S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N S E N A T E

February 20, 2009

Introduced by Sens. PARKER, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, in relation to authorizing the New York state energy research and development authority to develop a temporary middle income home energy assistance program and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 1854 of the public authorities law is amended by adding a new subdivision 9 to read as follows:

9. TEMPORARY MIDDLE INCOME HOME ENERGY ASSISTANCE PROGRAM. (A) THE AUTHORITY IS AUTHORIZED, IN CONJUNCTION WITH THE DEPARTMENT OF TAXATION AND FINANCE, TO DEVELOP, IMPLEMENT, ADMINISTER AND OPERATE A PLAN, AND HOLD AND SECURE FUNDS AVAILABLE FOR SUCH PLAN, TO MAKE AVAILABLE ONE-TIME SUPPLEMENTING GRANTS FOR THE PURPOSE OF ASSISTING ELIGIBLE HOUSEHOLDS TO OBTAIN HOME HEATING FUEL.

(B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "HOME HEATING FUEL" SHALL MEAN FUEL OIL, COAL, WOOD, PROPANE, NATURAL GAS, ELECTRICITY, STEAM, KEROSENE AND ANY OTHER FUEL WHEN USED FOR RESIDENTIAL HEATING PURPOSES.

(C) THE AUTHORITY IS REQUIRED, IN ACCORDANCE WITH THE PLAN ESTABLISHED IN PARAGRAPH (A) OF THIS SUBDIVISION, TO PARTICIPATE IN THE TEMPORARY MIDDLE INCOME HOME ENERGY ASSISTANCE PROGRAM AND TO ASSIST ELIGIBLE HOUSEHOLDS TO OBTAIN MIDDLE INCOME HOME ENERGY ASSISTANCE.

(D) PERSONS WHO QUALIFY FOR MIDDLE INCOME HOME ENERGY ASSISTANCE IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE AUTHORITY, SHALL BE CERTIFIED AS ELIGIBLE FOR AND ENTITLED TO RECEIVE SUCH HOME ENERGY ASSISTANCE. NO PERSON, HOWEVER, SHALL BE CERTIFIED AS ELIGIBLE FOR AND ENTITLED TO RECEIVE SUCH HOME ENERGY ASSISTANCE IF NO STATE FUNDS ARE AVAILABLE FOR SUCH PURPOSE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(E) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW TO THE CONTRARY, THE AMOUNT OF ANY HOME ENERGY ASSISTANCE PAYMENTS OR ALLOWANCES PROVIDED TO AN ELIGIBLE HOUSEHOLD UNDER SUCH PLAN SHALL NOT BE CONSIDERED INCOME OR RESOURCES OF SUCH HOUSEHOLDS, OR OF ANY MEMBER THEREOF, FOR ANY PURPOSE UNDER ANY STATE LAW.

(F) EXPENDITURES MADE BY THE AUTHORITY PURSUANT TO THE STATE MIDDLE INCOME HOME ENERGY ASSISTANCE PROGRAM, INCLUDING THE COSTS OF ADMINISTRATION, SHALL BE SUBJECT TO ONE HUNDRED PERCENT REIMBURSEMENT BY THE STATE, IF AND FOR AS LONG AS STATE FUNDS ARE AVAILABLE FOR THE FULL AMOUNT OF SUCH EXPENDITURES.

(G) ADMINISTRATIVE FUNDS TO IMPLEMENT THE PROGRAM DESCRIBED IN THIS SUBDIVISION AT THE STATE AND LOCAL LEVELS SHALL BE SET AT TEN PERCENT OF THE TOTAL AMOUNT ALLOCATED. ADMINISTRATIVE MONIES SHALL BE DERIVED FROM FUNDS IDENTIFIED BY THE DIVISION OF THE BUDGET.

S 2. This act shall take effect immediately and shall expire and be deemed repealed April 1, 2011.