STATE OF NEW YORK

8488

IN ASSEMBLY

January 4, 2024

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Social Services

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:

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

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

(a) "Commissioner" shall mean the commissioner of the office of temporary and disability assistance.

(b) **"Office" or "OTDA" shall mean the office of temporary and disability assistance.**

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

(i) Public assistance;

(ii) [~~Supplemental security income;~~

~~(iii) Supplemental Nutrition Assistance Program (SNAP);~~

~~(iv) Low income home~~] **Home** energy assistance program[~~;~~

~~(v) Veteran's disability pension;~~

~~(vi) Veteran's surviving spouse pension;~~

~~(vii) Child health plus;~~

~~(viii) Lifeline~~]; and

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

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

[~~(c) "Office" shall mean the office of temporary disability assistance.~~]

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

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

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

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

4. [~~The~~] (a) To the extent permitted by federal law, regulations and policies, the office, upon the utility corporation agreeing to and signing the office's data terms and upon receipt of the required data elements from the utility corporation, as such data elements are defined by the office, shall conduct automated file matching to identify utility corporation customer accounts that are also [~~affordability~~] OTDA assistance program participants and, if permitted by federal law, regulations and policies, such information shall be provided to utility corporations no less than semi-annually. Utility corporation customer accounts identified by the office as potentially eligible for participation in available utility corporation energy affordability programs as a result of such file matching shall be, if confirmed as eligible for such utility corporation energy affordability programs by the utility corporation, enrolled in such utility corporation energy affordability programs by the utility corporation within sixty days of receipt by the utility corporation of [~~the office communicating~~] the results of the automated file [~~matching to the utility corporation~~] match. Any information provided to the utility corporations related to [~~affordability~~] OTDA assistance program participants pursuant to this section shall not be [~~redacted as necessary to protect any information that is protected under any state or federal privacy laws, kept confidential,~~] redisclosed by the utility corporation and shall only be utilized for the purpose of confirming eligibility in the utility corporation energy affordability program and providing notifications pursuant to paragraph (b) of this subdivision.

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

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

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

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

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