

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
August 28, 2014**

2nd Amendment IM 5203

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Carol Cartledge, Director, Economic Assistance Policy

SUBJECT: **Standard Utility Allowance (HLSU)**

PROGRAMS: **Supplemental Nutrition Assistance Program (SNAP)**

EFFECTIVE: May 1, 2014

RETENTION: Until Manualized

**SECTIONS
AFFECTED:** **430-05-55-40 Shelter Costs**

**This IM is being amended to include further clarification.
Amendments are included in red below.**

2nd amendments are included in blue below. If the 2nd amendment results in a change in benefits, the change must be made at the next review.

On February 7, 2014, the Supplemental Nutrition Assistance Program (SNAP) was reauthorized as part of the Agricultural Act of 2014. Regulations reflecting revisions to SNAP policy associated with the Standard Utility Allowance deduction based on receipt of LIHEAP are as follows.

Effective with all new applications and reviews received on or after May 1, 2014, **households who do not incur heating and/or cooling costs** will no longer be allowed the standard utility allowance (HLSU) based on indicating on the application or review that they intend to apply for LIHEAP. The question on page 4 of SFN 405 which states, "Do household members plan to apply for heating assistance (LIHEAP)?" has been removed. It has also been removed from the SFN 407.

In addition, **households who do not incur heating and/or cooling costs** must have received a LIHEAP renter/heat paid benefit of greater than \$20 in the current or prior 12 months. At application and review receipt of LIHEAP renter/heat paid benefits of greater than \$20 must be verified.

After issuance of IM5203, further directive was received from Food and Nutrition Services (FNS) to include situations when a household was receiving LIHEAP and moves to a new residence. Households remain entitled to the HLSU at the new residence, even if they are no longer eligible for continued LIHEAP benefits as long as they have received LIHEAP benefits of greater than \$20 in the current or prior 12 months. Entitlement to the HLSU is not contingent upon receipt of LIHEAP at the household's current address.

Additional guidance was received from FNS on 8/25/2014 indicating entitlement to the HLSU based on receipt of LIHEAP payments of greater than \$20 in the current or prior 12 months **follows the LIHEAP head of household**. Other members of the LIHEAP household are not entitled to the HLSU in their own SNAP case based on receiving LIHEAP payments of greater than \$20 in the current or prior 12 months.

Policy at 430-05-55-40 section (a) Standard Utility Allowance (HLSU) is revised as follows:

a. Standard Utility Allowance (HLSU):

The following households are entitled to the Standard Utility Allowance (HLSU on the EXSA screen) of \$590 which includes all utility expenses:

- Households responsible for heating/cooling costs. Receipt of LIHEAP and Tribal LIHEAP based on incurring heating costs verifies entitlement to the HLSU.

~~or in receipt of LIHEAP including Tribal LIHEAP or renter/heat paid benefits are entitled to the full Standard Utility Allowance (HLSU on the EXSA screen) of \$590.00 which includes all utility expenses.~~

- Households who are no longer incurring heating/cooling costs but have received LIHEAP benefits greater than \$20 in the current or prior 12 months, remain eligible for the standard deduction. Receipt of LIHEAP benefits of greater than \$20 must be verified and documented.

- Households who are no longer incurring heating/cooling costs, which include the head of household of a LIHEAP case, and have received LIHEAP benefits greater than \$20 in the current or prior 12 months, remain eligible for the standard deduction. Receipt of LIHEAP benefits of greater than \$20 must be verified and documented. Other members of the LIHEAP household are not entitled to the HLSU in their own SNAP case based on receiving LIHEAP payments of greater than \$20 in the current or prior 12 months.
- Households that include the head of household of the LIHEAP case who have received LIHEAP renter/heat paid benefits greater than \$20 in the current or prior 12 months. Receipt of LIHEAP renter/heat paid benefits of greater than \$20 must be verified and documented. Other members of the LIHEAP household are not entitled to the HLSU in their own SNAP case based on receiving LIHEAP payments of greater than \$20 in the current or prior 12 months.

NOTE: Receipt of LIHEAP is considered known information to the county. Workers are required to monitor when a household that includes the head of household of the LIHEAP case receives renter/heat paid benefits greater than \$20 in the current or prior twelve months that would entitle the household to the HLSU.

Examples:

- 1. Household applies for SNAP on May 1. Worker verifies a member of the SNAP household has been receiving LIHEAP renter/heat paid benefits as the LIHEAP head of household of \$35 per month since October 1. The household is entitled to the HLSU.**
- 2. Mom, Dad and two kids apply for SNAP and LIHEAP with Dad as the head of household on May 1. The household is only eligible for one LIHEAP renter/heat paid benefit of \$11 which is paid on May 20. The worker approves the SNAP application May 27. The household is not entitled to the HLSU because they have not received at least \$20 in renter/heat paid benefits.**
- 3. Mom, Dad and two kids apply for SNAP and LIHEAP**

with Mom as the head of household on May 1. Worker determines the household is eligible for renter/heat paid benefits from October 1st through May 31. LIHEAP benefits of \$280 are paid to the household on May 20th.

The SNAP application is approved for May and June on May 15th and the household is certified for six months. The household is not entitled to the HLSU for May or June. Once the LIHEAP payment has been paid, the household is entitled to the HLSU, and SNAP benefits must be increased for June. (Processing a SNAP application should not be delayed pending receipt of a LIHEAP payment).

- 4. Household moves from a residence where they were incurring heating costs and were receiving LIHEAP benefits. They move to an apartment where heat is now included in their rent and they are on housing, therefore not eligible for LIHEAP. If the LIHEAP head of household remains in SNAP case, the household continues to be eligible for the HLSU because they have received LIHEAP payments greater than \$20 in the past twelve months.**
- 5. Household receiving SNAP and LIHEAP renter/heat paid benefits with girlfriend as the primary individual for SNAP and boyfriend as head of household for LIHEAP. Household is entitled to the HLSU based on receiving LIHEAP payments greater than \$20 in the past twelve months. During the review period, girlfriend reports boyfriend moved out. Since the LIHEAP head of household was removed from the SNAP case, the household is no longer entitled to the HLSU based on receipt of LIHEAP greater than \$20. However, since removing the HLSU does not meet criteria to decrease benefits, the change must not be acted on until review.**

If boyfriend applies for SNAP, he is entitled to the HLSU based on receiving LIHEAP benefits of greater than \$20 in the past twelve months as the LIHEAP head of household.

~~Households planning to apply or those who have applied for LIHEAP are entitled to the HLSU.~~

Exception:

~~If the worker knows the household is not eligible for LIHEAP, the HLSU cannot be allowed. This must be documented in the case file.~~

~~If a household received LIHEAP benefits in the last heating season and its circumstances have not changed, the worker can anticipate that LIHEAP benefits will be received in the next heating season and the HLSU must be allowed.~~

~~If a household received LIHEAP benefits in the last heating season, moves to a new residence where they have no heating/cooling costs, and are not eligible for a renter/heat paid benefit, the household loses entitlement to the HLSU.~~

~~If a household did not receive LIHEAP last year (either did not apply or was not eligible), and the worker can anticipate eligibility for LIHEAP for the upcoming season, the household is entitled to the HLSU.~~

~~When the cost of heat is included in the rent and the household is entitled to LIHEAP renter/heat paid benefits, the household is entitled to the HLSU.~~

Any households that have central utility meters and are charged only for excess heating or cooling costs are entitled to the HLSU year round.

Households that are charged only for excess heating or cooling costs are entitled to the HLSU year round.