

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 415, Low Income Home Energy Assistance Program. This manual letter also incorporates changes made with:

- IM 5276 FY2016 Cooling Program (LIHEAP)

Par. 2. **Effective Date** – October 1, 2016

Items that include a change in policy are indicated. All other items are corrections or clarifications.

LIHEAP General Provisions 415-05

1. 415-05-20 – Right to Appeal and Fair Hearing. **Change** in policy to require hearing request to be a written request.

Right to Appeal and Fair Hearing 415-05-20

If a household believes the decision made on their **Heating Assistance** or **Emergency Assistance** application may be wrong, or if they do not receive a written notice of the action taken on your Heating Assistance application within 45 days from the date their application is received, they should **first** contact their county social service office to be sure they have all the information they need to correctly determine your eligibility.

If the household still believes the decision is wrong for some reason, they **have the right are-entitled** to request a **fair** hearing **in writing** before the North Dakota Department of Human Services.

Contact the county social service office for instructions on how to request a hearing. The household's **written** request for a hearing must

be received within 30 days of the date of **on** the notice of action. The household can have an attorney, relative, friend or other person assist them at the hearing.

If a household's hearing request is received within that time, their benefits will not be changed until a decision is reached. However, the household will be required to pay back any excess benefits received if the appeal is not successful.

A hearing officer will contact the household to arrange a hearing time and place that is convenient for them.

The household will receive a written decision from the North Dakota Department of Human Services.

Outreach and Coordination 415-10

- 2. 415-10-10-05-05– Conservation Referrals. **Change** in policy to allow a maximum payment of up to \$175/heating season for a furnace cleaning. If the furnace cleaning is for a fuel oil furnace, a maximum payment of up to \$250/heating season is allowed. There is no change to the maximum payment allowed for chimney cleaning.

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:
 1. Chimney (up to \$150/heating season) and/or furnace cleaning and tuning (up to ~~\$150~~ \$175/heating season or up to \$250/heating season for fuel oil furnace);
 2. Minor furnace repair or replacement of inefficient and/or inoperable heating systems**;
 3. Minor home repair, insulation, and/or the complete range of Department of Energy (DOE)/LIHEAP Weatherization Assistance.**

**Note that if the services in b) and c) are needed, the Comprehensive Energy Conservation Program becomes the "vendor" providing a service the same as any other "vendor" would provide a service to a LIHEAP client. Therefore, the process of approving payment of such services when recommended by the Program requires that the applicant be found eligible for Emergency Assistance and the dollar maximums a county may approve without State Office clearance are also the same. If these dollar maximums are not sufficient to resolve the emergency, the county may recommend a higher level of assistance to the State Office, but the State Office must approve the expenditure.

However, if the needed services can be provided with funds from the DOE Weatherization Program or with weatherization funds transferred to Community Action from LIHEAP, the county office would not need to process an emergency application. The staff of the Comprehensive Energy Conservation Program will know whether DOE/LIHEAP Weatherization funds are available or whether an Emergency Assistance application will need to be processed.

6. Coordination with all other community energy resources and all Community Action Agency services and programs administered under the Economic Opportunity Act of 1964.
7. Follow up evaluation of energy savings achieved and/or assessment of additional conservation activities needed.

Benefits Available & Eligible Households 415-20

3. 415-20-05-10-05 – Furnace and/or Chimney Cleaning. **Change** in policy to allow a maximum payment of up to \$175/heating season for a furnace cleaning. If the furnace cleaning is for a fuel oil furnace, a maximum payment of up to \$250/heating season is allowed. There is no change to the maximum payment allowed for chimney cleaning. **Clarification** of policy when furnace cleaning is completed prior to LIHEAP eligibility.

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 ~~\$150~~ **\$175** per household or up to \$250 per household for a fuel oil furnace (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 payment of up to \$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.

Exception for furnace cleaning for those now eligible: If a household had a furnace cleaning done prior to LIHEAP eligibility (but within the current heating season) and the vendor can fill out the furnace and chimney cleaning form with accuracy then the cost of furnace cleaning can be reimbursed to the client upon providing proof of full payment or to the vendor if furnace cleaning has not yet been paid for by the client.

One furnace cleaning per household per season is allowed. The household has the choice of a primary or secondary furnace being cleaned in a season.

When a furnace cleaning and/ or chimney cleaning is completed by a vendor, the household needs to sign the form. No payment will be made on the form unless there is a signature.

When the **county is responsible for emergency furnace repairs** the county needs to take the following steps:

1. Insure that the furnace is not functional or poses a threat to the household's health and safety.
2. Have the household fill out an application for emergency assistance
3. Determine whether the household is eligible (income and asset)
4. Contact a vendor to repair the furnace (two bids are not needed for furnace repair)

5. When the furnace has been repaired, it should be determined that the household is satisfied with the repair and the vendor's costs are reasonable. Furnace breakdowns on a weekend may be reimbursed if an eligible household reports to the county immediately on Monday. Households should contact the office in a timely manner to have emergency furnace repair bills paid or reimbursed. **Prudent judgment** will enter into the decision of whether or not to make a payment.

Furnace and/or chimney cleaning may be authorized for renters or homeowners who purchase fuel from a vendor, but not for a renter whose heat is included as an undesignated part of the rent. Furnace and/or chimney cleaning should not be authorized if the heating unit services more than one living unit and other households in the building are not LIHEAP recipients.

Requests for furnace/chimney cleanings may be made October 1 - July 31 of the current heating season.

Some LIHEAP eligible households have yearly maintenance contracts with fuel vendors. Vendors are responsible for repairing any appliance in the household including cleaning the furnace. The vendor must notify the county office (unless the household had already requested a furnace cleaning from the vendor) they are going to do a furnace/chimney cleaning and request a furnace/chimney cleaning form from the county office. The vendor then must verify the cleaning by supplying the county office with the completed furnace/chimney cleaning form (at this time inform the county that the household has a vendor contract.) The county can reimburse the household when the bill and the completed furnace/chimney cleaning form are received. The charge for the furnace cleaning has to be in line with other furnace cleaning done to similar furnaces.

Prior authorization by the county social office is required. It is the responsibility of the client to choose a vendor who can perform the required services. The furnace/chimney cleaning authorization is generated in the LIHEAP system by the county social service office. (This is done by using Option 'Z' Notice of Action, then go to 'F' under "add" a record.) The authorization is sent from the state office to the vendor. The vendor in turn calls the client and sets up an appointment for the furnace/chimney cleaning.

The payment is to be entered on the computer by the county social service office as a premium payment, on the "Miscellaneous and Emergency Payments" screen, Reason Code "N," service code "14."

4. 415-20-10-52 – Soviet Jewish Refugees. This section has been **repealed**.

Eligibility Determination 415-25

5. 415-25-05-05 – Deductions From Income. **Change** in policy to removed #8, Taxes withheld from pension payments, as this is no longer an allowable deduction.

Deductions From Income 415-25-05-05

~~8. Taxes withheld from pension payments.~~

6. 415-25-05-05-05 – Medical Expenses as Deductions. Section has been **renamed** to **Medical Expenses**. **Change** in policy to consider multiple premiums paid for same type of protection as an allowable expense. (**Example:** Husband and wife each pay a premium for health insurance coverage through their employer. Both premiums would be an allowable expense.)

Medical Expenses ~~as Deductions~~ 415-25-05-05-05

Medical expenses incurred by any current member of the household may be considered when calculating medical deductions. A medical expense may be deducted only if it has been paid, OR there is an agreement with the medical vendor for a specific payment plan.

Projected medical expenses can be deducted from the income. The amount of projected expenses can be determined by using previous months' bills or receipts to estimate an average monthly cost. (This method can be used for prescription drugs and other medical costs. If a household member is on a regular monthly prescription annualize the cost to the household so it can be deducted for the fuel season.)

NOTE: (A minimum of three consecutive months' bills should be used to determine an average monthly cost for medical expenses such as prescriptions and other recurring items. Multiply by 12 to arrive at an annual figure. Non-recurring items such as eyeglasses, and other cost items should only be deducted once during a fuel assistance season.)

If an incurred expense may be reimbursed by an insurance policy, it cannot be deducted as a medical expense for this program until the insurance company has processed payment and the household has a specific payment plan with the medical vendor or has paid the bill. This would include reimbursement from the Veteran's Administration or private insurance for pharmaceutical expenses.

Similarly, medical costs and/or Medicare premiums which will have been paid by the Qualified Medical Beneficiary Program may not be deducted from income as a medical expense to the household.

Only payments made or scheduled between the previous June 1 and the following May 31 may be included.

The following list of allowable medical expenses is all-inclusive:

1. Medical and dental care, including psychotherapy and rehabilitation services.
 2. Hospitalization or outpatient treatment, nursing care, and nursing home care, including payments by the household for an individual who was a household member immediately prior to dying or entering a hospital or nursing home, if the remaining household members are **legally responsible** for payment of the expenses.
 3. Prescription drugs and other over-the-counter medication (including insulin) when approved by a qualified health professional. Additionally, costs of medical supplies, sickroom equipment (including rental) or other prescribed equipment are deductible.
 4. Health and hospitalization insurance premiums (includes nursing home insurance) but NOT disability or accident policies that are primarily for income maintenance. Premiums for other insurance to protect against the medical expenses defined in this section may be allowed, but consult with the state office. ~~Only one premium for the same type of protection can be allowed.~~
 5. Medicare premiums and any cost-sharing.
 6. Dentures, hearing aids, and prosthetics.
 7. Securing and maintaining a service animal, including the cost of food and veterinarian bills.
 8. Eye glasses, prescription eyewear, and surgery for eyes.
 9. Reasonable cost of transportation and lodging to obtain medical treatment or services. Medicaid rates in effect on October 1 of each year will be in effect for the entire fuel season beginning on that October 1.
 10. Maintaining an attendant, homemaker, home health aide, or child care services or housekeeper necessary due to age, disability or illness.
 11. Premium amount and enrollment fee for Workers with Disabilities coverage.
7. 415-25-05-10 - Income Eligibility Levels. **Updated** income eligibility

limits for FY2017.

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 ~~FY2016~~
FY2017 are as follows:

<u>Household Size</u>	<u>Annual Eligibility Limit</u>	<u>Monthly Eligibility Limit*</u>
1	\$27,650	\$2,304
2	\$36,158	\$3,013
3	\$44,665	\$3,722
4	\$53,173	\$4,431
5	\$61,681	\$5,140
6	\$70,188	\$5,849
7	\$71,784	\$5,982
8	\$73,379	\$6,115
9	\$74,974	\$6,248
10	\$76,569	\$6,381
11	\$78,164	\$6,514
12	\$79,760	\$6,647

8. 415-25-05-20-05 – Earned Income. All policy in Earned Income 415-25-05-20-05 is being replaced with the policy below.

Changes to policy are as follows:

1. Loss of time private insurance paid for loss of employment due to illness is considered unearned income.
2. Experience Works wages is income that is excluded by federal law.

Earned Income 415-25-05-20-05

Earned income is profit from activities in which an individual is engaged through employment. Earned income must entail personal involvement and effort on the part of the applicant or recipient.

The following types of earned income are countable for all programs unless identified otherwise:

1. Wages and salaries including:
 - Paid sick, vacation and holiday leave
 - Commissions
 - Wages garnished by the employer
 - Advances are counted when received
 - Tips - When tips are not shown on wage stub, the recipient's statement as to the amount of tips received each month is adequate if consistent with place, type of employment and number of hours worked.
 - Bonuses from employment - Recurring and non-recurring employment bonuses are counted.
2. Self-Employment. (See [415-25-05-27](#))
3. Employment Contracts. (See [415-25-05-20-12](#))
4. Wages received by an individual or Qualified Service Provider (QSP) for providing services under Family Home Care, when the

individual is employed by an agency (When an individual or QSP is not an employee of an agency, the income is considered self-employment.)

5. Short term or long term disability or loss of time insurance payments for illness or injury paid by the employer.

EXCEPTION:

Short term or long term disability or loss of time insurance payments for illness or injury paid by someone other than the employer is unearned income.

6. In-kind income is paid or given in goods, credit, including in-store credit or services instead of money. In-kind income is considered earned income when the individual has the option to receive a wage or monetary payment.

The value of the goods received may have been verbally negotiated or specified in a written document and must be verified. Otherwise a mutually acceptable market value must be negotiated.

Example:

An individual working as an apartment manager receives a \$330 deduction from the rent. The \$330 deduction would be counted as income when the employee has the option to receive payment of \$330.

7. Income earned by higher education students from internships, or stipends, teaching assistantships, or fellowships which **require work participation** to receive the income.

EXCEPTION:

Wages earned under the Federal Work Study Program are excluded.

8. Military Pay, including:

- a. Basic Allowance for Subsistence (BAS) and Family Subsistence Supplemental Allowance (FSSA) for members of the armed forces
- b. Variable Housing Allowances (VHA), Basic Allowance for Quarters (BAQ) and Basic Allowance for Housing (BAH) paid to military personnel for housing costs, and
- c. Military re-enlistment bonus.

If a household receives up to 50% of the bonus amount as an initial payment with the remainder paid in equal annual installments, the initial payment and the annual installments are annualized.

If a household receives the re-enlistment bonus as a lump-sum payment, it is **excluded** as a non-recurring lump-sum payment.

9. Wages received by an individual enrolled in a Job Corps Program, when the wages are not provided by the Job Corps Program.
10. Sheltered workshop employment - An organization that employs people with disabilities.
11. Earnings from on-the-job training.
12. Compensation for jury duty.
13. Compensation for plasma donations, participation in medical studies, etc.
14. Alternative Trade Adjustment Assistance/Reemployment Trade Adjustment Assistance wage subsidy, provided under the Trade Adjustment Assistance (TAA) Extension Act of 2011 - This wage subsidy is paid to eligible workers over the age of 50 and pays a portion of the individuals wage (the difference between the individual's new wage and old wage).

15. Workforce Innovation and Opportunity Act (WIOA) or Youthbuild earnings.

EXCEPTION:

Earnings of dependent children age 19 and below who are attending elementary school or high school half time or more are not counted.

9. 415-25-05-20-10 – In-Kind Income. This section has been **repealed** as it has been incorporated into Earned Income section 415-25-05-20-05.
10. 415-25-05-20-12 – Employment Contracts – **Added** new policy section specifically addressing the treatment of employment contract income. **This is not a policy change.**

Employment Contracts 415-25-05-20-12

Contract income is a contracted wage which covers a specified period of work, usually 12 months or less. A contract for income must be written and the salary amount identified in the contract.

Examples:

School teachers, bus drivers, coach, etc.

The total amount specified in the contract is included when annualizing income regardless of the amount received each month.

11. 415-25-05-20-20 – Other Income. All policy in Other Income 415-25-05-20-20 is being replaced with the policy below and the section has been **renamed Unearned Income.**

Changes to policy are as follows:

1. Dividends and interest from investments and trusts are not counted as a source of income except when included as part of monthly or regular payment from annuity, pension fund or other retirement plan.
2. One-time bonus payments on mineral leases are excluded as income as they are considered non-recurring lump-sum payments.
3. One-time inheritance and insurance settlements are excluded as income as they are considered non-recurring lump-sum payments. Annual payments are considered recurring payments and are counted.
4. Department of Defense Subsistence Supplemental Allowance for member of Armed Forces is considered countable earned income.
5. Internships, stipends, and other income earned by higher education students that is compensation for work performed is considered countable earned income.
6. Adoption assistance subsidies **that are a reimbursement** to a household member or payments to third-party for past or future expenses are excluded as a source of income.

Other Unearned Income 415-25-05-20-20

Unearned income is income not gained by current labor, service, or skill. Most unearned income is the result of past labor, services, or investments, which have enabled the individual to receive a current benefit or pension.

If unearned income is withheld for:

- Child support or taxes, the gross amount must be counted.
- Repayment of an overpayment from the same source, the net amount must be counted.
- Repayment of another source, the gross amount must be counted.

Examples:

1. Back Taxes
2. Defaulted Student Loan

When unearned income is held at the request of an individual, it is considered income in the month normally received.

The following types of unearned income are countable:

1. Payments from Social Security Administration:
 - Retirement, Survivors, and Disability Insurance (RSDI)
 - Supplemental Security Income (SSI)

Lump sum retroactive adjustments from Social Security due to changes in an individual's earnings record will be considered as follows:

If the individual received SSA benefits AND had earnings in the year prior to the adjustment, the adjustment will be considered a recurring lump sum benefit.

If the individual did not receive SSA benefits OR did not have earnings in the year prior to the adjustment, the adjustment will be considered a non-recurring lump sum benefit.

2. Unemployment and Workforce Safety and Insurance.

These benefits are paid on an Electronic Benefits Card and are considered income:

- a. On the date received; or
- b. When available and the recipient has a legal ability to access the income for support or maintenance.

If the household cannot verify the date of actual receipt, the receipt date is deemed to be either:

- a. The date funds were deposited into the account based on a bank statement from U.S. Bank or their personal bank account, or
 - b. Two working days after the date the WSI or UIB was processed.
3. Other benefits, including but not limited to:
- Monthly or regular payments from annuities, pensions and other retirement plans (including dividends and interest). Penalties, if any, should be deducted from the gross disbursement amount.
 - General Assistance
 - Income deemed to a community spouse or household member
 - Military Allotment received from non-household member
 - Short term or long term disability or loss of time insurance payments for illness or injury paid by someone other than the employer (AFLAC, CIGNA, Thrivent, etc.).
 - Railroad benefits
 - Veterans benefits other than those designated for education
 - Union Compensation during strikes
4. TANF and Diversion Assistance, including:
- Job Retention portion of TANF Transition Assistance
 - TANF Kinship Care

EXCEPTION:

JOBS Supportive Services, TANF Supportive Services and Special Items of Need that represent a reimbursement are not counted as income.

The housing allowance is not considered a reimbursement, and is counted as unearned income.

5. Child Support and Spousal Support - Court-Ordered and Voluntary (See [415-25-05-21](#)).
6. Unearned income as a result of self-employment (See [415-25-05-27](#)).
7. Tribal Payments and Individual Indian Monies (IIM) Accounts (See [415-25-05-22](#)).
8. Recurring Lump Sum Payments are those payments that can be reasonably anticipated to be received more than once. Payments may be recurring monthly, quarterly, yearly, etc.

Recurring payments received or anticipated to be received between the previous June 1 and the following May 31 are annualized.

Recurring Lump Sum Payments include but are not limited to the following:

- Gambling winnings
 - Mineral lease bonuses, oil and gas royalties. Any mandatory production taxes withheld prior to distribution are not counted and are allowed to reduce the amount of countable income. Any income taxes withheld are not allowed to reduce the amount of countable income.
 - Alaska Permanent Fund Payments
 - Insurance settlements
 - Inheritance
 - Income received from a trust - Submit SFN 1947, Request for Trust Review, along with complete copies of all trust agreements to the Legal Advisory Unit of the Department of Human Services for review.
 - Lump sum retroactive social security payments when the individual had earnings in the year prior to the adjustment
9. Cash Contributions received on a regular basis that can be reasonably anticipated.

EXCEPTION: Regular contributions from parents made available on condition that the recipient continues as a bona fide higher education student are not counted. Small (under \$360/year) contributions are not counted.

10. Contracts for Payment.

When an applicant or recipient has sold property with a contract to receive a series of periodic payments, rather than one payment, the arrangement is usually called a "contract for deed". The essential feature of the contract for deed is the right to receive future payments, usually coupled with a right to get the property back if the payments are not made. Contractual rights to receive money payments also arise out of other types of transactions. The valuable contract document may be called a note, accounts receivable, mortgage, or by some other name.

NOTE: Some contractual rights may be written so the lender has the right to demand payment at any time. If so, the note is considered a demand note and can be called in at any time. If a note is written so the lender does not have the right to demand payment but the note is in default, it also becomes a demand note. Contractual rights may or may not have collateral or security to guarantee payment.

The payments will include both interest and a portion of the sale price of the property that was sold (principle) and must be calculated separately.

The interest portion of payments received for any contractual right to receive payments (such as Contracts for Deed) must be included in the household's gross annual income. If there are any costs to the deed holder, they may be subtracted from the interest earnings.

11. Refugee Cash Assistance Payments – Payments received under the Refugee Cash Assistance Program or the Wilson/Fish Alternative Program.
12. State Long Term Care Subsidy – Individuals receiving a payment of up to \$20 from the State Long Term Care Subsidy Program.
13. Money deposited into a Joint Checking or Savings Account.

Money deposited, when the depositor is not a member of the household, is counted as unearned income in the month in which it is deposited.

EXCEPTION:

If the client's name appears on a signature card, but no member of the household has an ownership interest in that account, funds in the account are not available as income or asset.

14. Money obligated to the household which is diverted by the household for an expense.

Examples:

1. TANF benefits diverted to a Protective Payee
2. Payment diverted to a Representative Payee

12. 415-25-05-21 – Child Support and Spousal Support – Court-Ordered and Voluntary. **Added** new policy section specifically addressing the treatment of Child Support and Spousal Support. **This is not a policy change.**

Child Support and Spousal Support – Court-Ordered and Voluntary 415-25-05-21

Child support and spousal support received by the household is countable unearned income.

Child support is counted as the child's income.

EXCEPTION:

When a household member keeps child support for a child that is not living in the home, the child support is counted as income to the household member that actually received it.

Spousal support is counted as income to the household member for which it is obligated.

Federal tax intercept payments are a non-recurring lump sum and are not counted as income. Federal tax intercept payments are not included in ND✓erify.

State and interstate state tax intercept payments are counted as income as these payments are applied to current support. State tax intercept payments are included in ND✓erify.

The date the payment is considered received is determined as follows:

- If disbursed via check, the date received is two working days after the date on the check.
- If direct deposited, the date received is the date the funds were deposited into the bank account as reflected on the bank statement.
- If deposited onto electronic payment card (EPC), the date received is two working days after the disbursed date in ND✓erify.

When an individual is in receipt of TANF, support assigned to the state is not counted as income.

13. 415-25-05-22 – Tribal Payments and IIM Accounts. **Added** a new policy section for policy specifically addressing the treatment of Tribal Payments and IIM Accounts. **This is not a policy change.**

Tribal Payments and IIM Accounts 415-25-05-22

Following is policy regarding the treatment of income distributed to tribal members. These distributions are generally made directly to tribal members or put into an Individual Indian Monies (IIM) Account.

Countable Unearned Income

1. Tribal Distributions from tribal gaming or tribal enterprises distributed to enrolled tribal members (residing on or off a reservation).

Payments made to enrolled tribal members from the proceeds of gaming or gambling businesses are not per capita payments; therefore the income must be counted.

These payments are prorated over the period of time intended to cover with the exception of those noted. These payments include but are not limited to:

- Spirit Lake Social Impact Payments
- Sisseton-Wahpeton Oyate of the Lake Traverse Reservation Quarterly Casino Cash
- Three Affiliated Tribal Elderly Payments
- Three Affiliated Tribe's People's Fund Distributions
- General distributions from tribal revenue

2. Amounts in excess of \$2,000 per year per person of monies derived from leases or other uses of individually owned trust or restricted lands are countable unearned income.

25 USC 1408

Excluded Income

1. Indian per capita payments distributed from judgment awards and trust funds.

25 USC 1407

2. Amounts up to \$2,000 per year per person of monies derived from leases or other uses of individually owned trust or restricted lands are excluded.

25 USC 1408

3. Alaska Native Claims Settlement Act - payments received from a native corporation.

43 USC 1626 (b) (c)

4. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation Food Distribution Program.

5. Monies derived from certain sub-marginal land held in trust for certain Indian tribes. The tribes that may benefit are:

- Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin
- Blackfeet Tribe
- Cherokee Nation of Oklahoma
- Cheyenne River Sioux Tribe
- Crow Creek Sioux Tribe
- Lower Brule Sioux Tribe

- Devils Lake Sioux Tribe
- Fort Belknap Indian Community
- Assiniboine and Sioux Tribes
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians
- Keweenaw Bay Indian Community
- Minnesota Chippewa Tribe
- Navajo Tribe
- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Shoshone-Bannock Tribes
- Standing Rock Sioux Tribe

25 USC 459e

6. Spirit Lake Nation incentives and payments for grades issued to individuals attending college.
7. Tribal High School Graduate/GED Payments - Payments from a federally recognized tribe to tribal members who graduate from high school or receive a GED are considered non-recurring lump sum.

Determining Countable Income in Individual Indian Money (IIM) Accounts

Individual Indian Money (IIM) accounts are established for individual trust beneficiaries. These accounts can be created for a number of different reasons. The individual may:

- Be the original allottee of a parcel of land.
- Is an heir to the original allottee of a parcel of Indian trust land and have inherited the land through probate.
- Have received trust asset through a gift deed.
- Have received per capita trust payments from the tribe, a tribal settlement, or a judgment award.

Most IIM accounts receive income from the use or sale of a trust asset,

such as agricultural or grazing leases, coal production, timber harvesting, and oil and gas royalties. Funds can also come from a per capita payment, income earned on deposited funds, inheritance, VA, SSA or SSI. Some accounts receive proceeds from an estate account following a probate.

Federal law requires that up to \$2,000 per year of deposits derived from leases, trusts and restricted lands must be excluded.

At application, review or when adding a new household member, verification of the IIM account must be obtained for the most recent FULL 12 month period prior to the month of application.

IIM accounts can be verified in the following ways:

1. Client statement is acceptable when the account balance is less than \$2000 and the income is derived solely from leases, trusts and restricted lands.
2. When client statement is questionable, the balance is over \$2,000, or the account includes income from sources other than leases, trusts and restricted lands verification is required:
 - a) Request for verification of IIM account information using form SFN 413, Individual Indian Monies Account. This form will need to be notarized per requirements of the United States Department of the Interior, Office of the Special Trustee for American Indians, Office of Trust Funds Management. These releases are valid for one (1) year and must be renewed annually.
 - b) Individuals with IIM accounts receive statements from the Office of Trust Funds Management on a quarterly basis. A copy of this form may be requested from the recipient. However, the recipient will not receive the statement if the Office of Trust Funds Management does not have a current address.

- c) The individual may obtain a statement of their IIM account directly from the Office of Trust Funds Management through the Bureau of Indian Affairs (BIA) by requesting the information in person or by making a telephone request. In both cases, the individual will need to know their account number and provide at least two forms of identification.

Once verification is received the amount of countable income is calculated as follows:

1. Subtract any deposits that are not derived from leases, trusts or restricted lands. These sources of income would be considered separately based on policy.
2. The remaining deposits would be totaled for the twelve-month period.
3. Deduct the \$2000 disregard. (The result is the annualized countable income)
4. Use the annualized countable income.

New Source of Income

When a new source of income is identified during the most recent FULL 12 month period the amount of countable income is calculated as follows:

1. Subtract any deposits that are not derived from leases, trusts or restricted lands. These sources of income would be considered separately based on policy.
2. Subtract the new source income from each month the income was received.
3. The remaining deposits would be totaled for the twelve-month period.
4. Total the new source income and divide by the number of months it was received. Multiple by 12 to determine a new annual amount of the new source income.
5. Add the annual amount of the new source income to the total of the remaining deposits.
6. Deduct the \$2000 disregard. (Result is the annualized countable

- income)
7. Use annualized countable income.

25 USC 1408

14. 415-25-05-30 – Income Not Counted. All policy in Income Not Counted 415-25-05-30 is being replaced with the policy below and the section has been **renamed** **Income Exclusions**.

Changes to policy are as follows:

1. Gambling and Bingo Winnings that are non-recurring are not countable income. Recurring gambling and bingo winnings are countable income.
2. Loss settlements that are non-recurring are not countable income. Recurring loss settlements are countable income.

Income ~~Not Counted~~ Exclusions 415-25-05-30

The following types of income are excluded for all programs unless identified otherwise.

1. Non-recurring lump-sum unearned payments are those payments that cannot be reasonably anticipated to be received again. These payments include, but not limited to:
 - Retroactive Social Security payments (whether it is paid in a lump sum or installments)
 - Retroactive SSI (whether it is paid in a lump sum or installments)
 - Retroactive adjustment payments from SSA due to changes in the individual's earning record
 - Retroactive unemployment benefits
 - Retroactive TANF
 - Retroactive railroad retirement benefits
 - Retroactive Veteran's benefits
 - Retroactive Workforce Safety and Insurance
 - Inheritance
 - Gambling winnings

- Child support intercepted from Federal taxes
 - Insurance settlements
 - Mineral leasing bonuses and up-front payments
 - Contests
 - Employees retirement funds taken as a lump sum
 - Severance Pay
 - Income received from a trust - Submit SFN 1947 - Request for Trust Review, along with complete copies of all trust agreements to the Legal Advisory Unit of the Department of Human Services for review.
2. Military re-enlistment bonuses received as a non-recurring lump-sum payment.
3. Tribal Payments and Individual Indian Monies (IIM) Accounts (See [415-25-05-22](#) for excluded types).
4. Reimbursements to a household member or payments to third-party for past or future expenses, including but not limited to:
- Housing Assistance Program (HAP) and other subsidized housing authorities
 - Housing and Urban Development (HUD)
 - Utility reimbursements made by the Department of Housing and Urban Development (HUD), Rural Housing Service, and Tribal Utility Payments including Tribal LIHEAP.
 - General Assistance reimbursements - BIA or CSSB
 - Supportive Services and Special Items of Need paid by the TANF Program (TANF, TANF JOBS, Diversion, Kinship Care, Transition, Post-TANF and Crossroads)
 - Medical
 - Child Care
 - Employment and training
 - Family Subsidy payments.
 - Adoption Assistance Subsidies
 - Payments directed by a divorce decree to a third party

5. Child support or spousal support of a TANF recipient assigned to the Child Support Division.
6. Children's earned income (See [415-25-05-50](#)).
7. In-kind income that is paid or given in goods, commodities, credits, including in-store credits or services instead of money when the individual does not have the option to receive a wage or monetary payment.
8. Dividends and Interest derived from savings and checking accounts and investments.

EXCEPTION:

The interest portion of payments from investments, annuities, pensions, and other retirement plans will be considered countable income when withdrawn on a regular basis.

9. Money deposited into a checking or savings account when the client's name appears on a signature card, but does not have an ownership interest in the account.
10. Cooperative Distributions (patronage dividends).

EXCEPTION:

Any portion of cooperative distributions that is income from the sale of goods is countable income.

11. Withdrawals from medical savings, health reimbursements and flexible spending accounts.
12. Foster Care Payments, including continuing education and job-training through PATH Inc.
13. Subsidized Guardianship Payments.

14. Money received from a benefit or fund raiser and disbursed by a third party for a household expense.

EXCEPTION:

If the disbursement is given or made available to a household member the money is counted.

15. When a member of the household serves as a representative payee for Federal benefits (SSI, Social Security, Veterans Benefit) for an individual who is not a member of the household, the income is not considered available to the household.
16. All income, allowances, and bonuses received as a result of participation in the Job Corps Program.
17. Refunds of a deposit from rental units, apartments, storage units, utility companies, child care providers, etc.
18. Homestead Tax Credit refunds.
19. Property Tax relief.
20. Loans that require repayment. A loan must be verified with a written agreement between the parties executed at the time the loan was agreed upon.
21. When monies are received and used by a household for the care and maintenance of a non-household member, the portion of the payment that is identified as belonging to the non-household member is excluded.

If the non-household member's portion cannot be identified, the payment is divided equally among the individuals for whom the payment is intended and the exclusion is applied to either the portion or the amount actually used for the non-household member's care, whichever is less.

Examples:

1. The out-of-home allowance paid by TANF for children in boarding school or under the Voluntary Placement Program.
 2. TANF grant amount for students away at school (the student is not counted as a member of the household either).
 3. A parent is receiving court ordered child support of \$350 per month for two children (prorated to \$175 per child). The parent reports that one of the children went to live with the grandparents. The parent sends \$175 of the monthly child support check to the grandparents for the care of the child. Only \$175 would be counted as unearned income to the parent and remaining child. The \$175 sent to the grandparents is not counted as income to the parent.
If the parent does not send any of the \$350 monthly child support to the grandparents, the \$350 is counted as unearned income for the parent and remaining child.
If the parent sends \$200, only the prorated \$175 would be excluded.
22. Census Income.
23. Trade Adjustment Assistance (TAA) - The following payments made to individuals under the Trade Adjustment Assistance (TAA) Extension Act of 2011:
- **Training Readjustment Allowances** - A wage subsidy available in the form of weekly cash payments to workers who are enrolled in a full-time training course;
 - **Job Search Allowance** – A cash allowance provided to workers who cannot find an available job within the commuting area, which is used to cover transportation costs, etc.

- Relocation Assistance – A cash allowance provided to workers who have to accept a job outside of their commuting area and relocate.
 - Health Coverage Tax Credit – A tax credit offered to TAA participants to help pay for the health insurance premiums of the worker and their family.
24. Earned or unearned income set aside for the fulfillment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act (SSI).
25. Monetary gifts received by household members for special occasions such as birthdays, graduation, holidays, etc.
26. Infrequent or irregular income, both earned and unearned, that cannot be reasonably anticipated.
27. Gift Cards and Gift Certificates.
28. National School Lunch Act provides assistance to individual through the following programs:
- School Lunch Program
Summer Food Service Program for Children
Commodity Distribution Program
Child and Adult Care Food Program (reimbursements to child adult care providers such as Heartland)
- (42 USC 1760 (e))
29. Child Nutrition Act provides assistance to children through the following programs:
- Special Milk Program
School Breakfast Program
Special Supplemental Food Program for Women, Infants, and Children (WIC)

(42 USC 1780 (b))

30. Uniform Relocation Assistance and Real Property Acquisition Policy Act establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms.

(42 USC 4636)

31. All payments to volunteers under the National and Community Service Act which includes payments from the following programs:

- Americorps (Americorps State and National
- Americorps VISTA
- Americorps NCCC (National Civilian Community Corps))
- Retired Senior Volunteer Program (RSVP)
- Foster Grandparents Program
- Senior Companion Program

42 USC 5044 (f)

42 USC 5058

32. Disaster Relief Act - Federal major disaster and emergency assistance and comparable disaster assistance provided by States, local governments, and disaster assistance organizations.

This includes payments such as Federal Emergency Management Assistance (FEMA) payments, Emergency Unemployment Benefits, Red Cross and Salvation Army.

(42 USC 5155 (d))

33. Allowances, earnings, or payments received under WIOA or Youthbuild.

EXCEPTION:

Earnings of individuals over 19, or children 19 or under who are not attending school or are not dependent are counted as earned income.

34. Low-Income Home Energy Assistance Act - LIHEAP payments paid directly or indirectly on behalf of the LIHEAP household.

42 USC 8624 (f)

35. Supplemental Nutrition Assistance Program (SNAP) – Benefits received from SNAP are excluded.

7 USC 2017 (b)

36. Child Care and Development Block Grant Act - Child Care Assistance Program payments paid directly or indirectly on behalf of the Child Care Assistance Unit.

Payments received by providers are counted as self-employment income.

(42 USC 9858q)

37. Federal funded Student Financial Assistance - All educational loans, grants, scholarships and stipends that **do not require work participation** and wages earned under a work study program. State and local funded Student Financial Assistance is also excluded by State Policy.

EXCEPTION:

Educational-related income from internships, or stipends, teaching assistantships, or fellowships which require work participation to receive the income is counted as earned income.

Title IV aid includes:

- Pell or BEOG grants.
- Supplemental Education Opportunity Grants (SEOG).

- Stafford Loan (formerly Guaranteed Student Loan).
- PLUS/DEAL loans.
- Perkins Loans (formerly NDSL).
- Federal work study income.
- Bureau of Indian Affairs Grant Program.
- High School Equivalency Program (HEP).
- College Assistance Migrant Program (CAMP).
- Upward Bound (Trio Grants).
- National Early Intervention Scholarship and Partnership Program.
- Stipends funded until Title IV.
- Indian Vocational Education Program (IVEP).

Aid that is federally funded but not under Title IV includes:

- Workforce Investment Opportunity Act (WIOA).
- Veteran's benefits or other benefits through the United States Armed Services.
- Reserve Education Assistance Program (REAP).
- Recruitment/Retention of American Indians Into Nursing (RAIN).
- Education funds received through the John H. Chafee Foster Care Independence Program.

Aid that is not federally funded includes:

- SELF loan program.
- State work study income.
- Division of Rehabilitation Services.

20 USC 1087uu

38. Reduction in basic pay for veteran's educational assistance - Any amount by which the basic pay of an active duty or selected reserve member is reduced for educational assistance.

The funds are a pre-tax deduction from the service member's gross pay and are identified as a Montgomery GI Bill (MGIB) deduction.

38 USC 3011 (b)(3) and 38 USC 3012 (c)(3)

39. The Older Americans Act provides assistance to individuals through the following programs:

- Experience Works (Green Thumb)
- National Council on Aging
- National Council of Senior Citizens
- American Association of Retired Persons
- U. S. Forest Service
- National Association for Spanish Speaking Elderly
- National Urban League
- National Council on Black Aging

40. Payments to certain United States citizens of Japanese ancestry, resident Japanese aliens, and eligible Aleuts made under the Restitution for World War II Internment of Japanese-Americans and Aleuts.

50 USC appendix 1989b-4(f-2)

50 USC appendix 1989c-5(d-2)

41. Radiation Exposure Compensation Act.

42 USC 2210 (h) (2)

42. State or Federal tax refunds and Earned Income Tax Credits (EITC).

26 USC 6409

43. Crime Act - compensation paid through a crime victim's compensation program.

(42 USC 10602 (c))

44. Individual Development Accounts - funds (including interest accruing) in an individual development account.

(42 USC 604 (h) (4) & 42 USC 604nt Section 415)

45. Vietnam Veterans - the following payment made to the children of Vietnam veterans:
- Children of Vietnam Veterans Born with Spina Bifida
 - Children of Women Vietnam Veterans Born with Certain Birth Defects
 - Children of Certain Korea Service Veterans Born with Spina Bifida

(38 USC 1833 (c))

46. P.L. 108-447 - Combat Pay.

Additional monies received by a household as the result of the deployment of a service member to a designated combat zone.

To determine the amount of service member's income that will be disregarded, compare the amount received before deployment and the amount received after the deployment. The difference between the two amounts is the amount that will be disregarded.

Combat Zone Tax Exclusion Areas - Executive Order 12744 (effective January 17, 1991)

Arabian Sea Portion that lies north of 10 degrees North Latitude and West of 68 degrees East Longitude

- Bahrain
- Gulf of Aden
- Gulf of Oman
- Iraq
- Kuwait
- Persian Gulf
- Qatar
- Oman
- Red Sea

- [Saudi Arabia](#)
- [United Arab Emirates](#)
[Direct Support of EO 12744](#)
- [Turkey effective January 1, 2003 - December 31, 2005](#)
- [Israel effective January 1 - July 31, 2003](#)
- [Eastern Med effective March 19 - July 31, 2003](#)
- [Jordan effective March 19, 2003](#)
- [Egypt effective March 19 - April 20, 2003](#)
[Executive Order 13239 \(effective September 19, 2001\)](#)
- [Afghanistan](#)
[Direct Support of EO 13239](#)
- [Pakistan effective September 19, 2001](#)
- [Tajikistan effective September 19, 2001](#)
- [Jordan effective September 19, 2001](#)
- [Incirlik AFB effective September 21, 2001 - December 31, 2005](#)
- [Kyrgyzstan effective October 1, 2001](#)
- [Uzbekistan effective October 1, 2001](#)
- [Philippines \(only troops w/orders that reference OEF\) effective January 9, 2002](#)
- [Yemen effective April 10, 2002](#)
- [Djibouti effective July 1, 2002](#)
- [Somalia effective January 1, 2004](#)

[Executive Order 13119 \(effective March 24, 1999\)](#)

[Public Law 105-21 Establishing Kosovo as Qualified Hazardous Duty Area \(March 24, 1999\)](#)

- [The Federal Republic of Yugoslavia \(Serbia/Montenegro\)](#)
- [Albania](#)
- [The Adriatic Sea](#)
- [The Ionian Seas north of the 39th parallel](#)

[Public Law 104-117 Establishing a Qualified Hazardous Duty Area \(November 1995\)](#)

- [Bosnia](#)
- [Herzegovina](#)
- [Croatia](#)

- [Macedonia](#)

15. 415-25-05-50 – Children’s Income. Section has been **renamed** Children’s Earned Income.
16. 415-25-05-60 – Family Home Care, Family Home Subsidy and/or Foster Care or Sub-Adopt Payments. **Change** in policy change to consider adoption subsidies that are **reimbursements** for child care while the responsible adult is working or seeking employment or for medical expenses as excluded income.

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

1. Family Home Care Payments

Family Home Care is one of several services available under "Home and Community Based Services."

Family home care payments are paid to a parent, adult child, siblings, grandparent, or spouse who is providing in-home care to a family member who would otherwise require institutional care.

For LIHEAP purposes, the disabled member WILL be counted as a member of the household and any social security, pension, etc., income received by the disabled person or on his/her behalf SHALL be counted in the total household income.

His/her bedroom WILL be counted in computing benefits.

The Family Home Care Payment WILL be counted as earned household income; but if the care is provided by a source outside of the household, the cost of that care may be deducted from the household income as a medical expense.

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.

3. Family Home Subsidy Program

The Family Home Subsidy is provided to caretakers of developmentally disabled persons under the age of 22. This program is handled through the Department of Human Services, Developmental Disability Unit.

The payments are almost entirely a reimbursement for actual expenses paid on behalf of the disabled person. These reimbursements will NOT be counted as income for the household.

The child for whom subsidy is being paid WILL be counted as a member of the household and his/her income WILL be counted in the total household income.

4. Subsidized Adoption Payments

Subsidized adoption payments WILL be counted in the household's income. The adopted child is a member of the household and any social security, etc. payments received by the child WILL be counted in the household's income.

Exception:

Adoption subsidies that are reimbursements for child care while the responsible adult is working or seeking employment or for medical expenses are excluded as income.

5. Adult Foster Care Payments

Payments to the providers of adult foster care will NOT be counted as income.

The foster person is NOT a member of the household for eligibility purposes, and his/her income and/or assets are NOT counted.

The bedroom used by the foster person is NOT counted in computing benefits.

Benefit Computation 415-30

17. 415-30-10 - Household Poverty Level Percentages Table. **Updated** income eligibility limits for FY2017.

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 - 9,217	9,218 - 18,433	18,434 - 27,650	2,304
2	0 - 12,053	12,054 - 24,105	24,106 - 36,158	3,013
3	0 - 14,888	14,889 - 29,777	29,778 - 44,665	3,722
4	0 - 17,724	17,725 - 35,449	35,450 - 53,173	4,431
5	0 - 20,560	20,561 - 41,120	41,121 - 61,681	5,140
6	0 - 23,396	23,397 - 46,792	46,793 - 70,188	5,849
7	0 - 23,928	23,929 - 47,856	47,857 - 71,784	5,982
8	0 - 24,460	24,461 - 48,919	48,920 - 73,379	6,115
9	0 - 24,991	24,992 - 49,983	49,984 - 74,974	6,248
10	0 - 25,523	25,524 - 51,046	51,047 - 76,569	6,381
11	0 - 26,055	26,056 - 52,110	52,111 - 78,164	6,514
12	0 - 26,586	26,587 - 53,173	53,174 - 79,760	6,647

18. 415-30-10-01 - Monthly and Annual Eligibility Limits (Adjusted Gross Income). **Updated** eligibility limits for FY2017.

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

NUMBER OF PERSONS	MONTHLY ELIGIBILITY LIMIT	ANNUAL ELIGIBILITY LIMIT
1	\$2,304	\$27,650
2	\$3,013	\$36,158
3	\$3,722	\$44,665
4	\$4,431	\$53,173
5	\$5,140	\$61,681
6	\$5,849	\$70,188
7	\$5,982	\$71,784
8	\$6,115	\$73,379
9	\$6,248	\$74,974
10	\$6,381	\$76,569
11	\$6,514	\$78,164
12	\$6,647	\$79,760

Fraud and Recovery Procedures 415-55

19. 415-55-10-10 – Overpayments Due to Administrative and/or Client Error .**Change** in policy regarding maximum time limits for overpayments.

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

1. 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. Hardship exceptions should be requested as described in 415-55-15

For administrative errors and inadvertent household errors, the worker must establish a claim for any over-issuance for a maximum of current heating season and prior heating season from the date of discovery.

Example:

In May 2016 (FY2016 Heating Season) an administrative error is discovered. The eligibility worker can examine the client's LIHEAP case for FY2015 and FY2016 heating seasons.

The FY2015 claim payment would have to be paid back by the end of FY2016 (September, 2016)

The FY2016 claim payment would have to be paid back by the end of FY2017 (September, 2017)

*If the payment was not paid back by the guidelines above, the client would continue to make payments until the overpayment is paid in full.

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.

Cooling Assistance Program 415-60

20. 415-60 – Cooling Assistance Program. **Change** in policy to remove documented medical need requirement if there is an elderly person in the household.

Cooling Assistance Program 415-60

The North Dakota State LIHEAP does not routinely include a cooling program. However, the State reserves the option to implement a temporary cooling program in the event of unusual cooling needs due to weather aberrations, contingent upon available funding.

A LIHEAP-eligible household may qualify for a cooling device (an air conditioner or a fan, as the need dictates), if a member of the household has a documented medical need. Documentation of a household member's medical need for a cooling device **will not be required** if there is an elderly person (age 60 or over) in the household. Documentation of medical need **will continue to be required** when there are no elderly persons in the household.

The household need not be responsible for paying heating costs so tenants in subsidized housing may qualify.

Clients who did not apply for LIHEAP services during the heating season may apply for a cooling device. The county worker processes a LIHEAP Heating Assistance application to determine income and asset eligibility. If there is not a LIHEAP case open, it may be because the client lives in subsidized housing, the case was denied for lack of vulnerability or the household never applied during the regular heating season.

If a complete application is received on or before May 31, the household may be eligible for other benefits as well. If the application is taken after May 31, the household will not be eligible for other benefits.

Current clients who have received heating assistance during the heating season are referred to Community Action Agencies by providing a copy of their approval letter.

Those who have not been on heating assistance but are income and asset eligible will have a free form letter sent to the Community Action Agency. The free-form letter, sent by the County Social Service Board, will state that they are income and asset eligible and are, therefore, eligible for a cooling device but are not eligible for heating assistance benefits.

The LIHEAP application form has a release of information to permit sharing of information between the Community Action Agencies and LIHEAP. Community Action Agencies are responsible for obtaining verification of medical need.

If a household comes in before May 31 and they were eligible for Heating Assistance, code the case as status 01. For those who were on Heating Assistance during the year you only need to send a copy of the approval letter from the current heating season to show their eligibility.

When a household applies after May 31 and they have not been on LIHEAP during the regular season because they had been denied during the year, live in subsidized housing or never applied in the heating season, you code the case as status 13 in the system. Only the first page of the application screen on the system needs to be completed to determine eligibility for cooling device.