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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 90 LCM-55

Date: April 20, 1990

Division: Commissioner's  
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation 393.3(a), 393.4(d)(1)(v)(vi) and  
393.4(d)(3)(iii)

ATTACHMENTS: Attachment listed below  
(Attachment available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR 393.3(a), 393.4(d)(1)(v)(vi) and 393.4(d)(3)(iii)  
relating to home energy assistance program.

Filed as an emergency rule - 11/16/89 - effective 11/16/89.

Refiled as an emergency rule - 2/15/90 - effective 2/15/90.

Refiled again as an emergency rule - 4/17/90 - effective 4/17/90.

The final rule - Filed: 4/17/90 - Effective: 5/2/90.

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Michael J. McNaughton  
Director, Local District  
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20.3(d), 34.3(f), and 97 of the Social Services Law, I Cesar A. Perales, Commissioner of Social Services, do hereby amend Sections 393.3(a), 393.4(d)(1)(v) and (vi), and 393.4(d)(2)(iii) of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Dated: April 17, 1990

Signed: \_\_\_\_\_  
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services made on, amending Sections 393.3(a), 393.4(d)(1)(v) and (vi), and 393.4(d)(2)(iii) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on December 6, 1989

Dated: April 17, 1990

Signed: \_\_\_\_\_  
Commissioner

The introductory language of subdivision (a) of section 393.3 is amended to read as follows:

393.3 Application. (a) For purposes of the current HEAP State Plan, the department has designated the first business day on or after November 15th through the last business day of March [31st] as the period of time during which local districts must receive applications for regular HEAP benefits. If the department determines that sufficient program and administrative funds are available, the department may extend the period for receiving applications for regular HEAP benefits beyond the last business day of March [31st]. In the event that the department determines that there are insufficient program and/or administrative funds to continue receiving regular applications prior to the last business day of March [31st], the time period for receipt of applications may be correspondingly shortened. Applications for emergency HEAP benefits will be accepted for as long as HEAP emergency funds remain available during the federal fiscal year. Applications for HEAP benefits must be received and recorded on the State-prescribed form or on a local equivalent form approved by the department. During the designated period of time that local districts receive applications, social services officials must:

Subparagraphs (v) and (vi) of paragraph (1) of subdivision (d) of section 393.4 are amended to read as follows:

(v) has heat-related utility service scheduled for disconnection [within seven calendar days of the date of application];

(vi) has essential applicant-owned heating equipment that is inoperable or unsafe and is in need of repair/maintenance/replacement; or

Subparagraph (iii) of paragraph (2) of subdivision (d) of section 393.4 is amended to read as follows:

(iii) Repair/maintain/replace heating equipment, temporary emergency shelter, or relocation. For purposes of the current HEAP State Plan, the district must authorize one HEAP emergency benefit per program year to repair or maintain applicant-recipient owned heating equipment, and/or replace irreparable applicant-recipient owned heating equipment, and/or to provide temporary emergency shelter or relocation for a HEAP-eligible household facing a heat-related emergency situation. These instances must be evaluated on a case-by-case basis. The amount authorized must only be that amount necessary to alleviate the emergency but in no event can such emergency benefits exceed a total of \$500 to repair/maintain heating equipment and/or \$500 to provide a temporary emergency shelter or relocation for a household. The maximum HEAP emergency benefit allowed to replace an applicant-recipient owned furnace may not exceed \$2500 except where the district has received approval from the department to exceed such maximum amount.

(Deleted material [brackets]; new material underlined)