*** § 370-aa. State heating fuel crisis assistance.** 1. The commissioner shall establish a state program to provide heating fuel related crisis assistance to households whose total income from all sources is between one hundred twenty-five percent and two hundred percent of the federal community services administration poverty guidelines and who have not received a grant for heating fuel assistance during the nineteen hundred seventy-nine--nineteen hundred eighty winter from any other emergency or energy assistance program. To the extent funds are available, such household may apply and be eligible for assistance if the household is threatened with shut-off or nondelivery of heating fuel due to nonpayment and in the case of a one person household, the household's liquid resources do not exceed one thousand five hundred dollars or in the case of households of more than one person liquid resources do not exceed two thousand two hundred fifty dollars. Liquid resources shall mean those resources which are in cash or are financial instruments which are convertible to cash.

2. Eligible households with incomes between one hundred twenty-five percent and one hundred fifty percent of the federal community services administration poverty guidelines may receive a total benefit not to exceed two hundred dollars; eligible households with incomes between one hundred fifty per cent and one hundred seventy-five percent of the federal community services administration poverty guidelines may receive a total benefit not to exceed one hundred fifty dollars; and eligible households with incomes between one hundred seventy-five percent and two hundred percent of the federal community services administration poverty guidelines may receive a total benefit not to exceed one hundred dollars. Eligible households which pay for heat directly may receive benefits in the form of direct payment to suppliers of home heating fuels. All households may receive assistance in the form of cash up to fifty dollars for warm clothing, blankets, replacement of broken window panes, firewood, temporary shelter, emergency repairs to heating equipment, nutrition, health and other supportive services. In no event shall the sum of assistance under this program made to or on behalf of any household exceed the actual amount needed to ameliorate the heating fuel crisis.

3. a. Assistance may also be provided to households whose rent includes heat. Such assistance may be provided only in the event that the owner of the rented dwelling has abandoned responsibility for paying heating costs. Such assistance may be in the form of emergency heating fuel deliveries.

b. Such assistance shall be provided for a period not to exceed fifteen days, in order to allow time for appropriate action to be taken by city or county officials.

c. In such cases where the landlord or owner has abandoned his responsibility for paying heating costs, and where tenants or landlords can verify that at least sixty percent of the building's households are at or below two hundred percent of the federal community services administration poverty guidelines, the buildings may qualify.

d. The department shall make all reasonable efforts to recover from the landlord, emergency expenditures for heating fuel.

4. This program shall be administered at the county level and in the city of New York by the local departments of social services. Local departments shall distribute funds allocated for heating fuel crisis assistance to eligible households for the payment of heating fuel costs as described in subdivisions two and three of this section. The department shall prepare application forms for use by the local departments and instructions to be used in completing applications. Certification of eligibility and authorization of payment shall be the responsibility of the local departments. The local departments shall provide for preliminary screening and assistance to applicants by community action agencies, area offices on aging and other community agencies.

5. The department and local departments shall contract for the provision of an outreach program to inform potentially eligible households of the availability of heating fuel crisis assistance. The department shall enter into an agreement with the state office for the aging which will provide outreach to the elderly and with community

action agencies and other community based agencies for outreach to other potentially eligible households. The department shall develop program materials which will be made available to utilities, fuel oil dealers and community agencies for the purpose of informing the public about the availability of crisis assistance.

6. Elderly persons over the age of sixty shall be a priority class to be served by this program. To insure the priority becomes operational, local departments shall provide directly or when appropriate through contract the following special services to the elderly: priority in scheduling appointments; arrangements for transportation when no other transportation is available; intake and certification at home or through a representative for those elderly who are homebound.

7. Payments made under this program shall not be considered as income or resource for the purpose of determining eligibility for benefits under any income maintenance or medical assistance program.

8. The department shall be responsible for monitoring the local implementation of this program. All cases including a declaration of income shall be subject to a redetermination and verification of income eligibility. To insure that the elderly receive priority, the department shall periodically review the population certified to receive benefits and in districts where the elderly are not being served shall, with the state office for aging, take appropriate actions to ensure that the elderly are served. The department and local districts shall maintain a system of records for this program which is separate from any other emergency or energy related assistance program.

No later than July thirty-first, nineteen hundred eighty, the department shall provide the governor and legislature with a report on the state heating fuel crisis assistance program's implementation and use in each district. Such report shall include the total number of households and the number of elderly households served in each income category, the amount and type of assistance provided to each household and the activities and expenditures for all administering and outreach agencies in each district.

9. The department shall promulgate all regulations necessary for operation of the state heating fuel crisis assistance program which are consistent with the state plan for the nineteen hundred eighty community services administration energy crisis assistance program.

10. Within the amounts appropriated therefor funds will be made available to each social services district for heating fuel crisis assistance. If a county or city social services district incurs expenditures in excess of its allocated amount, the county or city as the case may be shall be liable for such expenditures. Funds will be allocated by the department according to the following formula: Five percent of the funds shall be set aside by the department to be used in meeting any unanticipated heating fuel related crisis caused by especially severe weather. All remaining funds and set aside funds which are unexpended by April first, nineteen hundred eighty shall be allocated according to the following formula: Twenty percent of the funds shall be allocated equally to every county and the remaining eighty percent shall be allocated to the fifty-seven counties outside the city of New York and the city of New York based on the corrected product of the percentage of state's poverty population residing in each county, the average heating degree days for the county divided by the state average and the percentage of county population which is aged divided by the percentage of state population which is aged.

When thirty percent of the funds are obligated the department will review the expenditures of program funds for the elderly with a view toward increasing outreach and support services if this priority population is not being reached.

When fifty percent of the funds are obligated, the department will review the initial allocation to determine variances in utilization and make appropriate adjustments or transfers.

11. Notwithstanding the foregoing, if the commissioner determines that a federally funded program of energy crisis assistance is in effect and is duplicative in whole or part to the program provided for in this

section the commissioner shall notify the local social services district in writing of such determination of duplication and the date after which state reimbursement for all or part of the expenditures made pursuant to this section shall not be authorized.

12. For purposes of this section, 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.

* NB Expired October 1, 1980