prior to the initial arrearage payment in suspension. This continues as long as the TA or SSI recipient remains in active status. Any termination threat issued to such individuals must only result from non-payment of current bills.

METHODS OF PAYMENT (Heating and/or Domestic Energy Costs) (con't)

D. Combination of Restricted Payment and Letter of Guarantee

a) If the recipient fails the utility arrears management test (see the **Emergency Assistance-Temporary Assistance Households** section of this Manual), and the district guarantees payment to the utility company by means of a **combination** of restricted payment, paying the restricted amount, and letter of guarantee, guaranteeing the balance between the paid restricted amount and the actual billing amount, each of the aforementioned procedures must be followed.

V. EMERGENCY ASSISTANCE – GENERAL INFORMATION

A. Emergency Situations

Districts can provide assistance to meet a variety of emergency energy situations. Households are in an emergency energy situation when they are faced with any of the following situations:

- The household is without heat or has less than a seven (7) day supply of heat; or
- The household's utility domestic energy service is disconnected or scheduled for disconnection; or

NOTE: Lack of non-utility domestic energy is not considered an emergency.

- Applicant/recipient (A/R) owned essential heating equipment is inoperable and/or unsafe and is in need of repair/maintenance; or

NOTE: Replacement of heating equipment may be possible in some cases. See the Heating Equipment Repair/Replacement section of this Manual.

- The household is in an emergency heating situation which is deemed by the district to be detrimental to the health and/or safety of household members if temporary shelter or relocation is not available.

B. Types of Assistance to meet Energy Emergency Situations

The type of assistance a district provides is based on the type of emergency situation. For example, districts can:

1. obtain heat essential for the household,
2. continue or restore domestic energy for the household,
3. repair or replace essential applicant/recipient owned heating system equipment, and/or

EMERGENCY ASSISTANCE – GENERAL INFORMATION (con't)

4. provide for the temporary relocation of the household facing an energy crisis.

C. Immediate Needs**1. Policy**

- Districts must follow the immediate needs procedures outlined below whenever a Temporary Assistance (TA), Non-Temporary Assistance (NTA) or Supplemental Security Income (SSI) household contacts the district with an energy emergency (these procedures can also be found in 86 ADM-7):

Note: 86 ADM-7 informs the districts to utilize the pre-determination grant (PG-ADC) category for certain immediate need situations. Districts are advised that this category of assistance no longer exists.

- These procedures do not apply when assistance is provided through the Home Energy Assistance Program (HEAP). Please refer to the HEAP Manual for time frames and procedures relevant to HEAP.

2. Definitions

- An **emergency need** is a set of circumstances that require some action before the eligibility determination is completed.
- An **immediate need** is an emergency situation that must be dealt with the same day to ensure the health and safety of the individual or family.

3. Emergency Interview Requirements

- Provide an emergency interview – When an A/R/G indicates that he/she has an emergency situation (i.e. disconnect notice), the district must provide an interview on that day.

4. Determine the Immediate Need

- The district must determine if an immediate need exists which **must be met the same day** in order to ensure the health and safety of the individuals.

EMERGENCY ASSISTANCE – GENERAL INFORMATION (con't)

Note: For utility emergency purposes an immediate need is when an applicant has a 72 hour shut-off notice.

5. Meeting the immediate need

- If an immediate need is identified and there are no resources to meet the need the district may meet the need through the appropriate category of assistance or through a pre-investigation grant. A pre-investigation grant is a grant authorized when eligibility for ongoing assistance has not been established.

6. Notification requirements

- When the applicant asserts that he/she is in an emergency situation, he/she must be provided with a written notice,(DSS 4002) by the district, regarding the request for immediate assistance. This notice must state how the district will meet the immediate need or the reason the district determines there is no immediate need to be met. This notice must be provided to the applicant at the time of the interview or pre-screening.

D. General Eligibility Requirements

Households faced with an energy emergency, as outlined in this section, must meet the following criteria:

1. The household is unable to make alternate payment arrangements to meet the emergency.

A deferred payment agreement (DPA) is the primary alternate payment arrangement for utilities. Please see the **Deferred Payment Agreement** section of this Manual for additional information.

Districts must also explore the availability of HEAP to meet energy emergencies prior to utilizing any Temporary Assistance programs.

2. Other housing accommodations appropriate for the household are not available.
3. All available liquid resources have been explored and any available amounts applied against the amount required to resolve the

EMERGENCY ASSISTANCE – GENERAL INFORMATION (con't)

emergency. This applies to both NTA and TA households. However, resources up to the allowable limit for SSI are not considered available for SSI recipients whose emergency payment is authorized as EAA. Failure to apply available liquid resources results in the household's ineligibility for assistance.

Liquid resources are those resources readily available to the A/R. These include, but are not limited to:

- Cash on hand
- Certain Lump Sums
- Checking and/or savings balances
- Savings certificates
- Stocks
- Bonds
- IRA and KEOGH accounts
- Earnings
- Trust funds
- Estate settlements
- Credit Cards

NOTE: TA households are not required to use credit cards/cash advances. This resource may be explored on a case by case basis for NTA households.

EXAMPLES:

Andorra applies for assistance to meet a utility emergency. She has a \$2,000 utility bill. Cost of service for the most recent four-month billing period is \$400. The agency determines that Andorra has \$100 in available liquid resources. She must apply the resource towards the amount needed to meet the emergency, thus reducing the agency's payment to \$300.

Dave comes into Any county DSS faced with an oil emergency. He owes his current oil vendor for the past two deliveries and cannot obtain credit or make any alternate payment arrangements. A minimum delivery will cost \$150. Dave has \$30 in available liquid resources. He must apply the \$30 towards the \$150, reducing the agency's payment to \$120.

EMERGENCY ASSISTANCE – GENERAL INFORMATION (con't)

4. The A/R Meets the Tenant and Customer of Record Requirements

Tenant of record is the person(s) who has primary responsibility for the payment of the monthly shelter costs for the dwelling unit. The homeowner residing in the dwelling is considered the tenant of record.

An A/R is considered to meet the tenant of record requirement when the A/R is the legal spouse of the actual tenant of record residing in the same dwelling or the A/R is the surviving spouse of the deceased spouse who was the tenant of record.

NOTE: Individuals who contribute a portion of the monthly rent or mortgage to the person with primary responsibility for the shelter costs are not considered the tenant of record. In addition, a person (who is not the legal spouse) residing with the homeowner is not considered the tenant of record.

Customer of record is the person(s) who has an account in their name with an energy provider.

An A/R is considered to meet the customer of record provision if the A/R is the legal spouse of the actual customer of record residing in the same household or is the surviving spouse of the deceased customer of record.

5. The household meets all other applicable eligibility criteria and documentation criteria established for the category of assistance that the district uses to authorize the emergency payment.

This may include the requirement to sign a lien and/or mortgage on real property and/or repayment agreement.

Please refer to the **Emergency Assistance-General Information, Household Category** section of this Manual for more specific information.

