

26.2 ELIGIBILITY REQUIREMENTS

This section contains the eligibility requirements for both Regular and Emergency LIEAP, as well as other information about the LIEAP benefit.

A. REGULAR LIEAP

Eligibility for Regular LIEAP is based on a number of factors, including income, household size, vulnerability to the cost of home heating, residence and citizenship.

1. Income

The total monthly gross income of the assistance group (AG) must not be more than the maximum allowable gross income amounts in the chart in Chapter 10, Appendix A. No income deductions or disregards apply except in the determination of gross profit for self-employment. When the gross monthly income of the AG exceeds the maximum allowable income amounts, the group is ineligible for LIEAP and the application is denied.

a. Determining the Month Income is Counted

Income received or expected to be received during the month of application is used to determine eligibility.

EXAMPLE: Application for LIEAP is made on December 30. Income the AG received during the month of December is used to determine eligibility.

EXAMPLE: Customer applies for LIEAP by mail on November 16. Income received or expected to be received in the month of November is used to determine eligibility.

b. Determining Gross Monthly Income

When the AG has income which is received on a regular basis and no changes are expected during the application month, the amount of earned and unearned income from each source must be converted to a monthly amount as follows:

- Convert weekly income by multiplying by 4.3.
- Convert bi-weekly (every 2 weeks) income by multiplying by 2.15.

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- Convert semi-monthly (twice per month) income by multiplying by 2.

When the applicant is not expected to receive a full month's income, the gross income is multiplied by the number of times it is anticipated that it will be received.

EXAMPLE: The applicant begins working on the third Monday of a month and she earns \$300 per week. She expects to be paid only once during the month of application. Countable gross income for the month is \$300.

EXAMPLE: The applicant, a per diem worker paid weekly, reports she is off work caring for a sick child. She has received only two checks for \$300 each and doesn't know when she will be able to go back to work. Her gross monthly income is \$600.

c. Sources of Income

All sources of income are considered in determining income eligibility.

- Self-employed individuals are entitled to a 20% deduction from gross sales or receipts to determine monthly gross income.
- Non-recurring lump sums received in the month of application are excluded.

EXAMPLE: Child support arrearages are non-recurring lump sums. As such, they cannot be anticipated.

- Recurring lump sums are prorated over the period they are intended to cover.

EXAMPLE: A yearly check for mineral rights is divided by 12 to determine countable monthly income for LIEAP.

d. Income Exclusions

The following payments received by members of the LIEAP AG are not counted as income in determining eligibility for LIEAP:

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- Payments under Title I (VISTA, ACTION, University Year of Action, Urban Crime Prevention Program), Title II (RSVP, Foster Grandparents and others) and Title III (SCORE and ACE) of the Domestic Volunteer Act of 1973
- Payments from Americorp and related programs for living allowances and reimbursements
- Senior Companion Program listed under Title XX and as funded through the U.S. Action Agency
- Community Service Employment Program (CSEP) as authorized under Title V of the Older Americans Act
- Student loans, grants, scholarships and college work study programs
- The value of Food Stamp benefits
- The value of food commodities
- Payments under Alaska Native Claims Settlement Act
- Any payments received or funds held in trust for members of any Indian tribe under various public laws referred to as Indian Tribal Judgment Funds, as well as any funds from payment of relocation assistance to members of the Navajo and Hopi tribes under Public Law 93-531
- Payments, allowances or reimbursements for transportation and attendant care costs under Title VI of the Rehabilitation Act of 1973, Title II, Public Law 95-607
- Veterans' Administration Aid and Attendance payments
- Value of supplemental food program for women, infants and children (WIC), Public Law 94-105
- Value of National School Lunch Program, Public Law 90-302
- Reimbursement for expenses incurred in connection with employment and training limited to mileage, tools and clothing
- Reimbursement for medical expenses or for round trip transportation costs incurred to obtain medical treatment

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- Grants and loans from HUD Community Development Block Grant Funds made to individuals to rehabilitate their private residence
- All WIA payments, except those considered wages for on-the-job training.

2. Household And Assistance Group (AG)

The AG consists of any individual or group of individuals who are living together as one economic unit or who are sharing expenses and for whom residential home heating is customarily purchased in common or for whom home heating is included in a rent or mortgage payment as a specified amount.

It is the responsibility of the applicant to list all individuals who are living in the home, regardless of whether or not they are family members or whether or not they share the cost of home heating. For the purpose of LIEAP eligibility, all household members are considered one AG.

When the household includes a person(s) who has already received a LIEAP payment, he is not included in the AG and his income is not counted in determining eligibility.

EXAMPLE: An employed woman and her two children are included in her mother's household. The mother applies for and is approved for a LIEAP payment for an AG of 4. Her daughter and grandchildren then move out of her home to live with the children's father. The father applies for LIEAP and reports an increase in household size and income. His LIEAP application is approved for a household of 1 and only his income is counted.

When a household includes an illegal alien, that person's income must be counted even though he cannot be included in the LIEAP AG.

3. Vulnerability To The Cost Of Home Heating

In order to qualify for a LIEAP payment, a household must be determined vulnerable or partially vulnerable to the cost of home heating.

a. Vulnerable Households

Vulnerable households are those which must pay the heating cost for the home in which they reside. This cost must be paid directly to a provider as a separate payment or as a specified portion of a rent or mortgage payment. The amount specified as a heating cost must be stated on a rent receipt, lease, or other documentation.

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Households may also be considered vulnerable if there has been a documented increase in a rent or mortgage payment due to increased fuel costs.

The increase does not have to be permanent if the only reason for the increase is winter heating.

Individuals who are temporarily away from home for medical, educational, or employment purposes, and who still must pay a heating cost for the dwelling, are considered vulnerable. This includes nursing home residents who are still maintaining a home and have a heating cost.

Vulnerability also exists when the AG must pay at least a part of the cost of home heating, whether they pay just part of the cost each month or alternate payments with a third party. The AG is also partially vulnerable when a surcharge for excessive usage is already added or can reasonably be anticipated being added to the rent amount.

b. Invulnerable Households

Invulnerability means the AG has no home heating costs or is not responsible for payment of the heating cost. Individuals who live in state institutions, hospitals and certain group living facilities, such as halfway houses and domestic violence centers, and those whose home heating costs are paid by a third party are considered invulnerable.

c. Terminated Service

AGs in dwellings where home heating service has been terminated and the account has been closed prior to the date of application are considered vulnerable if the home heating supplier agrees to restore service upon the approval of LIEAP or in combination with other payment(s).

NOTE: The Worker must not obligate a payment until all other needed payments have been obtained. Any payment obligated to a vendor, whether verbal or in writing, must be honored if the vendor restores service and it is later determined that other payments were never received.

d. Portable Heaters

Portable heating devices such as, but not limited to, electric and kerosene space heaters, are not considered primary sources of

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heating except when an emergent life-threatening situation exists, the dwelling is totally without a heating source, and the AG has no alternate housing available.

It is considered dangerous to AG members and detrimental to program goals to heat a dwelling with space heaters. Such use must not be encouraged. Exceptions require supervisory approval.

e. Public Housing Facilities

AGs residing in subsidized public housing facilities are considered vulnerable or invulnerable depending on how they pay their home heating costs:

- Vulnerability exists when home heating costs are paid separately or directly to the utility, fuel supplier, or building operator. These costs usually reflect total monthly usage.
- Vulnerability may also include those situations in which surcharges for excess usage are already added to the rent or the addition to the rent can be reasonably anticipated.
- Invulnerability exists when home heating costs are included in the rent and based upon a fixed percentage of income or paid by the housing authority.

f. Zero Income Applicants

When zero income applicants report that their home heating costs are being paid by someone else, vulnerability can be determined by the manner in which the heating costs are being paid.

Applicants who report zero income but have someone else not living in the household who makes payment for the entire cost of home heating to the vendor on behalf of the applicant are considered invulnerable and therefore ineligible for LIEAP benefits.

NOTE: When an individual for whom a third party has been making home heating payments receives a termination notice, the Worker must determine why the bill is no longer being paid, whether future bills will be paid, and whether or not the third party intends to pay the disconnect if LIEAP is denied.

Applicants whose only income is a contribution for heating costs from an individual outside the home are considered vulnerable and are not considered zero income applicants.

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4. Residence And Citizenship

a. Residence

See Section 8.2 for the residence requirement.

b. Citizenship

See Chapter 18 for the eligibility requirements of citizenship or permanent alien status.

NOTE: The LIEAP AG is composed only of citizens and/or qualified aliens, using the income of the entire household.

5. Duplicate Payments

All eligible AGs are entitled to one Regular LIEAP payment only. Subsequent applications received from persons who have already been found eligible for or who have received a Regular LIEAP payment are denied. Cases requiring corrective or supplemental payments must be referred to the Office of Accounting as provided in section 26.5.

6. Customer Account Number

When the applicant indicates his household fuel supplier is a PSC-regulated utility that has entered into an agreement with DHHR to participate in LIEAP, the customer account number must be provided at the time of application or within 15 calendar days following the date the information is requested. A list of PSC-regulated utility vendors is provided in Appendix B of this chapter. Customers of vendors not listed must be issued a direct payment.

7. Time Limits

Action must be taken to approve or deny a Regular LIEAP application within 30 days of the date it is received for processing by DHHR.

NOTE: Workers may deny an application after expiration of the verification due date when the information is not received. If the client returns the information within 30 days of the application date, the benefit may be approved without a new application. After 30 days, the client must reapply.

B. EMERGENCY LIEAP

Emergency LIEAP is the program component which assists clients in eliminating home heating emergencies.

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Eligibility requirements are the same as Regular LIEAP, except for the additional requirement of verifying a heating emergency.

1. Income

The income guidelines for Emergency LIEAP are the same as those for Regular LIEAP.

2. Household And Assistance Group

Same as Regular LIEAP.

3. Vulnerability To The Cost Of Home Heating

Households must meet the same definition of vulnerability as outlined in item A,3 above. The conditions outlined below must also be met.

a. Emergency Home Heating Need

To qualify for Emergency LIEAP benefits, the applicant must have an emergency home heating need, defined as being without home heating or in immediate danger of being without home heating and being without resources to eliminate the emergency. Applicants must be informed that a termination notice or a low bulk fuel supply alone does not constitute an emergent need, and that fraudulent claims may result in fines and/or loss of future eligibility for LIEAP. Vendors may report when they have been unable to make a delivery because the client was not low on fuel. When determining if the applicant meets this eligibility requirement, no consideration will be given to whether or not a Regular LIEAP application was previously approved, unless it is determined that the vendor has failed to credit the payment. When this happens, the Worker must contact the vendor to determine what must be done to correct the problem.

In situations where the Regular LIEAP application is pending for additional information, the Worker must attempt to either approve or deny the Regular LIEAP application before taking action on the application for Emergency LIEAP.

The Worker must also contact the vendor to determine if the amount of the Regular LIEAP payment will eliminate the emergency. If not, the Worker may approve an Emergency LIEAP payment in an amount equal to the balance needed to eliminate the emergency.

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EXAMPLE: Application for Regular LIEAP is received on the day before the component closes.

The application is pended for a copy of the heating bill to verify the account number. The client returns the information within the allotted period in the form of a termination notice and states he wants to apply for Emergency LIEAP. The Worker contacts the vendor and learns that the past-due amount is \$89.50. The client is eligible for a Regular LIEAP payment of \$200. The vendor agrees to stop the termination. The Worker approves the Regular LIEAP application. No Emergency LIEAP application is processed.

EXAMPLE: An applicant for Emergency LIEAP has a termination notice in the amount of \$315. The Worker discovers that a Regular LIEAP application was approved within the last month in the amount of \$210. The vendor has not yet credited the payment to the client's account. It is further discovered that an error in entering the account number has caused the delay.

The Worker is able to give the vendor the correct number and the payment is credited. The Worker then processes an Emergency LIEAP application in the amount of \$105, the amount the vendor verifies is now the past-due amount.

In those instances when it cannot be immediately determined that a vendor has received but not yet credited a Regular LIEAP payment, the Worker must approve the Emergency LIEAP payment for the full amount of the termination notice, provided it does not exceed the amount for which he is eligible.

EXAMPLE: An applicant for Emergency LIEAP has a termination notice in the amount of \$400. The Worker had previously approved Regular LIEAP in the amount of \$220. Upon contacting the vendor, he learns that the payment has not yet been received. The Worker obligates the full amount of the termination and approves Emergency LIEAP in the amount of \$180.

EXAMPLE: Same as above except that the amount of the termination is \$600. The worker cannot obligate the full amount unless he and the client are able to obtain contributions for the remaining \$100. If not obtained or obligated, the Emergency LIEAP application must be denied.

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b. Verifying Use of Direct Payments

Clients who receive direct payment of Regular LIEAP benefits must verify that the payment was used for home heating by submitting a receipt with the Emergency LIEAP application. Failure to submit this verification of payment for home heating may result in denial of the Emergency LIEAP application unless verification can be otherwise obtained by the Worker.

NOTE: Receipts for the purchase of bulk fuel must be dated prior to the date of application for Emergency LIEAP. The Worker must consider the date of the receipt(s) when determining if an emergency exists.

EXAMPLE: A client applies for Emergency LIEAP on February 22. She does not have receipts for the purchase of bulk fuel with her, but returns the next day with a receipt for 104 gallons. The receipt is dated February 22 and is in the amount of the Regular LIEAP check issued January 5. The Worker denies the application because the date of the receipt is not prior to the date of the Emergency LIEAP application.

EXAMPLE: Same situation as above, but the receipt is dated February 15, which is prior to the date of the Emergency LIEAP application. However, the client received 104 gallons of bulk fuel just one week before applying for Emergency LIEAP. According to the client, she uses about 150 gallons per month. Based on her statement, the Worker determines that the fuel should last at least another two weeks. The client has not claimed extenuating circumstances (leak in tank, fuel stolen, etc.). The Worker denies the application.

c. Verifying the Need for Emergency LIEAP

(1) Home heating suppliers regulated by the Public Service Commission

In order to be eligible for an Emergency LIEAP payment, the applicant's home heating supplier must agree to provide a minimum of 30 days of service beginning the date the vendor is made aware of and accepts the Department's offer. Payment will be denied if the supplier fails to agree to or otherwise does not carry out this requirement.

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NOTE: Clients must be made aware that charges continue to accrue during this 30-day period and that failure to make subsequent payments may result in another termination notice at the expiration of this time period. Emergency LIEAP payments are for past-due amounts and are not intended to cover future fuel use.

(2) Bulk fuel suppliers

The amount of bulk fuel required to eliminate an emergency is the minimum amount the bulk fuel supplier will deliver.

The minimum delivered amount may or may not last for 30 days or may last for more than 30 days, depending on such variables as severity of weather, size and degree of insulation of living quarters, etc.

The amount of the Emergency LIEAP payment is based on the minimum fuel delivery cost and the amount of the maximum household benefit. (See Section 26.3,E.)

(3) Determining the amount of self-delivered bulk fuel Applicants for Emergency LIEAP who must self-deliver bulk fuel are eligible for the same amount as the minimum required by the vendor to deliver the bulk fuel.

EXAMPLE: The minimum delivered amount of propane in Mr. Smith's area is 100 pounds. He will self-deliver 100 pounds, since the amount of his Emergency LIEAP payment is sufficient to purchase that amount.

Payment terms may be arranged with the vendor by means of a credit purchase or prepayment.

A credit purchase means that payment will be made after the fuel is delivered.

The supplier must be instructed in the recording section of form OFS-67, Authorization For Payment, to notify the local DHHR office of the final delivery. Transmittal of the payment is made upon notification. (See section 26.4,B)

Prepayment is made if the vendor refuses to permit a credit purchase, and the OFS-67 must indicate in the recording section that prepayment is being made for the specified amount of fuel. If possible, the unit amounts of fuel per delivery must also be indicated.

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Approval is made for the total amount of payment and the vendor is paid in advance.

In either arrangement outlined above, only one payment is made for the total amount.

(4) Non-elimination of the emergency

In many situations, the amount required by the vendor to eliminate the emergency will exceed the amount of Emergency LIEAP entitlement.

When this occurs, the Worker must determine if the applicant is eligible for other program benefits in addition to LIEAP, such as, but not limited to, Emergency Assistance (EA), Neighbor-to-Neighbor, etc., in order to meet the vendor's demands.

If the vendor refuses to observe the guidelines set forth in this section, the LIEAP application is denied.

5. Duplicate Payment

Eligible households are entitled to one Emergency LIEAP payment only. However, the payment does not have to be for the primary source of heat, provided the client can show that a heating emergency will result from the scheduled termination. If termination notices have been received on both electric and gas, Emergency LIEAP may be approved for the larger amount, providing the AG lacks the resources to pay the bill. Under no circumstances is the LIEAP payment split to cover both terminations, regardless of the amount for which the client is eligible.

Cases requiring corrective or supplemental payments must be referred to the Office of Accounting as provided in Section 26.5.

6. Customer Account Number

This requirement is satisfied by the termination notice.

7. Time Limits

The Department must insure that assistance is offered to resolve the home energy emergency to all eligible recipients no later than 48 hours from the time of application. In most situations, fuel delivery can be made or home heating service continued to prevent an emergency from occurring when the vendor has been informed that the client is eligible for Emergency LIEAP benefits.

NOTE: Some vendors require an extra delivery charge for deliveries outside the normal times or routes. This charge is added to the cost of the fuel to determine the payment amount.

When the eligible AG is faced with a life-threatening emergency, the Department must insure that assistance is offered to resolve the emergency no later than 18 hours from the time of application.

The Worker must indicate by the date entered on the OFS-67 or by recording on the application that this time limit was met.

C. OTHER PROGRAMS

Regular or Emergency LIEAP payments are not considered in determining eligibility for or the amount of a benefit for any public assistance program except Emergency Assistance.

1. Emergency Assistance

When an applicant for Emergency Assistance requests benefits to eliminate a home heating emergency, the amount of any LIEAP payment **made, but not yet credited to the account, or that will be made, is subtracted from the overdue bill before determining the amount the Department will pay.** However, the receipt of Emergency Assistance does not affect eligibility for Emergency LIEAP.

2. 20% Utility Discount Program

The receipt of benefits under the 20% utility discount program does not affect eligibility for Emergency LIEAP.

3. Vendor-Supported Home Heating Assistance Programs

Home heating assistance programs such as Neighbor-to-Neighbor have limited funds that are restricted to customers of that vendor.

Because funds in these programs are limited, eligibility for Emergency LIEAP is always considered first.

Food Stamp Standard Utility Allowance (SUA)

See Section 10.4,B,7.