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We provide free legal aid to people with civil legal problems in western New York.

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Home Energy Assistance Program (HEAP)

What is HEAP?

HEAP stands for Home Energy Assistance Program. HEAP is a government program which helps low-income people with heating costs. Depending on the type of HEAP you apply for, there are different rules about who is eligible. There are also different rules about how much money you can make and if you can have resources and still receive HEAP.

When is HEAP available?

Each year, there is a “HEAP season.” People can only get assistance through HEAP during the HEAP season. The exact dates of the season change each year to take the weather into account. For 2015-2016, the HEAP season started on November 16, 2015. If the HEAP season is closed and you have utility shut-off or a threatened shut-off, you may be able to get Emergency Assistance through the Department of Social Services (DSS).

What types of HEAP are there?

The HEAP program has three parts:

- **Regular HEAP.** This is available to all eligible households.
- **Emergency HEAP.** This is available on top of Regular HEAP. It is provided to restore heat or prevent a shut-off.
- **Repair and Replacement HEAP.** This is available to eligible household who need help repairing or replacing heating equipment they own. For example, repair a furnace they own.

What if I am not eligible for Public Assistance of Food Stamps, can I qualify for HEAP?

Yes. You may still qualify for HEAP even if your income is too high to receive Public Assistance or Food Stamps.

Can I qualify for HEAP if I have resources?

It depends on the type of HEAP you apply for. Resources are **not counted** if you are applying for Regular HEAP.

Resources **do count** if you are applying for Emergency HEAP. Before you can receive Emergency HEAP, you must use any available non-exempt resources to prevent the heating emergency. However if you use a resource for essential living expenses then it is not counted. Types of essential living expenses **include but are not limited to:**

- Rent or Mortgage
- Homeowner's Insurance
- Water and or Sewer Bills
- Trash Removal Bills
- Taxes
- Medical Expenses
- Food
- Work-Related Transportation Expenses
- Child Care
- Court-Ordered Payments
- The Cost of Service for One Phone

Tax refunds are also considered an exempt resource. Read through the application section below for more information.

REGULAR HEAP

Who is eligible for Regular HEAP?

You may be eligible for HEAP if you:

- Are a homeowner and you pay for your heat.
- Are a tenant and you pay for your heat.
- Are a tenant and your heat is included in your rent.
- Are a tenant in subsidized housing and your heat is included in your rent.

Who is not eligible for Regular HEAP?

Households that do not have any heating costs and that do not pay for heat in their rent are not eligible for HEAP.

How do I apply for Regular HEAP?

You can apply for Regular HEAP at DSS or at an authorized agency. Authorized agencies are also called certifiers. You can apply in-person, by mail, or by fax. However, the person applying must be the person whose name is on the heating bill. If your heat is included with your rent, then the primary tenant must be the one to apply.

If you are applying for Public Assistance and or Food Stamps, you can apply for HEAP at the same time.

There are a few ways you can automatically qualify for HEAP. If you automatically qualify then

you may not have to apply to get HEAP. This means that based on other information DSS has about you, they believe you will qualify for HEAP.

You may automatically qualify for HEAP if you fit into **one or more** of these categories:

- You receive Public Assistance.
- You receive Food Stamps.
- You receive SSI as a couple.
- You receive SSI and are living alone.

Even if you do fit into one or more of these categories, you should contact DSS if you need HEAP. You should not wait until the end of the HEAP season. You should contact them at the start of the HEAP season and confirm that you need HEAP.

What amount does Regular HEAP pay?

The amount of assistance provided by Regular HEAP will depend on your living situation and other factors. You can look at the table below if you want a sense of how much Regular HEAP can provide. Please be aware though that the numbers are from the previous HEAP season and may differ from the actual benefits available. This is because the benefits change every year.

Regular HEAP Benefit Amounts 2015-2016	
Base Benefit Amount	Living Situation
\$21	Eligible households that live in government subsidized housing or group home setting with heat included in their rent.
\$30 or \$35	Eligible households who have heating costs included as part of their rent.
\$575 + applicable add-ons	Eligible households whose primary heat is oil, kerosene, or propane and who make direct payments to the vendor for heating costs.

\$500 + applicable add-ons	Eligible households whose primary heat is wood, wood pellets, corn or other deliverable fuel and who make direct payments to the vendor for heating costs.
\$350 + applicable add-ons	Eligible households whose primary heat is electricity or natural gas and who make direct payments based on their household's actual utility bills to the vendor.

What proof do I need to get HEAP?

You will usually have to submit proof to get HEAP. This is to show that you qualify for the assistance. What you have to submit will depend on if you have received HEAP before. You will have 10 business days to provide the proof your local DSS asks for. If you do not provide the proof in time, your application can be denied.

New Applicants: If you did not receive HEAP last year then you must be interviewed in-person or by telephone. You will also be required to submit the following types of proof:

- Proof of residence.
- Proof of identify for everyone in the household.
- Social Security numbers for everyone in the household.
- Proof of vulnerability if it applies. This can mean proof of age or disability.
- Proof of vendor relationship. This means proof of who provides heat or energy to you.

You should not be required to submit proof of anything that DSS already has in your file. If they ask you for something and you think it is in you file already you should contact DSS about this.

Returning Applicants: To be a "Returning Applicant" you have to have received Regular HEAP last year AND be living in the same county as you are now.

If you are considered a Returning Applicant then you do not have to have an interview. You will be required to provide proof of earned income for the household. You will also be required to report and provide proof of any other changes for your household.

When will I know if I am approved for Regular HEAP?

Generally, DSS must make a decision on applications for Regular HEAP within 30 business days.

EMERGENCY HEAP

Who is Eligible for Emergency HEAP?

Emergency HEAP eligibility depends on income, available resources, and the type of emergency. Those factors are also used to determine the amount of assistance a household is provided through the program.

You may be eligible for an emergency HEAP benefit if ***you fit into at least one category on both*** List A and List B.

List A

- Your electricity is necessary for your heating system or thermostat to work and is either shut-off or scheduled to be shut off or
- Your electric or natural gas heat is off or scheduled to be shut-off or
- You are out of fuel, or you have less than one quarter tank of fuel oil, kerosene or propane or have less than a ten (10) day supply of wood, wood pellets, corn, or other deliverable heat source.

And

List B

- Your income is at or below the current income guidelines as posted in the table below or you receive Family Assistance, Safety Net Assistance, Supplemental Nutrition Assistance (SNAP) or Code A Supplemental Security Income.
- The heating and/or electric bill is in your name and
- Your household's available resources are:
 - less than \$2,000 if no member of your household is age 60 or older; or
 - less than \$3,000 if any member of your household is age 60 or older.

When is Emergency HEAP available?

Just like Regular HEAP, Emergency HEAP has a season during which it provides people with assistance. The start and end dates of the season changes each year to take the weather into account. The Emergency HEAP Season 2015-2016 starts January 4, 2016.

How do I apply for Emergency HEAP?

Applying for Emergency HEAP can be different than applying for Regular HEAP. To apply for Emergency HEAP, you must speak with the local emergency contact for your area. You can find the number for your local emergency contact through this link:

<https://otda.ny.gov/programs/heap/HEAP-contacts.pdf>

How much help can I expect from Emergency HEAP?

The amount of assistance provided by Emergency HEAP will depend on the type of fuel that heats your home and other factors. You can look at the table below if you want a sense of how

much help Emergency HEAP can provide. Please be aware that these benefit amounts are for the 2015-2016 Emergency HEAP season.

Emergency Heat and Heat-related HEAP Benefit Amounts for 2015-2016	
Type of Emergency	Amount
Heat Related Domestic (electric service required to operate heating equipment)	\$140
Natural Gas Heat Only	\$350
Natural Gas Combined with Heat Related Domestic	\$490
Electric Heat Combined with Heat Related Domestic	\$490
Non-utility heating fuel (oil, kerosene, and propane)	\$575
Non-utility heating fuel (wood, pellets, coal, corn, etc.)	\$500

<https://otda.ny.gov/programs/heap/program.asp#emergency>

When will I know if I am approved for Emergency HEAP?

DSS must resolve an emergency situation for an eligible household within 18 hours if the household has no heat. Similarly, DSS must resolve an emergency situation within 48 hours for an eligible household if loss of heat is threatened.

If a shut-off is scheduled and DSS will not be able to make a decision before the shut-off date, DSS can get a “10 day hold.” A “10 day hold” will delay the shut-off for 10 days.

REPLACEMENT AND REPAIR HEAP.

Who is eligible for Replacement and Repair HEAP?

Replacement and Repair HEAP is available to low-income homeowners repair or replace furnaces, boilers and other direct heating equipment necessary to keep the home's primary heating source functional.

When can I apply for Replacement and Repair HEAP?

Replacement and Repair HEAP opens November 9, 2015.

What does Replacement and Repair HEAP provide?

Benefit amounts are based on the actual cost incurred to replace or repair the applicant's furnace, boiler, and/or other essential heating equipment, up to a maximum of \$6,500.

<https://otda.ny.gov/programs/heap/program.asp#repair>

OTHER HEAP BENEFITS

- Low-income Add-on for Regular HEAP: You may be eligible for this \$25 additional amount depending on your (1) fuel type and (3) your income level.
- Vulnerable Household Member Add-on for Regular HEAP: You may be eligible for this additional amount depending on (1) your type of fuel, and (2) someone in your household is under age 8, over age 60, or permanently disabled.
- Supplemental benefit: You may receive a HEAP benefit for heat and then move during the HEAP season to a place where you have to pay for heat. In these cases, you are eligible for a supplemental benefit equal to the difference between the heat included benefit and the higher heat benefit.

What if I do not agree a decision DSS makes on my HEAP application?

If you do not agree with a decision DSS has made about your HEAP application you can request a Fair Hearing. For example, you might request a fair hearing if:

- Your application is denied or not acted upon within 30 or 40 business days for Regular Heap.
- Your application is denied or not acted upon within 18 or 48 hours for Emergency HEAP.
- You disagree with the amount of the benefit.
- You disagree with way it is provided.

How do I Request a Fair Hearing?

You can request a Fair Hearing by mail, telephone, fax, or by using the Internet.

MAIL:

You can mail your request to:

**New York State Office of Temporary and Disability Assistance
Office of Administrative Hearings
P.O. Box 1930
Albany, New York 12201-1930.**

FAX:

You can fax your request to (518) 473-6735.

TELEPHONE:

You can request a hearing by telephone by calling **1-800-342-3334**

INTERNET:

To request a hearing using the Internet, you should go to <http://www.otda.state.ny.us/>. It involves a few steps but it is the fastest and easiest way to ask for hearing. When you open that page, look on the left side for a box that says "Programs & Services." Click on that box. Look at the example below if you need help.

Legal Help

If you have a HEAP problem you cannot solve with DSS, you can contact your local legal services office for possible help. The notice from your local DSS should have the contact information for their office.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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