

# STATE OF NEW YORK

8022

## IN SENATE

January 5, 2024

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to automated identification of OTDA assistance program participants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 131-ss of the social services law, as added by a  
2 chapter of the laws of 2023 relating to providing for the automated  
3 identification of affordability program participants, as proposed in  
4 legislative bills numbers S. 4548 and A. 4876, is amended to read as  
5 follows:

6 § 131-ss. Automated identification of [~~affordability~~] OTDA assistance  
7 program participants. 1. Definitions. For the purposes of this section,  
8 the following terms shall have the following meanings:

9 (a) "Commissioner" shall mean the commissioner of the office of tempo-  
10 rary and disability assistance.

11 (b) "Office" or "OTDA" shall mean the office of temporary and disabil-  
12 ity assistance.

13 (c) "[~~Affordability~~] OTDA assistance program participant" shall mean a  
14 household that is determined to be eligible by the [~~appropriate agency~~]  
15 office for any of the following programs, provided, however, that the  
16 office may require written consent from OTDA assistance program partic-  
17 ipants before using data obtained from any of the following programs for  
18 the purposes of this section:

19 (i) Public assistance;

20 (ii) [~~Supplemental security income,~~

21 ~~(iii) Supplemental Nutrition Assistance Program (SNAP),~~

22 ~~(iv) Low income home~~] Home energy assistance program[~~,~~

23 ~~(v) Veteran's disability pension,~~

24 ~~(vi) Veteran's surviving spouse pension,~~

25 ~~(vii) Child health plus,~~

26 ~~(viii) Lifeline~~]; and

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

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1 [~~(ix)~~] (iii) Any other income-based assistance program identified by  
2 the public service commission [~~in consultation with~~] that is adminis-  
3 tered and approved for inclusion under this section by the office.

4 [~~(c) "Office" shall mean the office of temporary disability assist-~~  
5 ~~ance.~~]

6 (d) "Utility corporation" shall [~~mean a corporation regulated pursuant~~  
7 ~~to article two of the public service law~~] include utility companies,  
8 utility corporations, public utility companies, public utility corpo-  
9 rations, gas corporations, electric corporations, or municipalities as  
10 defined in section two of the public service law and regulated pursuant  
11 to the public service law, a municipal corporation that provides public  
12 utility services, a rural electric cooperative, or a state public  
13 authority that provides utility services.

14 (e) "Utility corporation energy affordability programs" shall be  
15 defined by the public service commission and shall [~~include~~] be limited  
16 to utility corporation programs which are intended to assist customers  
17 with energy affordability by reducing customers' energy burden.

18 2. Within one [~~hundred eighty days~~] year of the effective date of this  
19 section, the commissioner shall [~~establish a statewide program to~~]  
20 provide for automated identification of [~~eligible affordability~~] OTDA  
21 assistance program participants for participation in utility corporation  
22 energy affordability programs pursuant to subdivision four of this  
23 section.

24 3. The [~~office shall engage with utility corporations to establish~~  
25 ~~automated file matching mechanisms that will provide, via electronic~~  
26 ~~means, to utility corporations a list of eligible affordability program~~  
27 ~~participants within the utility corporation's service territory~~] utility  
28 corporation shall be responsible for working with the office to facili-  
29 tate and implement the technological capabilities to allow for the  
30 secure transmission of data through an interface with the office's  
31 information technology infrastructure.

32 4. [~~The~~] (a) To the extent permitted by federal law, regulations and  
33 policies, the office, upon the utility corporation agreeing to and sign-  
34 ing the office's data terms and upon receipt of the required data  
35 elements from the utility corporation, as such data elements are defined  
36 by the office, shall conduct automated file matching to identify utility  
37 corporation customer accounts that are also [~~affordability~~] OTDA assist-  
38 ance program participants and, if permitted by federal law, regulations  
39 and policies, such information shall be provided to utility corporations  
40 no less than semi-annually. Utility corporation customer accounts iden-  
41 tified by the office as potentially eligible for participation in avail-  
42 able utility corporation energy affordability programs as a result of  
43 such file matching shall be, if confirmed as eligible for such utility  
44 corporation energy affordability programs by the utility corporation,  
45 enrolled in such utility corporation energy affordability programs by  
46 the utility corporation within sixty days of receipt by the utility  
47 corporation of [~~the office communicating~~] the results of the automated  
48 file [~~matching to the utility corporation~~] match. Any information  
49 provided to the utility corporations related to [~~affordability~~] OTDA  
50 assistance program participants pursuant to this section shall not be  
51 [~~redacted as necessary to protect any information that is protected~~  
52 ~~under any state or federal privacy laws, kept confidential,~~] rediscovered  
53 by the utility corporation and shall only be utilized for the purpose of  
54 confirming eligibility in the utility corporation energy affordability  
55 program and providing notifications pursuant to paragraph (b) of this  
56 subdivision.

1 (b) Upon automatic enrollment in the utility corporation energy  
2 affordability program, the utility corporation shall provide written  
3 notification to the utility corporation energy affordability program  
4 participant of their enrollment in such program.

5 (c) Except as prohibited by federal law, regulation, or policy, and  
6 notwithstanding any provision of state or local law, regulation, or  
7 policy to the contrary, a utility corporation is authorized to share the  
8 required data elements for the purposes of and as provided for by this  
9 section.

10 5. The commissioner may adopt, on an emergency basis pursuant to arti-  
11 cle two of the state administrative procedure act, any rules necessary  
12 to carry out the provisions of this article.

13 6. The commissioner may delegate the administration of any portion of  
14 this [~~program~~] section to any state agency, social services official,  
15 city, county, town, contractor or non-profit organization in accordance  
16 with the provisions of this article and applicable federal requirements.  
17 Provided however, such privacy and confidentiality limitations  
18 prescribed in [~~subdivision four of~~] this section shall apply to any  
19 entity [~~that~~] to which the commissioner delegates the administration of  
20 [~~the program to~~] any portion of this section.

21 § 2. This act shall take effect on the same date and in the same  
22 manner as a chapter of the laws of 2023 relating to providing for the  
23 automated identification of affordability program participants, as  
24 proposed in legislative bills numbers S. 4548 and A. 4876, takes effect.