

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 the following IM due to exclusion of asset test for LIHEAP eligibility:

- IM 5294(Achieving a Better Life Experience (ABLE) Accounts)

Par. 2. **Effective Date** – October 1, 2017

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

Beginning with the FY2018 heating season, the asset test for LIHEAP eligibility will be eliminated. All sections pertaining specifically to assets have been repealed.

All references to assets throughout the manual have also been removed. The sections affected are not included as part of this manual letter cover.

LIHEAP General Provisions 415-05

1. 415-05-05 – Definitions. **Changed** definition name from Poverty Level to Federal Poverty Level. **Clarified** definition of household.

Definitions 415-05-05

Federal Poverty Level

This term refers to the poverty guidelines that are issued each year in the Federal Register by the Department of Health and Human Services (HHS) as applicable to the State of North Dakota.

Eligible Household/Economic Unit

This term means any individual or group of individuals, regardless of relationship, who are living together (in a housing unit) as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

Application & Verification Procedures 415-15

2. 415-15-10-15 - Assets - Verification. This section has been **repealed**.

Benefits Available & Eligible Households 415-20

3. 415-20-10 – Eligible Households. **Changed** section name to move definition reference into body of the section.

Eligible Household ~~(See Household Definition 05-05)~~ 415-20-10

Generally, eligible households (See 415-05-05, Definitions) will fall into two groups, those who pay a fuel vendor directly and those whose cost of heating is included as an undesignated portion of their rent payments. The basic eligibility for both groups is determined similarly; that is, the household must meet ~~both the income and assets~~ limitations of the program. (Tenants of subsidized housing in which heat is included in the rent are not eligible.) See 415-20-10-30)

4. 415-20-10-50 – Aliens Barred from LIHEAP Participation. **Revised** definition of qualified alien to align with PRWORA definition.

Aliens Barred from LIHEAP Participation 415-20-10-50

Some aliens are barred from participation in the LIHEAP program.

Section 401 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORS), commonly known as the welfare reform law, prohibits non-qualified aliens from receiving federal public benefits.

Qualified aliens, regardless of when they entered the United States, are eligible to receive LIHEAP benefits provided that all other program requirements are met.

When a non-qualified alien is a member of a LIHEAP household, their income ~~and assets~~ WILL be counted when determining LIHEAP eligibility. However, the non-qualified alien will NOT be counted as a member of the household.

NOTE: Verification of the entry status for non-citizens may be accessed via the Systematic Alien Verification for Entitlements (SAVE).

A "qualified alien" is defined as an alien who, at the time an alien applies for, receives, or attempts to receive LIHEAP, is:

1. An alien who is lawfully admitted for permanent residence (LPR) under the Immigration and Nationality Act (INA),
- ~~2. An alien who is lawfully admitted for residence as verified by an INS document indicating that the individual has approval to reside in the U.S. (does not have to be permanent authorization),~~
32. A refugee who is admitted to the United States under section 207 of such Act,
43. An alien who is granted asylum under section 208 of such Act,

- ~~54.~~ An alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year,
- ~~65.~~ An alien whose deportation is being withheld under section 243(h) of such Act as in effect prior to April 1, 1997 or section 241(b)(3) of such Act,
- ~~76.~~ An alien who is granted conditional entry under section 203(a)(7) of such Act as in effect prior to April 1, 1980,
- ~~87.~~ An alien who is a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980),
- ~~98.~~ An alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States and otherwise satisfies the requirements of 8 U.S.C. 1641(c),
- ~~109.~~ An Iraqi and Afghani aliens who have been granted special immigrant status under section 101(a)(27) of INA,
- ~~1110.~~ A Native American born in Canada who possesses at least 50% of blood of the American Indian race, or
- ~~1211.~~ Victims of trafficking
- ~~1312.~~ Canadian Indians who provide a blood quantum letter which contains information from the individual's Band, Tribe, and Nation and states that the individual's blood quantum is at least 50% aboriginal blood.

The document may use the following verbiage:

....at least 50% Aboriginal blood

....at least 50% Indigenous blood

....at least 50% North American Indian blood

....at least 50% American Indian blood

See policy at 415-20-10-15 regarding eligibility of Native American households living on reservations.

5. 415-20-10-55-05 - Foreign Higher Education Students. This section has been **repealed**. Policy regarding qualified aliens will determine eligibility of foreign higher education students.
6. 415-20-10-55-10 - Foreign High School Exchange Students. This section has been **repealed**. Policy regarding qualified aliens will determine eligibility of foreign high school exchange students.

Eligibility Determination 415-25

7. 415-25 - Eligibility Determination. Asset test is eliminated as a requirement for LIHEAP eligibility. **This is a change in policy.**

Eligibility Determination 415-25

~~Eligibility for Low Income Home Energy Assistance Program (LIHEAP) is based upon two criteria: 1) income eligibility, and 2) assets eligibility.~~

Applicant households must meet ~~the~~ income eligibility criteria ~~of both components in order~~ to receive benefits under LIHEAP.

Heating Assistance benefits will be paid ONLY for bills incurred during the months in which eligibility exists.

Eligibility for applications received prior to the first month of the heating season will be based on income received in October, the first month of the heating season.

8. 415-25-05-05-05 – Medical Expenses. **Clarified** policy regarding exclusion of meals as an allowable expense for households who travel to obtain medical care.

Medical Expenses 415-25-05-05

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.

EXCEPTION: Meals are not an allowable expense for households who must travel to obtain medical care.

9. 415-25-05-10 - Income Eligibility Levels. **Updated** income eligibility limits for FY2018.

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 ~~FY2017~~ FY2018 are as follows:

<u>Household Size</u>	<u>Annual Eligibility Limit</u>	<u>Monthly Eligibility Limit*</u>
1	\$28,313	\$2,359
2	\$37,025	\$3,085
3	\$45,737	\$3,811
4	\$54,449	\$4,537
5	\$63,161	\$5,263
6	\$71,873	\$5,989
7	\$73,506	\$6,126
8	\$75,140	\$6,262
9	\$76,773	\$6,398
10	\$78,407	\$6,534
11	\$80,040	\$6,670
12	\$81,674	\$6,806

10. 415-25-05-20-20 – Unearned Income. **Clarified** policy regarding #7, Tribal Payment and Individual Indian Monies (IIM) Accounts

Unearned Income 415-25-05-20-20

7. Tribal Payments and Individual Indian Monies (IIM) Accounts (See [415-25-05-22](#)). This section includes the policy regarding the treatment of this income.
11. 415-25-05-21 – Child Support and Spousal Support – Court-Ordered and Voluntary. **Clarified** policy regarding the fee deducted from child support received by the Disbursement Unit.

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.

The service fee deducted from the custodial parent's child support by the Child Support Division is not countable income.

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.

12. 415-25-05-30 – Income Exclusions. **Clarified** policy regarding #3, Tribal Payment and Individual Indian Monies (IIM) Accounts and #33 earnings of children 19 and under.

Income Exclusions 415-25-05-30

3. Tribal Payments and Individual Indian Monies (IIM) Accounts (See [415-25-05-22](#) for excluded types. [This section includes the policy regarding the treatment of this income](#)).
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 under parental control](#) are counted as earned income.

13. 415-25-10 - Asset Eligibility. This section has been **repealed**.
14. 415-25-10-05 - Assets - Real Property. This section has been **repealed**.
15. 415-25-10-05-05 - Real Property NOT Counted. This section has been **repealed**.
16. 415-25-10-10 - Assets - Personal Property. This section has been **repealed**.
17. 415-25-10-10-05 - Assets - "Liquid". This section has been **repealed**.
18. 415-25-10-10-10 - Assets - "Non-Liquid". This section has been **repealed**.

19. 415-25-10-12 - Equity Determination. This section has been **repealed**.
20. 415-25-10-15 - Joint Accounts. This section has been **repealed**.
21. 415-25-10-20 - Contracts for Payment. This section has been **repealed**.
22. 415-25-10-25 - Conversion of Assets. This section has been **repealed**.
23. 415-25-10-30 - Insurance Settlements on Loss of Property. This section has been **repealed**.
24. 415-25-10-35 - Disqualifying Transfer of Assets. This section has been **repealed**.
25. 415-25-10-40-05 - When Trusts are Submitted to DHS for Review. This section has been **repealed**.
26. 415-25-10-40-10 - When Trust Funds May be Considered as Available. This section has been **repealed**.
27. 415-25-10-40-15 - Amounts of Trust Benefits Determined to be Available Assets. This section has been **repealed**.
28. 415-25-10-40-20 - Consideration of Particular Trust Circumstances. This section has been **repealed**.
29. 415-25-10-40-25 - Consideration as Household Income. This section has been **repealed**.
30. 415-25-10-45 - Family-Controlled Corporate Shares. This section has been **repealed**.

Benefit Computation 415-30

31. 415-30-10 - Household Poverty Level Percentages Table. **Updated** income eligibility limits for FY2018.

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 – 9,438	9,439 – 18,876	18,877 – 28,313	2,359
2	0 – 12,342	12,343 – 24,684	24,685 – 37,025	3,085
3	0 – 15,246	15,247 – 30,491	30,492 – 45,737	3,811
4	0 – 18,150	18,151 – 36,299	36,300 – 54,449	4,537
5	0 – 21,054	21,055 – 42,107	42,108 – 63,161	5,263
6	0 – 23,958	23,959 – 47,915	47,916 – 71,873	5,989

7	0 – 24,502	24,503 – 49,004	49,005 – 73,506	6,126
8	0 – 25,047	25,048 – 50,093	50,094 – 75,140	6,262
9	0 – 25,591	25,592 – 51,182	51,183 – 76,773	6,398
10	0 – 26,136	26,137 – 52,271	52,272 – 78,407	6,534
11	0 – 26,680	26,681 – 53,360	53,361 – 80,040	6,670
12	0 – 27,225	27,226 – 54,449	54,450 – 81,674	6,806

32. 415-30-10-01 - Monthly and Annual Eligibility Limits (Adjusted Gross Income). **Updated** eligibility limits for FY2018.

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

NUMBER OF PERSONS	MONTHLY ELIGIBILITY LIMIT	ANNUAL ELIGIBILITY LIMIT
1	2,359	\$28,313
2	3,085	\$37,025
3	3,811	\$45,737
4	4,537	\$54,449
5	5,263	\$63,161
6	5,989	\$71,873
7	6,126	\$73,506
8	6,262	\$75,140
9	6,398	\$76,773
10	6,534	\$78,407
11	6,670	\$80,040
12	6,806	\$81,674

33. 415-30-15-10 – Cost of Heating – Counting Bedrooms. **Clarified** policy in paragraph 2 for counting bedrooms when all bedrooms in living unit are in the basement.

Cost of Heating – Counting Bedrooms 415-30-15-10

The household will be allowed to count the number of rooms on the main and upper floors which were designed to be used as bedrooms. Bedrooms in a basement cannot be counted unless the entire living unit is contained within a basement, and or the only bedrooms in the unit are in a basement. A household is not allowed to count as a bedroom any room which was structurally intended for another purpose. For example, if a member of the family sleeps in the living room, this could not be counted as a bedroom.

Payment Procedures 415-35

34. 415-35-10 - Automated Vendor Billing/Payment - Procedures for Designated Primary Vendors. **Clarified** policy in paragraph 8 regarding information sent to new vendor.

Automated Vendor Billing/Payment - Procedures for Designated Primary Vendors 415-35-10

The State Office will automatically send ~~to~~ the vendor a computer printout entitled "Request for Payment" along with a copy of the LIHEAP Heating Vendors Billing Procedures Manual. This printout will have the names of all the vendor's LIHEAP-approved customers currently on file up to the date the "Request for Payment" is printed. It will repeat the benefit level and authorization period for each approved customer and will also be used by the vendor to bill LIHEAP for heating energy supplied to the customer.

Changes 415-40

35. 415-40-05 – Household Reporting Requirements. **Excluded** asset changes as a mandatory reporting requirement. **This is a change in policy.**

Household Reporting Requirements 415-40-05

Households are required to report and verify changes on a **timely** basis. Changes are considered "timely" when they are reported and verified within 10 days from the date the change occurs. The following changes are mandatory changes to report:

1. Loss/addition of a household member. (Income ~~and Assets~~ of the new household member will need to be reported and verified.)
2. Household moves to different home.
3. Change in the type of heat.
4. Change in rent subsidy status.
5. ~~Change in assets.~~

The household will be informed of the change reporting requirements in the approval notice. They may contact the eligibility worker by telephone, letter, or other type of communication to report the changes.

When mandatory changes are reported, ~~assets AND~~ income should be reviewed. A change in income may result in an adjustment to the LIHEAP share percentage.

NOTE: Although benefit levels will not be adjusted under the Heating Assistance Program if the client reports only an income change, a significant decrease in income may result in an Emergency Assistance application. (See 50-05.)

To prevent a reported change from being overlooked, the household should be instructed to attach a note requesting that the information reported for any of the other programs be shared with the LIHEAP eligibility worker. **All changes must have the required verifications attached.**

Emergency Home Energy Assistance 415-50

36. 415-50 – Emergency Home Energy Assistance. **Clarified** policy regarding personal resources considerations when determining eligibility for emergency services.

Emergency Home Energy Assistance 415-50

Emergency Home Energy Assistance is a distinct, separate program from Heating Assistance.

Requests for emergency assistance may be received and processed by the county social service offices from October 1 through September 30 of each fiscal year.

Emergency Home Energy Assistance is defined as assistance to low income households necessitated 1) by weather related or supply shortage emergencies, or 2) because the household is unable to secure home energy for financial or other reasons.

Home energy is a source for heating or cooling a residential dwelling.

Usually Emergency Home Energy Assistance is considered a last resource that will only be used after the household's available personal resources (liquid assets) are nearly depleted, and other community resources are not available, and household net income will be consumed by basic shelter, utilities, employment, food, medical and other essential costs. A negotiated combination of the household

resources, community resources and LIHEAP may be necessary to resolve some crises. Community resources are considered not available when the applicant has been denied or otherwise known to be ineligible for assistance from any appropriate community agency or organization. ~~The household's personal resources are considered depleted when all household credit, counted liquid assets (except each household member over age 60 may retain \$5000 in counted assets), and the household net income will be consumed by basic shelter, utilities, employment, food, medical and other essential costs.~~

Although these funds are limited to the purchase of home energy goods and supplies, they can be used in combination with other services to resolve a household crisis. Frequently considerable family financial counseling or community planning and negotiating is necessary in order to arrive at an appropriate use of the emergency assistance funds. Relatively few restrictions are placed on the use of these funds in order to permit the county social service board representative to develop appropriate individual household plans. Emergency Assistance is not an entitlement program. Eligibility and the amount of benefits provided are designed to resolve or prevent a home energy crisis.

37. 415-50-05-15 – Furnace Replacement. **Added** directive regarding approval for furnace replacement due to unusual circumstances.

Furnace Replacement 415-50-05-15

Note: LIHEAP will not pay to install a furnace as part of new construction or where the client has knowingly purchased a home that does not have a heating system unless the need for a replacement furnace is associated with a state or federally declared disaster. State office approval must be obtained for furnace replacement due to unusual circumstances.

38. 415-50-10-10 – Eligibility Guidelines. **Clarified** policy regarding availability of assets as a personal resource when determining eligibility for emergency services. Liquid assets may be considered as

an available personal resource if immediately available to the household.

Eligibility Guidelines 415-50-10-10

2. Assets: ~~All-counted Immediately available~~ liquid assets of the household, ~~as described in 415-25-10-10-05, are may be~~ considered as an available personal resource, ~~and must be considered. (Except each household member over age 60 may retain \$5000 in counted assets.)~~
4. Available Credit: Credit or loans that may be available to an applicant household is also considered a resource. For example.
 - The dealer's credit policy for all of their customers may include the applicant household.
 - Bank loans may be available depending on the household's credit rating or equity of ~~uncounted or counted~~ assets that can be used as collateral.
5. Basic Living Expenses: Although not required, eligibility for emergency assistance is usually established if the assistance available from community sources combined with the household's income, available personal resources assets, and credit, is equal to or less than total monthly basic living expenses.

Forms Appendix 415-65

39. 415-65-55 – SFN 98, Case Management Inter-Agency Referral Form. **Added** new section to reference an existing form.

SFN 98, Case Management Inter-Agency Referral Form 415-65-55

This form is available through the Department of Human Services and may also be obtained electronically via [E-forms](#).

40. 415-65-60 – SFN 339, Monthly Case Management Billing Report.
Added new section to reference an existing form.

**SFN 339, Monthly Case Management Billing and Reporting Form
415-65-60**

This form is available through the Department of Human Services and may also be obtained electronically via [E-forms](#)