§ 97. Low-income home energy assistance program. 1. The department is authorized to develop and submit to the governor the application and plan required by title twenty-six of the federal omnibus budget reconciliation act of nineteen hundred eighty-one, and to amend and to take whatever other action may be necessary with respect to such plan, including, but not limited to, acting for the state in any negotiations relative to the submission of such plan, and making such arrangements and taking such action, not inconsistent with law, as may be required to submit, implement, administer and operate such plan, and to secure for the state the benefits available under such act.

2. Each social services district shall be required, in accordance with the state plan and federal regulations, to participate in the federal low-income home energy assistance program and to assist eligible households found in such districts to obtain low-income home energy assistance. However, only those persons who qualify for low-income home energy assistance in accordance with federal and state requirements, and standards promulgated by the department, shall be certified as eligible for and entitled to receive said home energy assistance. No person, however, shall be certified as eligible for and entitled to receive said home energy assistance if no federal funds are available for such purpose.

3. Any inconsistent provision of law notwithstanding, the amount of any home energy assistance payments or allowances provided to an eligible household under said plan shall not be considered income or resources of such households, or of any member thereof, for any purpose under any federal or state law, including any law relating to taxation, food stamps, public assistance or other benefits available pursuant to this chapter.

4. Expenditures made by a social services district pursuant to the federal low-income home energy assistance program, including the costs of administration, shall be subject to one hundred percent reimbursement by the state, if and for so long as federal funds are available for the full amount of such expenditures.

5. No less than fifteen percent of the funds available to New York state under the federal low-income home energy assistance program shall be used for low-cost residential weatherization or other energy-related home repair for low-income households, as follows:

a. No less than ten percent of the funds available to New York state under the federal low-income home energy assistance program shall be allocated to the division of housing and community renewal, the housing trust fund corporation, or the housing finance agency as designated by the division of housing and community renewal for the weatherization assistance program and other low-cost residential weatherization or other energy-related home repair for low-income households. All such programs and expenditures shall be provided in the annual New York state weatherization assistance program state plan or by agreement with the office of temporary and disability assistance.

b. 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 to the division of housing and community renewal. Administrative monies shall be derived from funds identified by the division of the budget as that portion of the home energy assistance program grant reported to the federal department of health and human services for state administration of such program.