



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: January 19, 2022

Sponsored by Council Members: Scaringi, Resciniti, Riley, Friedman, Burns, Scanlon, Strawn

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO A CONTRACT WITH THE
NEW YORK STATE OFFICE OF TEMPORARY
AND DISABILITY ASSISTANCE (OTDA) TO
ASSIST LOW INCOME RESIDENTIAL
HOUSEHOLDS WITH WATER/SEWER
CHARGES IN ARREARS

WHEREAS, the City of Binghamton wishes to enter into a contract with the New York State Office of Temporary and Disability Assistance (OTDA) to assist low income residential households with water/sewer charges in arrears; and

WHEREAS, the proposed contract is attached hereto.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into a contract, approved as to form and content by the Office of Corporation Counsel, with the New York State Office of Temporary and Disability Assistance (OTDA) to assist low income residential households with water/sewer charges in arrears.

Introductory No. R22-02

Permanent No. R22-02

Sponsored by City Council Members:
Scaringi, Resciniti, Riley, Friedman, Burns, Scanlon,
Strawn

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE (OTDA) TO ASSIST LOW INCOME RESIDENTIAL HOUSEHOLDS WITH WATER/SEWER CHARGES IN ARREARS

The within Resolution was adopted by the Council of the City of Binghamton.

Date 1/19/22

City Clerk Stephan G. McGraw

Date Presented to Mayor 1/20/22

Date Approved 1/20/22

Mayor J. M. Zell

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Scanlon	✓			
Councilman Strawn	✓			
Total	7	0	0	0

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 1/19/22. Approved by the Mayor on 1/20/22 JF



**NEW YORK STATE LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM
VENDOR AGREEMENT**

This Agreement (“Agreement”) shall govern the purchase of water services from the Water Service Provider (Vendor) on behalf of households eligible for the Low Income Household Water Assistance Program (LIHWAP). Federal funds awarded under LIHWAP shall be used as part of an overall emergency effort to prevent, prepare for, and respond to the COVID-19 pandemic, with the public health focus of ensuring that low income households have access to drinking water and wastewater services. The funds will be used to cover and/or reduce arrearages, rates and fees associated with reconnection or prevention of disconnection of services. If funding is available, the New York State Office of Temporary and Disability Assistance (NYS OTDA) will evaluate providing bill assistance to eligible households to reduce the household’s cost for drinking water and wastewater services. This Agreement is a contract between NYS OTDA and the Vendor for the provision of direct vendor payments to assist low income households with drinking water and wastewater reconnection and ongoing services.

The parties acknowledge that this Agreement and the services provided by the Vendor are governed by and subject to federal laws and regulations in addition to issued federal and State guidance in relation to the Low Income Household Water Assistance Program.

In order to receive LIHWAP payments on behalf of eligible households, the Vendor agrees and assures to NYS OTDA to abide by the below listed provisions contained in this agreement. Drinking water and/or wastewater service benefits paid directly to Vendors will be issued through the NYS Office of the State Comptroller (NYS OSC).

1. Households receiving assistance from LIHWAP shall not be treated adversely on the basis of receipt of such assistance under applicable provision of the LIHWAP Supplemental Terms and Conditions 11h under Federal LIHWAP Assistance Listing No. 93.568(B) (with modifications based on P.L. 116-260).
2. Vendors will not discriminate, either in the costs of goods supplied or the services provided, against the household on whose behalf LIHWAP payments are made.
3. The Vendor understands that payment and satisfaction of any claims under LIHWAP will be made by NYS OTDA, through the NYS OSC. The Vendor further understands that they must comply with all applicable requirements of the Consolidated Appropriations Act of 2021 (CAA) and the American Rescue Plan Act of 2021 (ARPA), as well as all applicable policy determinations and directives of the NYS OTDA. The Vendor may be prosecuted under applicable federal and/or State law for false claims, statements or documents or concealment of material fact.
4. The Vendor agrees to accept all LIHWAP benefits authorized on behalf of residential customers and without imposing any conditions precedent. “Residential customer” is defined in accordance with Title 16 of the New York Compilation of Codes, Rules and Regulations, Part 14.2(b)(18).
5. The Vendor agrees to continue, establish or reestablish service for LIHWAP authorized residential customers and maintain such service for such LIHWAP authorized residential customer for ninety (90) calendar days after receipt of each LIHWAP benefit authorized and received on behalf of residential customers.

6. The Vendor agrees that arrears are charges for which payment has not been made more than 20 calendar days after payment was due. A payment is considered to be made on the date when it is received by the Vendor or one of its authorized agents. Payment is due whenever specified by a Vendor on its bill, as long as the date is not before the bill is hand-delivered to the customer, or less than three (3) calendar days after the bill is mailed.
7. Vendors may not transfer or cash-out LIHWAP benefits to recipients. Unexpended funds due to account closing and/or incorrect payments and funds that are unable to be credited to a recipient's account must be returned to NYS OTDA no later than thirty (30) business days after discovery, or September 30th of the current program year, whichever comes first, or upon request by NYS OTDA. A LIHWAP Vendor Refund Form must accompany all refunds. The vendor must contact NYS OTDA for a copy of this form at: NYSLIHWAP.vendor@otda.ny.gov.
8. The Vendor cannot apply LIHWAP payments to commercial accounts for non-residential services. LIHWAP payments must only be applied to LIHWAP authorized residential customer accounts.
9. The Vendor shall maintain an accounting system and supporting fiscal records adequate to audit for a period of not less than three program years (current year plus three years) and will otherwise verify the proper disbursement of LIHWAP funds. The Vendor shall allow NYS OTDA representatives access to all books and records relating to LIHWAP households for the purpose of compliance verification with this Agreement.
10. The Vendor shall permit and cooperate with federal and/or State audits and/or investigations undertaken in accordance with the CAA, and ARPA, and also any State and/or county investigations undertaken to ensure program integrity.
11. The Vendor shall treat all information relative to LIHWAP and, in particular, information relating to recipients, as confidential information, and shall not use any information so obtained in any manner except as necessary to the proper discharge of their obligation and the securement of their rights hereunder. The Vendor further agrees to protect all confidential information in accordance with all applicable federal and State laws, rules and regulations. The Vendor further agrees to abide, at a minimum, by the requirements set forth in Attachment 1, the OTDA Security and Confidentiality Terms.
12. The Vendor agrees to continue or restore service for the minimum time periods outlined in this agreement when notified by NYS OTDA that a LIHWAP benefit will be issued on behalf of an eligible household and vendor acknowledges acceptance of LIHWAP benefits. The time period begins from the date of the earliest notification by NYS OTDA.
13. The Vendor agrees to clearly identify the amount of LIHWAP payment(s) received in a manner which identifies the payment as received from LIHWAP on household statements, receipts, or accounts.
14. The Vendor understands that failure to cooperate with any Federal, State, or local investigation, audit, or program review may result in the immediate disqualification from participation in LIHWAP.
15. The Vendor agrees to take corrective action in the time frame specified by NYS OTDA if violations of this Agreement are discovered. Corrective action may include, but is not limited to, providing detailed documentation of changes made and detailed plans for future changes that will bring the Vendor into compliance. The vendor understands that failure to implement corrective actions may result in the immediate disqualification from participation in LIHWAP.
16. This Agreement shall remain in effect unless superseded by another Agreement or terminated by either party. A written agreement must be submitted thirty (30) business days in advance of the effective date to replace, modify or terminate the agreement.

17. Vendor agrees that any modification to this agreement must be reviewed and agreed to by NYS OTDA. Vendor agreement modification must be made in writing and submitted to NYS OTDA through NYSLIHWAP.vendor@otda.ny.gov.

Check here to hereby declare to the New York State Office of Temporary and Disability Assistance (NYS OTDA) that you, the vendor or vendor's representative, have the authority to bind such vendor, that you have read and understand the above, and that it is your intention to sign and submit this Vendor Agreement on behalf of the vendor to NYS OTDA, and further agree that the vendor will comply with and abide by the Vendor Agreement while participating as a Vendor in the New York State Low Income Household Water Assistance Program.

Vendor or Vendor's Representative name _____

Vendor or Vendor's Representative signature _____

Vendor Business Name _____

Address _____

Vendor TIN _____

Vendor Type:

_____ Drinking Water

_____ Wastewater

_____ Combined Drinking Water/Wastewater

Primary Contact _____

Phone _____

Email _____

FAX _____

Secondary Contact _____

Phone _____

Email _____

FAX _____

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New York State Low Income Household Water Assistance Program New Vendor Information

The Low Income Household Water Assistance Program (LIHWAP) helps low income households pay the cost of drinking water and wastewater services. The program can assist households who have past due bills (arrears) for drinking water and/or wastewater services.

Eligibility

Eligibility and benefits are based on:

- income,
- household size, and
- amount owed to drinking water and/or wastewater provider(s).

Benefits

LIHWAP is a benefit based on the actual amount of drinking water and/or wastewater arrears, up to a maximum of \$2,500 per drinking water or wastewater services, or \$5,000 if drinking water and wastewater services are combined, per applicant household. Benefits are paid directly to the household's drinking water and/or wastewater vendor(s).

Vendor Portal

Payment Information

Vendors must utilize the State Financial System (SFS) Vendor Portal to access payment remittance information. The remittance payment information in the vendor portal will contain the customer's name, account number and address.

The Vendor Portal may be accessed at www.sfs.ny.gov

Vendors who need assistance enrolling in the online Vendor Self Service application should contact the Statewide Financial System (SFS) Help Desk at either **(855) 233-8363** or helpdesk@sfs.ny.gov

All vendors should enroll in the direct deposit option offered by the Office of the State Comptroller (OSC). This process will ensure that payments are deposited directly into the bank account of your choice and eliminate the possibility of lost checks. Vendors may enroll electronically through the vendor portal or by using the Electronic Payment (e-payment) Request form (AC3243-S) available in the vendor portal. The E-payment request form must be returned to the Office of the State Comptroller Vendor Management Unit. All information to return the form is located at the bottom of the AC3243-S. Should you have any questions, contact the SFS Help Desk by phone: **(855) 233-8363** or email: helpdesk@sfs.ny.gov.

The Office of the State Comptroller's (OSC) State Vendor Resource Page is available on their website. It provides information and guidance to vendors regarding their payments and how to



Office of Temporary and Disability Assistance

view them through the self-service vendor portal. The vendor resource page can be accessed at <https://www.osc.state.ny.us/state-vendors>

Refunds and Erroneous Payments

Vendors must return any incorrect payments. These credits must be returned to OTDA with the LIHWAP Vendor Refund Form. Please contact the NYS LIHWAP Bureau for assistance with refunds at NYSLIHWAP.vendor@otda.ny.gov.

Under no circumstances should a LIHWAP credit be refunded to a customer.

Missing Checks

Vendors who did not receive a payment due to their company should contact the OTDA LIHWAP Bureau for resolution. This process may take approximately four weeks.

Vendor Contact Information

Address:

NYS OTDA / LIHWAP Bureau
PO Box 1789
Albany, NY 12201

Telephone: (833) 690-0208 (follow vendor prompts)

FAX: (518) 486-1259

New York State OTDA LIHWAP Hotline: 833-690-0208

New York State OTDA LIHWAP WEBSITE: www.otda.ny.gov/programs/LIHWAP

New York State OTDA LIHWAP Vendor EMAIL: NYSLIHWAP.Vendor@otda.ny.gov

New York State Low Income Household Water Assistance Program

Do you need help paying for overdue water and wastewater bills?

The Low Income Household Water Assistance Program (LIHWAP) can help.

LIHWAP is a drinking water and wastewater emergency assistance program funded through new federal resources. Benefits are based on the amount of unpaid water and wastewater bills owed by applicants. This assistance is targeted at low income households and income guidelines will mirror that of the Home Energy Assistance Program.

LIHWAP benefits are based on the actual amount of drinking water and/or wastewater arrears, up to a maximum of \$2,500 per drinking water or wastewater provider, or \$5,000 if drinking water and wastewater services are combined, per household. Benefits are paid directly to the household's drinking water and/or wastewater vendor(s).

Eligibility and benefits are based on:

- income,
- household size,
- household includes a U.S. citizen, U.S. national, or qualified alien, and
- amount owed to drinking water and/or wastewater provider(s).

Primary applicants must provide:

- Proof of identity
- Proof of residence
- Documentation of earned and unearned income
- A drinking water, wastewater, or combined drinking water and wastewater bill listing their permanent and primary residence
- A valid Social Security Number (SSN)
 - SSNs of additional household members will be requested

For more information, visit <https://otda.ny.gov/LIHWAP>



Office of Temporary
and Disability Assistance