

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 415, Low Income Home Energy Assistance Program.

LIHEAP General Provisions 415-05

1. 415-05-05 – Definitions. **Updated** definition of Poverty Levels and corrected eligible household definition.

Definitions 415-05-05

Eligible Households/Economic Unit

This term means an individual or group of individuals who are living together in a housing unit.

Poverty Level

This term refers to the **income** poverty guidelines ~~for non-farm population of the United States as prescribed by the U.S. Office of Management and Budget that are issued each year in the Federal Register by the Department of Health and Human Services (HSS)~~ as applicable to the State of North Dakota.

2. 415-05-55 – Staffing Needs. **Removed** obsolete policy regarding reimbursement of administrative costs.

Staffing Needs 415-05-55

Appropriate administrative methods must be implemented to at least partially alleviate the temporarily excessive workloads that occur at the beginning of the heating season. The level and extent of county social service board workload must be assessed and sufficient staff employed, or staff reassigned, as needed, on a temporary, part-time or full-time basis.

~~100% of the county social service board LIHEAP administrative costs will be reimbursed unless the total statewide administrative costs exceed 10% of the State's allotment.~~

Outreach and Coordination 415-10

3. 415-10-10-05-05 – Conservation Referrals. **Increased** furnace and chimney cleaning maximum allowances from \$100 to \$150 for each.

Conservation Referrals 415-10-10-05-05

Comprehensive Energy Conservation Program

The Comprehensive Energy Conservation Program will be conducted by Community Action Agencies' Weatherization Coordinators. The Program will provide households with the following services regardless of previous weatherization activities:

1. An initial contact by the Weatherization Coordinator to explain program services and to motivate participation.
2. A home energy conservation assessment to include evaluation of current energy consumption, home energy audit, life style effects on consumption, knowledge of conservation, etc.
3. Development of an individual Conservation Action Plan based upon the results of the assessment.
4. Group and individual education regarding energy conservation, life style changes to reduce consumption, and weatherization techniques.
5. Specific services, as needed, will be provided by the Comprehensive Energy Conservation Program or, if the applicant prefers, arranged to be provided by a qualified private business of the applicant's choice. Such services may include:
 - a. Chimney (up to \$~~100~~ 150/heating season) and/or furnace cleaning and tuning (up to \$~~100~~ 150/heating season);
 - b. Minor furnace repair or replacement of inefficient and/or inoperable heating systems**;

- c. Minor home repair, insulation, and/or the complete range of Department of Energy (DOE)/LIHEAP Weatherization Assistance.**

Verification Procedures 415-15

4. 415-15-10-05-20 – Deductions – Verification. **Clarified** policy regarding verification of child support deduction.

Deductions – Verification 415-15-10-05-20

Except for the earned income deduction, all deductions ([415-25-05-05](#)) from the gross income that exceed \$1,000* per year must be verified. (The \$1,000* applies to each category of deductions, i.e., Medical, Health and Hospitalization Insurance, Child Support, etc.). Acceptable verifications may include:

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|--|---|
| 1. Medical | Cancelled checks, receipts, vendor account statements. |
| 2. Health and Hospitalization Insurance Premiums | Cancelled checks, receipts, vendor account statements. |
| 3. Child Support | The Child Support Enforcement System (<u>FACSES</u>), <u>when available. is to be used to determine child support income.</u> |
| 4. Education | Bills, statements, receipts, from the educational institution (See 415-25-05-05 Item 7) |
| 5. Garnishment | Copy of the court order/Verification of IRS levies, etc. (See 415-05-05 Definition of Garnishment) |

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|----|------------|--|
| 6. | Employment | Statement from employer, work schedule from employer, receipts from motels or work-site landlord (See 415-25-05-05 Item 7) |
| 7. | Child Care | Cancelled checks, receipts from providers, etc. in combination with evidence of the amount reimbursed from an outside source such as TANF. |

* The \$1,000 is not an automatic deduction. A client can claim up to that amount per category without providing verification, but she or he must first claim to have had that expense.

Benefits Available & Eligible Households 415-20

5. 415-20-05-10-05 – Furnace and/or Chimney Cleaning. **Increased** furnace/chimney cleaning maximum allowances from \$100 to \$150 for each.

Furnace and/or Chimney Cleaning 415-20-05-10-05

To prevent a heating crisis and promote safety and energy conservation, premium benefits can be paid to clean the furnace of an eligible household. Up to ~~\$100~~ **\$150** per household (exceptions must be approved by the State Administrator) may be used for travel, labor, furnace cleaning, maintenance, and service including the cost of replacement parts such as fuel nozzle, filter, etc., necessary for maintenance and service. An additional ~~\$100~~ **\$150** per household may be allowed for chimney cleaning when necessary for safety. All households who were financially eligible for basic LIHEAP heating assistance in any prior month of the current fiscal year are also eligible for these services, except as noted in the following paragraph.

Eligibility Determination 415-25

6. 415-25-05-10 - Income Eligibility Levels. Updated income eligibility limits for FY2014.

Income Eligibility Levels 415-25-05-10

The income eligibility limits for heating assistance are based on 60% of the North Dakota median income. The monthly income eligibility levels are determined by dividing the annual amount by 12 months and rounding off to the nearest dollar (indicated by *).

Therefore, the adjusted gross income eligibility limits for ~~FY2013~~ FY2014 are as follows:

<u>Household Size</u>	<u>Annual Eligibility Limit</u>	<u>Monthly Eligibility Limit*</u>
1	\$25,773	\$2,148
2	\$33,703	\$2,809
3	\$41,633	\$3,469
4	\$49,563	\$4,130
5	\$57,493	\$4,791
6	\$65,423	\$5,452
7	\$66,910	\$5,576
8	\$68,397	\$5,700
9	\$69,884	\$5,824
10	\$71,371	\$5,948
11	\$72,858	\$6,071
12	\$74,345	\$6,195

7. 415-25-05-20-20 – Other Income. **Clarified** policy regarding verification of child support and alimony income.

Other Income 415-25-05-20-20

7. Child support and alimony payments. It is mandated by LIHEAP that the Child Support Enforcement System (FACSES), when available, must be used to determine child support income. See IM 5181 regarding instructions for accessing verifications through NDVerify for LIHEAP only cases. IM 5181 will be incorporated into the Administrative Procedures Policy Manual 448-01 as a new section.
8. 415-25-05-30 – Income Not Counted. **Clarified** policy regarding income treatment of benefit or fund raisers. Moved portion of 17(y) regarding asset treatment of benefit/fund raiser accounts that are not co-mingled.

Income Not Counted 415-25-05-30

17. Other payments to be disregarded.
- y. Money received by the LIHEAP household as a result of a benefit or fund raiser. The money received will not be counted as an asset if held in an account that is ~~should~~ not be commingled with other household accounts (See 415-25-10-10-05, #9).

9. 415-25-05-60 – Family Home Care, Family Home Subsidy and/or Foster Care or Sub-Adopt Payments. **Added** policy regarding Subsidized Guardianship payments.

Family Home Care, Family Home Subsidy and/or Foster Care or Sub-Adopt Payments 415-25-05-60

2. Child Foster Care/Subsidized Guardianship Payments

Foster care payments are made to a licensed provider to care for a child generally unrelated to the foster family. For LIHEAP purposes, the foster child will NOT be counted as a member of the household nor will his/her income or assets be included in the household's resources.

The Foster Care Payment will not be counted in the household's income.

If a foster family is paid a "retainer" to have a room ready at all times for emergency placements, treat the foster payment exactly as you would if a child were there. That is, do not count the foster care payments as income, and do not count the bedroom maintained for the foster child, even if no foster child is currently in placement at the foster home.

The Subsidized Guardianship Program serves North Dakota children who are in foster care, but who need a permanency alternative. Payments are made to an established legal guardian to care for the eligible child.

For LIHEAP purposes, the foster child will NOT be counted as a member of the household nor will his/her income or assets be included in the household's resources.

The Subsidized Guardianship Payment will not be counted in the household's income.

10. 415-25-10-10-05 – Assets – “Liquid”. **Clarified** policy regarding the asset treatment of benefits or fund raiser accounts (#9).

Assets – “Liquid” 415-25-10-10-05

"Liquid Assets" NOT Counted:

9. Periodic or annual current income that exceeds a single month and is held in a liquid asset for future monthly living costs. This includes payments from benefit or fund raisers that are held in accounts that are not commingled with other household accounts.

Computation 415-30

11. 415-30-10 - Household Poverty Level Percentages Table. **Changed** poverty level percentages and **updated** income eligibility limits for FY2014.

Household Poverty Level Percentages Table 415-30-10

The poverty level percentage to be applied to each household's annual adjusted gross income will be calculated by the computer according to the level of their income and the number of persons in the household at the time of application. Therefore, it is essential to have accurate data in these two fields.

The Poverty Level Percentage Table used by the computer:

	Household Share 1%	Household Share 2%	Household Share 3%	
# of Persons	0-20% of Median Income	21-40% of Median Income	41-60% of Median Income	
			Annual Eligibility Limit	Monthly Eligibility Limit
1	0 - 8,591	8,592 - 17,182	17,183 - 25,773	2,148
2	0 - 11,234	11,235 - 22,469	22,470 - 33,703	2,809
3	0 - 13,878	13,879 - 27,755	27,756 - 41,633	3,469
4	0 - 16,521	16,522 - 33,042	33,043 - 49,563	4,130
5	0 - 19,164	19,165 - 38,329	38,330 - 57,493	4,791
6	0 - 21,808	21,809 - 43,615	43,616 - 65,423	5,452
7	0 - 22,303	22,304 - 44,607	44,608 - 66,910	5,576
8	0 - 22,799	22,800 - 45,598	45,599 - 68,397	5,700
9	0 - 23,295	23,296 - 46,589	46,590 - 69,884	5,824
10	0 - 23,790	23,791 - 47,580	47,581 - 71,371	5,948
11	0 - 24,286	24,287 - 48,572	48,573 - 72,858	6,071
12	0 - 24,782	24,783 - 49,563	49,564 - 74,345	6,195

12. 415-30-10-01 - Monthly and Annual Eligibility Limits (Adjusted Gross Income). **Updated** eligibility limits for FY2014.

**Monthly and Annual Eligibility Limits (Adjusted Gross Income)
415-30-10-01**

NUMBER OF PERSONS	MONTHLY ELIGIBILITY LIMIT	ANNUAL ELIGIBILITY LIMIT
1	\$2,148	\$25,773
2	\$2,809	\$33,703
3	\$3,469	\$41,633
4	\$4,130	\$49,563
5	\$4,791	\$57,493
6	\$5,452	\$65,423
7	\$5,576	\$66,910
8	\$5,700	\$68,397
9	\$5,824	\$69,884
10	\$5,948	\$71,371
11	\$6,071	\$72,858
12	\$6,195	\$74,345

Fraud and Recovery Procedures 415-55

13. 415-55-10-10 – Overpayments Due to Administrative and/or Client Error. **Clarified** policy regarding time limits for refunds (removed reference to internal processing of refunds).

**Overpayments Due to Administrative and/or Client Error
415-55-10-10**

- To recover an overpayment, immediately notify the household by letter of the cause and amount of the overpayment; clearly request a full repayment or a response to the letter to schedule an interview to discuss repayment options (include the office telephone number and address); advise the clients of their right to

be represented at the interview. This may be all that is needed to resolve the overpayment. If a response is not received in a reasonable period of time, one or two follow-up letters may be necessary. If so, include all of the above information in each, plus a response deadline date. Copies of all letters are to be sent to the State Administrator of LIHEAP.

2. Unless a full and immediate repayment is received, an interview with the household may be necessary to complete a repayment agreement. An agency witness during the interview may be desirable. The client may be represented by an attorney, friend, relative or other individual of his choice. The repayment options, in order of preference, are:
 - a) Full and immediate repayment.
 - b) Full but delayed repayment. Six months from the date the error was discovered is a reasonable deadline. *See Time Limits.
 - c) Installment Payments. Administrative cost effectiveness and efficiency decreases in direct proportion to the number of payments required. *See Time Limits.
 - d) Any combination of the above options. *See Time Limits.

*** Time Limits**

Refunds of overpayments, regardless of the repayment option selected, should be received by the State Office before the end of the federal fiscal year that follows the year in which the payment was made. ~~Collections made after that date cannot be retained by the state.~~ Hardship exceptions should be requested as described in 415-55-15.

3. A copy of the repayment agreement will be forwarded to the State Administrator of LIHEAP.
4. Collection

Whenever the repayment is not received through the above procedures, the County States Attorney may be willing to represent the county in a civil action in county court or small

claims court. If so, the request should be transmitted in writing with a copy to the State Administrator of LIHEAP.

Other collection actions, such as referral to a private collection agency, may be appropriate but the cost and other effects must be carefully considered.

Forms Appendix 415-65

14. 415-65-50 – Regional Benefit Matrix Appendix. **Changed** section name.

~~Regional~~ Statewide Benefit Matrix Appendix 415-65-50

The ~~Regional~~ Statewide Benefit Matrix is available in hard copy.

Par. 2. **Effective Date** – October 1, 2013