



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

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Suggested Distribution:	Commissioners, TA Directors, SNAP Directors, WMS Coordinators, HEAP Coordinators, Staff Development Coordinators
From:	Valerie Figueroa, Deputy Commissioner Employment and Income Support Programs
Subject:	Processing Public Assistance (PA) Requests for Energy Emergencies
Effective Date:	Immediately
Contact Information:	TA Program Questions: TA Bureau at: (518) 474-9344 or otda.sm.cees.tabureau@otda.ny.gov HEAP Program Questions: HEAP Bureau at: (518) 473-0332 or NYSHEAP@otda.ny.gov
Attachments:	Attachment 1 – Public Assistance Heating Equipment Emergency Assistance Desk Guide Attachment 2 – Emergency Energy Assistance Desk Guide (LDSS-4884)

Section 2

The purpose of this GIS is to remind local social services districts (districts) of requirements for meeting Public Assistance (PA) eligibility for energy and heating equipment emergencies through Family Assistance (FA), Safety Net Assistance (SNA), Emergency Assistance to Needy Families with Children (EAF), Emergency Safety Net Assistance (ESNA) or Emergency Assistance for Adults (EAA) when Home Energy Assistance Program (HEAP) benefits are unavailable.

Application for Emergency Assistance

Individuals who seek to meet an emergency or immediate need via HEAP and who can't receive that help, either because they are not eligible or because the appropriate HEAP

component is not open, should be screened for the appropriateness of a referral to PA. Households seeking assistance with a utility (natural gas or electricity) or non-utility (other than natural gas or electricity) energy emergency or immediate need should be referred to PA if appropriate. Potential PA eligibility for heating equipment repair or replacement should be based on existing PA requirements such as income, household information, and resources. If it appears that the household may be PA eligible, they should be provided with a "New York State Application for Certain Benefits and Services" ([LDSS-2921](#)) and instructions as to next steps. Although not recommended in most emergency situations, applicants may also apply online through [myBenefits.ny.gov](#) or [ACCESS.nyc.gov](#). Districts are encouraged to consider ways to streamline referrals from HEAP to PA, and to advise potential PA applicants on the most expeditious way to apply.

Applicants

An applicant is a person who has expressed a need for assistance with an energy emergency or immediate need in writing on the [LDSS-2921](#), or online through [myBenefits.ny.gov](#) or [ACCESS.nyc.gov](#). An individual has the right to file an application with a district at any time. An individual's right to apply and be interviewed for PA must not be denied, limited, or discouraged. Districts are required to respond to an applicant's declaration of an emergency or immediate need at the time of application and an interview must be held the same day. Districts must provide appropriate notice, "Action Taken on Your Request to Meet an Immediate Need or a Special Allowance" ([LDSS-4002](#)), to the applicant at the time of their interview regarding the meeting of their emergency or immediate need(s). The notice must clearly explain to the applicant how the emergency or immediate need will be met. This must be completed and provided to the applicant for approval and denials for emergency assistance requests. For approvals, the notice must contain all information as to how the emergency or immediate need will be met. If assistance is denied, the notice must inform the applicant/recipient (A/R) of the specific reasons for the decision.

PA Recipients

Districts must address the emergency or immediate needs of recipients through additional allowances. If the request constitutes an emergency or immediate need, the district must issue a same-day notice, even when no immediate need is determined to exist. In either instance, the [LDSS-4002](#) is used to notify the recipient of the approval or denial of the request for an additional allowance.

When a recipient requests assistance with an emergency or immediate need over the telephone, an [LDSS-4002](#) must still be completed and must be mailed along with a completed "Request for an Additional Allowance and/or Other Help by a Temporary Assistance Recipient" ([LDSS-3815](#)).

Eligibility Determination

To meet an emergency or immediate need, districts must explore all available resources and income before the district can grant assistance. Emergency or immediate need financial eligibility is not subject to the same budgeting process by which financial eligibility is determined for ongoing cash/non-cash assistance. Financial eligibility for assistance to meet an emergency or immediate need is based on available income and resources. The category of assistance

under which the payment is authorized may include separate income or other eligibility criteria. All resources and income must be accessible at the time of application for requests for help meeting an emergency or immediate need. Resources that could be accessed in time to meet an emergency, but not an immediate need, should be assessed in relation to the specific emergency situation. Income and resources that are credibly earmarked to meet a specific essential need must not be considered available. Before making a referral to a community resource in place of determining the household eligible through PA, the district must confirm with the community resource that they are indeed able to meet that individual's emergency need.

PA A/Rs must pursue, accept, and use any available resource including: all available HEAP benefits, a negotiated deferred payment agreement (DPA) with their utility company, or relocation to viable housing to resolve a utility or non-utility energy emergency. In accordance with 18 NYCRR § 352.23, pursuing and accepting available resources is a condition of PA eligibility. Failure of a PA A/R household to pursue or utilize available resources to resolve an energy emergency without good cause shall result in ineligibility for energy assistance. PA resource limit exemptions such as money set aside for a vehicle and/or the resource "set aside" amount are not applied for an energy emergency.

Applications and requests for emergency PA must be processed in accordance with [02-ADM-02](#), procedures regarding energy emergencies outlined in the [TA Energy Manual](#), and with statutory and regulatory authority granted under Social Services Law §131-s and 18 NYCRR §§ 352.5(c)-(e).

Energy Emergencies and Alternative Housing

Energy emergencies may be alleviated through relocation into viable alternative housing. Viable alternative housing means safe, permanent, and more affordable housing, including housing with more affordable energy costs or housing where the rent includes heat. It also means that this housing must be available for the individual or family to move into for purposes of meeting the emergency need in accordance with [GIS 05 TADC048](#).

Cold Weather Periods

Utility disconnects are considered PA emergencies year-round regardless of whether the utility is for heat or non-heat (a.k.a. domestic utility). For non-utility fuel such as oil or propane to be considered a PA emergency, the non-utility fuel must be used for heat, and the fuel emergency must occur during the district's cold weather period. Each district determines its own non-utility cold weather period which will apply to all applicants for non-utility fuel emergencies. It is recommended that the cold weather period covers at least the period of November 1st through April 15th. The district's cold weather period must be uniformly applied for all applicants for emergency energy assistance. To ensure uniform application of the district cold weather period, it is recommended that districts identify and memorialize their cold weather period in written district specific policies.

There is no cold weather period for heating equipment repair or replacement, and applications for assistance for heating equipment emergencies must be accepted throughout the year. Each application must be assessed to determine if there is a specific crisis or episode of need which would make the situation an emergency. Heating equipment repair or replacement necessary to

operate heating equipment is an emergency which must be assessed as an additional need and is not considered to be an *energy* emergency. Therefore, the income guidelines and additional rules around energy emergencies do not apply to heating equipment.

Suspension of Utility Repayment Agreements During Cold Weather Period

Non Public Assistance (NPA) households are households with income or resources over the PA standard of need for their household size or not in receipt of PA. NPA households must sign a repayment agreement as a condition of eligibility for a utility emergency payment as prescribed in [96-ADM-09](#), Utility Arrears Repayment Agreement. A sample [Utility Arrears Repayment Agreement](#) is provided as an attachment to [09-ADM-17](#), “Changes to the Utility Arrears Repayment Agreement Terms and Enforcement Option”. If the applicant's gross monthly household income is below the PA standard of need, a repayment agreement is not necessary, and the applicant does not have to be current on any outstanding repayment agreements for utility arrears assistance they have previously received.

To receive subsequent utility arrears payments, NPA households with income over the PA standard of need must have repaid the previous agreement or be current on that repayment agreement. If an applicant signs a “Utility Arrears Repayment Agreement” and then becomes eligible for PA or Supplemental Security Income (SSI), districts must suspend any unpaid balance on their arrears payment until such individual is no longer receiving PA or SSI.

In accordance with [09-ADM-17](#), “Changes to the Utility Arrears Repayment Agreement Terms and Enforcement Option,” districts may choose to suspend the enforcement of previous and new repayment agreements from November 1, 2025, until April 15, 2026. The terms of new repayment agreements signed during this period will begin on April 16, 2026, and run for 24 months forward from that date. For any previous repayment agreements, the terms of the repayment agreement will resume on April 16, 2026.

If a district chooses to suspend the enforcement of utility arrears repayment agreements during the utility cold weather period, suspension of these agreements must be uniformly applied for all applicants for emergency energy assistance under PA programs. Districts are encouraged to consider this option.

Districts have the ability to request waivers of regulations as outlined in [11 INF-07](#). An example of such a waiver would permit individuals who have an outstanding utility arrears repayment agreement to receive a new utility arrears payment outside of the utility cold weather period if otherwise eligible.

Financial Statement (LDSS-3596)

Certain applicants for assistance with utility arrears must seek a DPA with their utility company. The [LDSS-3596](#) “Financial Statement” is one tool that districts may choose to use to assess an A/R’s financial situation to determine if they are required to attempt to negotiate a DPA with their utility company. A positive cash flow on a [LDSS-3596](#) is not a basis for denial of assistance with a utility related emergency under SSL §131-s but is an indication that an A/R *may* be eligible to negotiate and enter into alternative payment arrangements, including a DPA, with their utility company. A positive cash flow for an NPA household requires a referral from the district that directs the A/R to their utility company to attempt negotiation of a DPA. PA

households and SSI households may be required to pursue a DPA if the district determines that it is a viable resource.

Although an A/R may have a positive cash flow, a utility company may refuse to enter into a DPA with the customer. The utility company makes the final decision on whether to approve a DPA. A refusal by a utility company to enter into a DPA with a customer is not a basis for district denial of assistance to meet an energy emergency in accordance with SSL §131-s. However, a refusal to attempt to negotiate a DPA on the part of any A/R with a positive cash flow who is required by the district to attempt negotiation of a DPA, is a basis for denial of emergency assistance under SSL §131-s. Districts are encouraged to ask in-person applicants to call their utility company regarding a DPA while still in the office, as a DPA denial may then render the applicant able to receive utility emergency assistance if they are otherwise eligible.

Please refer to the [TA Energy Manual](#), Section XI: "Deferred Payment Agreements," for additional information and instructions on how to complete the [LDSS-3596](#).

Commitment to Pay

Written, verbal, or electronic commitment of payment must be made by the district to the vendor to continue or restore utility service or obtain non-utility fuel to meet an energy emergency, or to authorize heating equipment repair or replacement. If, after making the commitment, further investigation determines that the recipient was not eligible for such assistance that they received, the district must still make the payment to the energy provider and then pursue recovery from the PA recipient. The only exception to honoring a commitment to pay is if the district contacts the energy provider, explains the situation, and the energy provider agrees to rescind the commitment. Such instances must be documented in the case record.

Heating Equipment Repair and/or Replacement

Individuals seeking help with heating equipment repair or replacement needs when the HEAP Heating Equipment Repair and Replacement (HERR) component is not open/available or who have been found ineligible through HEAP when the component is open, may have their needs met under FA, SNA, EAF, ESNA, or EAA if they apply and are found eligible. Department Regulations 18 NYCRR §§ 352.4(d), 352.6(e), 352.7(b), 372.4(b) and 397.5(h) provide districts the ability to meet the costs necessary for the repair or replacement of essential heating equipment if the repair or replacement is essential to the health and safety of the household.

All A/R households must complete form [LDSS-2921](#) in order to apply. Although it is not recommended, districts must be aware that A/R households may submit an application online through [myBenefits.ny.gov](#) or [ACCESS.nyc.gov](#) identifying a heating equipment emergency. Districts are required to respond to an applicant's declaration of an emergency at the time of application and an interview must be held in person or by phone the same day. Districts must provide notice [LDSS-4002](#) to applicants and recipients at the time of their interview. When a PA recipient requests assistance with an emergency over the telephone, an [LDSS-4002](#) must still be completed and must be mailed along with a completed "Request for an Additional Allowance by a Public Assistance Recipient" ([LDSS-3815](#)).

Districts may obtain estimates of repair or replacement costs for the heating equipment and may choose to mirror their HEAP bid processes. The bid process can help districts lessen costs

and select the least expensive responsible vendor. Districts must designate a specific staff person for vendors to contact. Please see the [Temporary Assistance Sourcebook](#), Chapter 16, Section C, “Equipment Repairs” for further information. Attachment 1: “Public Assistance Heating Equipment Emergency Assistance Desk Guide” is also available as a resource to assist in handling heating equipment emergencies.

Referrals to PA for Heating Equipment Emergencies

If an individual presents at the district to seek assistance with a heating equipment emergency, they should not be routed to HEAP but directed to apply for PA instead. Please note that routine clean and tune services are not considered emergencies, and must not be paid for via PA.

It is strongly recommended, but not mandatory, that applicants who present to the HEAP unit by phone or in person with heating equipment emergencies are pre-screened to determine if they are potentially eligible for emergency assistance through PA. Potential applicants who contact the HEAP unit by alternate means (i.e. not in person) should be contacted for pre-screening by the HEAP unit and transferred to the PA unit if appropriate.

Applicants applying for a heating equipment emergency via the HEAP unit in person, who have been determined to be viable candidates for emergency assistance via PA, must be referred to PA and interviewed the same day.

Payment Authorization for Heating Equipment

Current PA emergency payment processes should be followed when issuing payments for heating equipment emergencies. Districts should use Payment Type Code 43 Heating Equipment – Repairs/Replacement with Special Claiming Code A (EAA) or F (EAF) to authorize these payments.

Home Energy Fair Practices Act (HEFPA)

The HEFPA provides residential energy customers with critical protections, including application for service, customer billing, and payment and complaint procedures. Most important for districts are the protections regarding elderly, blind, or disabled individuals, suspected serious impairments, and neglect or hazardous situations. Districts must comply with the HEFPA procedures when receiving referral form [LDSS-2338](#) for these vulnerable households, as conveyed in [93-ADM-26](#) and Section XIII of the [TA Energy Manual](#). Each district must have a designated HEFPA liaison who will communicate and work with utility companies on HEFPA related issues and referrals. In addition to the safety related referrals, districts will periodically receive requests for dormant account reviews.

Emergency Energy Assistance Desk Guide (LDSS-4884)

The [LDSS-4884](#) “Emergency Energy Assistance Desk Guide” is available as a resource to assist in handling energy emergencies. This chart summarizes how both utility and non-utility energy emergencies must be handled for different household types. Attachment 2 is a revised version of this desk aid to eliminate references to liens, which must no longer be taken in accordance with [22-ADM-11](#). A separate GIS announcing adjustments to this desk aid is forthcoming.

Section 3

Training

OTDA's Training and Staff Development (TSD) coordinates a wide range of classroom and virtual training for district staff including training on Resolving Shelter and Energy Emergencies and Responding to Emergency and Immediate Needs. For more information on these and other training offerings or to register, district staff should contact their Staff Development Coordinator (SDC). Additional training resources and materials are available to districts on Training Space under the Materials Tab, including the 2014 TA Regional Meeting Manual that provides information on TA Energy Policy and eligibility.