

Service Chapter: Low Income Home Energy Assistance 415

Effective Date: October 1, 2023

NOTE: The Department's name change and updates of county references to zone references will be done outside of this manual letter for any sections not included in this manual letter.

Description of Changes

1. Authority Reference 415-05-01 – Clarification

Updated federal regulations reference.

2. Definitions 415-05-05 - Change

Added definition of Statewide Estimated Cost of Heating (ECH) Table and clarified living unit categories; Clarified definition of Housing Unit (Living Unit). Remove legacy definition of LIHEAP Share Effective Date.

3. Right to Non-Discrimination 415-05-30 – Clarification

Aligned verbiage with Legal Unit's updates to LIHEAP forms and policy.

4. Records Retention Policy 415-05-60-10 - Change

Updated policy to align with SPACES file maintenance and retention.

5. Energy Conservation Emphasis 415-10-10-05 - Change

Section name changed. Updated references to weatherization program.

6. Weatherization Referrals 415-10-10-05-05 - Change

Section name changed. Updated references to weatherization program.

7. Weatherization Referral Process 415-10-10-10 - Change

Section name changed.

8. S.T.E.P.S. Program 415-10-15-05-10 - Repealed

Section is repealed. Information is obsolete and has no policy value.

9. Deadlines for Processing 415-15-05-15 - Clarification

Changed reference to notice from Reference to Request for Information Notice was changed to reference the Request for Verification Notice.

10. Reapplication Procedures 415-15-05-30 – Clarification

Clarified policy to align with processing in system.

11. Denied Cases (Reapplication) 415-15-05-30-05 – Repealed

Section is repealed and information from this section has been added to Reapplication Procedures 415-15-05-30.

12. Transferred Cases (Reapplication) 415-15-05-30-10 – Repealed

Section is repealed since transferred cases when a household are treated as a case.

13. Income – Verification 415-15-10-05 - Clarification

Removed reference to Legacy system begin used for TANF income verification.

14. Deductions – Verification 415-15-10-05-20 – Clarification

Added an exception to address questionable deductions, regardless of the amount.

15. Verification of Other Eligibility Factors 415-15-10-20 - Clarification

Added clarification regarding verification of 50-50 custody arrangements between parents who are both applying for LIHEAP.

16. Benefits for Heating Assistance 415-20-05-05 - Change

Added the monthly charge for wireless monitor as an allowable heating-related cost.
Changed formatting of section

17. Native Americans on Reservations 415-20-10-15 – Clarification

Section name changed. Clarified policy regarding Native American households.

18. Rent-Free Housing Which Includes Fuel 415-20-10-35 – Clarification

Add documentation requirement when Rent-Free Housing (including fuel) is considered a gift.

19. Income Eligibility 415-25-05 - Clarification

Removed reference to prior repealed section.

20. Medical Expenses 415-25-05-05-05 - Clarification

Clarified policy regarding averaging expense to align with what SPACES does.

21. Income Eligibility Limits 415-25-05-10 – Change

Updated Income Eligibility Limits for FY2024.

22. Family Home Subsidy, Foster Care, and Subsidized Adoption Payments 415-25-05-60 – Clarification

Removed reference to legal guardian who receive person who receives foster care payments.

23. Benefit Minimum/Maximum 415-30-05 - Clarification

Updated verbiage to align with SPACES processing.

24. Household Poverty Level Percentage Table 415-30-10 – Change

Updated Income Eligibility Limits for FY2024.

25. Monthly and Annual Eligibility Limits (Adjusted Gross Income) 415-30-10-05 – Change

Updated Income Eligibility Limits for FY2024.

26. Household Annual Heat Share 415-30-10-05 – Clarification

Removed reference to Legacy System record.

27. Household's Estimated Cost of Heating Computation 415-30-15 - Clarification

Section name changed. Updated verbiage to align with SPACES processing.

28. Cost of Heating – Secondary Heat Source 415-30-15-05 – Clarification

Updated verbiage to align with SPACES processing.

29. Household Reporting Requirements 415-40-05 – Clarification

Added clarification that both income and deductions are reviewed when mandatory changes are reported.

30. Pending Reapplications 415-45-01-01 – Repealed

Section repealed to align with SPACES processing.

31. Electric Utilities 415-50-05-25 - Clarification

Added clarification regarding emergency needs for electricity when electricity is NOT the household's primary heating source.

32. Emergency Assistance Eligibility Guidelines 415-50-10-10 – Clarification

Section name changed. Added clarification regarding child/spousal support and medical expenses guidelines. Added example for employment costs.

33. Cooling Assistance Program 415-60 – Change

Added policy regarding option to issue direct payments for cooling costs.

Policy Section Updates

1. Authority Reference 415-05-01

1. Title XXVI of the Omnibus Budget Reconciliation Act of 1981 Public Law 97-35, as amended. This title may be cited as the "Low Income Home Energy Assistance Act of 1981"
2. Section 50-06-05.1 (North Dakota Century Code)

2. Definitions 415-05-05

Authorization Dates

These are the dates between which you want the client to receive services from a vendor.

Example: Jane applies in the middle of December and is eligible back to October 1. She paid the October and November bills, but not for December. You would reimburse her for the October and November bills and start the authorization period from December 1. (See also 415-30-20)

Disabled

This term includes all individuals who have a physical or mental impairment which substantially limits one or more major life activities, have a record of such impairment, or are regarded as having such an impairment.

Elderly

This term includes all individuals who are 60 years of age or over. (This definition applies to all references in this manual to individuals who are "over 60.")

Emergency Home Energy Assistance (Energy Crisis Intervention and Prevention)

This term means home energy assistance to low income households necessitated by:

- a. Weather related supply shortage, and/or other household energy related emergencies;
- b. The household's inability or potential inability to secure home energy for financial or other reason;

- c. Age and/or health factors that require the use of extra home energy;
- d. The maintenance and safety of the home energy system; or
- e. A combination of the above factors.

Energy Burden

This term means the expenditures of the household for home energy divided by the income of the household.

Energy Crisis

Weather-related and supply shortage emergencies and other household energy-related emergencies.

Examples include (but are not limited to):

- Heat-related shut off or disconnection notice
- Near-empty fuel tank and refusal to deliver
- Non-heat electric shut off or disconnection notice

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.

Garnishment

A garnishment is a means of collecting a monetary judgment against a defendant by ordering a third party (the garnishee) to pay money, otherwise owed to the defendant, directly to the plaintiff. Wage garnishment, the most common type of garnishment, is the process of deducting money from an employee's monetary compensation (including salary) as a result of a court order.

Examples of garnishments that can be used by LIHEAP are:

Child support Taxes
Unpaid court fines

Home Energy

This term means a source of heating or cooling in a residential dwelling. This includes any type of heating fuel, the mechanical system necessary

to produce heat from fuel, and/or all the residential electrical energy if a portion is necessary to operate heating or cooling systems.

Household

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.

Housing Unit (Living Unit)

This term refers to one or more rooms occupied as a separate living quarter in a residential dwelling that is designed to be used as a permanent residence.

There are three types of housing/living units:

a. Single detached home

This term means a single building that includes only one home or complete living unit. **Mobile homes are included under this definition.**

b. Duplex or Condominium

This term means a single building that contains **two (2)** complete living units.

NOTE: A condominium with **three (3) or more** complete living units is included in All other living units type (c) below.

c. All other living units (apartment building – condominiums - row houses - townhouses - high rise)

This term means all other building types that are not described in 'a' or 'b' above and have **three (3) or more** complete living units.

This category includes condominiums with **three (3) or more** complete living units.

Housing or living units that are not obviously within any of the above types will be assigned to the most appropriate category by the State Program Administrator or designee based on the number of wall and other surfaces exposed to the outside weather and temperature.

The following are **NOT** considered housing units (living units):

- a. Housing units owned or operated by educational and/or other institutions which perform an educational or other service for the residents are excluded if the heating costs are obligated, guaranteed, or in any way the responsibility, directly or indirectly, of the institution, or are integrated in any way with the educational or other service costs.
- b. Dormitories, residential treatment or rehabilitation centers, teaching/training centers, transitional living centers, hospitals, nursing homes, retirement or rest homes, homeless shelters, hospice care facilities, communes, or other forms of congregate living arrangements.
- c. Temporary transient living units in hotels, motels, or other commercial dwellings.
- d. Non-traditional dwellings or structures not affixed to a permanent physical address, such as campers, recreational vehicles (RVs), railroad cars, vans, cars, buses, tents, garages/shops, or fishing houses.

Hypothermia

Hypothermia, a reduction of the body's "core" temperature caused by prolonged exposure to cold temperatures, is potentially a serious danger to the elderly or persons with certain medical problems. These people should be encouraged to maintain room temperatures of at least 70E F.

The following groups of people are more vulnerable to hypothermia:

- infants under age 1
- elderly persons, especially those over age 75
- persons taking drugs which reduce the body's ability to regulate its temperature normally, especially the phenothiazines used for treatment of anxiety, depression, nervousness, nausea
- persons with hormone dysfunctions such as hypothyroidism which cause a slow metabolism

- persons with head injuries, strokes, or any condition causing paralysis
- persons with immobilizing illness such as severe arthritis or Parkinson's disease
- persons with conditions impairing normal constriction of blood vessels such as a blood clot or hardening of the arteries

In-Kind Income

In-kind income occurs when something of value is received in lieu of a cash payment for goods or services.

Intake Function

Intake is defined as the beginning formal contact(s) with a potential applicant to provide program information and explanation and to provide the application form with instruction for completion and submission.

Life-threatening Energy Crisis

Energy-related crisis that poses a serious threat to the health or safety of one or more members of the household.

Examples include (but are not limited to):

- No heat or heat distribution and weather conditions or inside air temperature are not at a safe level and the household does not have an alternative or temporary heat source.
- Gas leaks

~~LIHEAP Share Effective Date~~

~~The LIHEAP Share effective date signals the computer when to start paying out the LIHEAP Share percentage.~~

Outreach Function

The outreach function takes advantage of opportunities to publicize the LIHEAP through a variety of publicity methods, including but not limited to the public media, meetings and presentations, flyers and brochures, to assure all households are aware of the program and the application process.

Prudent Person Judgment

Reasonable judgment made by a worker based on experience and knowledge of the program and surrounding community. Documentation must support that judgment.

Services

This term means all non-administrative activities designed to benefit the applicant, including, but not limited to:

- a. Negotiating, facilitating, or otherwise assisting the household and the supplier to develop and follow reasonable payment plans.
- b. Providing energy conservation referrals, education, and information.
- c. Emergency Assistance crisis evaluation and planning, preventive services and follow-up.
- d. Referrals and/or advocacy.
- e. Social and economic counseling such as credit or budget counseling, self-reliant/self sufficiency counseling, case management services, etc.

Cost/Consumption Tables Statewide Estimated Cost of Heating (ECH) Table

Cost/Consumption reference table in the eligibility system that lists estimated costs of heating various types of housing/living units based on their size (number of bedrooms) and primary heat source.

The reference table is used by the eligibility system to determine benefits for eligible households by automatically applying an annual "estimate" of heating costs based on the household's primary heat source and the housing/living unit type and size.

~~These tables are used to determine benefits for eligible households.~~

Cost/consumption tables are based on actual cost and consumption data reported for LIHEAP recipients in the LIHEAP data system. Billing data reported directly from fuel suppliers, either electronically or on paper billing statements, is used to determine the cost of heating a dwelling/residence for the entire heating season. Billing data (i.e., total amount billed to client) is determined by several factors, including fuel consumption, cost of fuel, temperature/heating degree day data, the heating values of various fuels, and a furnace efficiency factor for various fuels. Billing data therefore accounts for these factors in a single number/value.

Data to establish a cost/consumption table for steam heat, kerosene, wood, and coal was not available and therefore the actual expenses incurred by the eligible household will be negotiated, or the rate for MDU natural gas will be used.

Homes Housing or living units that are not obviously within any of the following definitions will be assigned to the most appropriate category by the State Program Administrator or designee based on the number of wall and other surfaces exposed to the outside weather and temperature:

Housing/Living Unit types:

a. Single detached home

This term means a single building that includes only one home or complete living unit. **Mobile homes are included under this definition.**

b. Duplex or Condominium

This term means a single building that contains **two (2)** complete living units.

NOTE: A condominium with three (3) or more complete living units is included in all other living units type (c) below.

c. All other living units (apartment building – condominiums - row houses - townhouses - high rise)

This term means all other building types not described in 'a' or 'b' above **and have three (3) or more complete living units.**

This category includes condominiums with three (3) or more complete living units.

Young Child

This term includes all children under six years of age.

3. Right to Non-Discrimination 415-05-30

~~It is the intent of the Department of Human Services that the Low Income Home Energy Assistance Program be administered without discrimination by reason of race, color, sex, age, national origin, religion, or disability. For additional policy, refer to Service Chapter 300-01, Non-Discrimination to Clients, located on the County Intranet in the 'Legal' folder.~~

In accordance with Federal law, the U.S. Department of Health and Human Service (US HHS) policy, and North Dakota state law, LIHEAP is prohibited from discriminating on the basis of race, color, sex, including gender identity and sexual orientation, age, disability, national origin, religion, or status with respect to marriage or public assistance.

Each applicant or beneficiary of services or assistance shall be informed of the non-discrimination policies of the Department of Human Services programs along with instructions on how to obtain additional information. Information regarding non-discrimination policies of the Department of Human Services programs will be included on the LIHEAP application.

4. Records Retention Policy 415-05-06-10

The LIHEAP terminates at the end of each Federal Fiscal Year or September 30 of each calendar year. Casefiles may be closed throughout the year for various reasons, and all remaining open casefiles are considered closed on September 30. A new casefile is established at the beginning of each federal fiscal year.

The North Dakota Century Code was amended by the 1993 Legislature to provide for a record retention period consistent with Federal retention requirements. Case files, including all documents pertinent to determining eligibility and benefit amount, shall be retained for three (3) years after a case is closed. Subsequent re-openings of cases does not alter the allowable destruction of materials for the prior period of eligibility once the three years has lapsed. The closed case files may, at county option, be destroyed. Verification materials required for a current open case must be retained.

LIHEAP case files are maintained by the county social service boards and contain the necessary information to determine a client's eligibility to receive a specified service or benefit. The casefiles include all forms and documents that have a client signature or are used to apply for assistance, to establish eligibility, to compute or re-compute benefits, or to otherwise authorize or limit assistance. Casefiles also include any form,

document, notes, narrative, letters, etc., that are used to verify information and/or used to support payments.

The LIHEAP eligibility system statewide electronic file includes household identifying data and pertinent characteristics, payment actions, and history of changes that have occurred throughout the federal fiscal year. ~~The electronic file is active for a maximum of three years. The data is then converted to microfiche that is stored indefinitely. County case files include documents that will verify the electronic household and payment actions. Other documents that support the electronic file, such as vendor billing forms, rejection notices, county vouchers, the remittance advice, payment adjustment forms, refunds and recoveries, etc., are also retained for three years after the close of each federal fiscal year. All supporting case documentation as well as vendor payment request forms and participation agreements are maintained in the electronic case file.~~

Retention of non-record information is not required. Examples of non-record material are exhibits, library and reference material, extra copies, drafts, transcribed tapes, and an excess supply of forms, brochures, etc.

5. Energy Conservation Emphasis 415-10-10-05

All heating assistance applicants will automatically be referred for energy and weatherization conservation services ~~(Item 7 on SFN 529).~~

Discussion with applicants who live in poor quality housing, that have high- energy usage, or who are demonstrating a pattern of reliance on Energy Assistance should focus on the benefits of conservation services.

1. Energy conservation will stretch LIHEAP dollars.
2. The amount of money required for heating from the applicant's own pocket is reduced.
3. The conservation and weatherization services will continue to reduce energy costs, so even if the applicant is not eligible for LIHEAP, the out-of-pocket costs will be lower.
4. Their home will be more comfortable with fewer drafts and cold spots.

The long range advantage of taking the extra time to

encourage participation in conservation services now is that program expenditures will be reduced, allowing more people to be served and reducing the chances that benefit levels will have to be decreased in the future.

6. Conservation Weatherization Referrals 415-10-10-05-05

~~Comprehensive Energy Conservation~~ Weatherization Program

The ~~Comprehensive Energy Conservation~~ Weatherization Program is a comprehensive energy conservation program that 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~~ Weatherization Program or, if the applicant prefers, arranged to be provided by a qualified private business of the applicant's choice. Such services may include:
 - a. Chimney (up to \$150/heating season) and/or furnace cleaning and tuning (up to \$250/heating season or up to \$275/heating season for fuel oil furnace);
 - b. Minor furnace repair or replacement of inefficient and/or inoperable heating systems**;
 - c. Minor home repair, insulation, and/or the complete range of Department of Energy (DOE)/LIHEAP Weatherization Assistance.**

****Note** that if the services in b) and c) are needed, the

~~Comprehensive Energy Conservation~~ Weatherization 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~~ Weatherization 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.

7. ~~Conservation~~ Weatherization Referral Process 415-10-10-10

The LIHEAP application offers all eligible applicants ~~conservation~~ weatherization services.

The LIHEAP application, if signed by the client, automatically refers eligible applicants to the ~~conservation~~ weatherization services provided by the Community Action Agencies.

The county should discuss the potential benefits of ~~conservation~~ weatherization activities to be sure the applicant understands the value of a referral. The county should explain the availability of cost reduction services through LIHEAP such as furnace/chimney cleaning (see 415-20-05-10-05) and installation of demand control devices, etc. for electrically heated homes (see 415-20-05-10-10).

8. S.T.E.P.S. Program 415-10-15-05-10

~~Steps to Excellence for Personal Success (S.T.E.P.S.) is a multi-media group program tailored to assist people who have never been employed or for individuals who are no longer employed. It is designed to help people move from unemployment to employment and from dependence to independence. People accomplish this transition through the application of effective thinking skills. S.T.E.P.S. teaches people to think differently about themselves, the job market, and what they can and cannot do. It presents down-to-earth concepts relating to goal-setting, self-esteem, communication, affirmations, and motivation.~~

1. FORMAT

~~The training session incorporates video tapes, an application guide manual, program handouts, group discussion and interaction, and individual reflection time. Each group meets for 2 to 22 days, or approximately 14 hours of classroom training.~~

~~The variation in the number of days allows the facilitator to take into consideration travel distance, cost, and problems with full day participation due to child care needs, other family responsibilities, or to avoid overwhelming participant's who may not be used to a full day of classroom activity.~~

2. CURRICULUM

~~There are 13 units. With each video (unit), the facilitator presents an overview of the objectives of the unit, and following the taped presentation by Lou Tice (founder of Pacific Institute), provides time for group discussion and interaction. Individual and group exercises are included.~~

~~Each participant is provided with a kit which includes a program application guide manual with a 13 week home study follow up program, and four audio follow up tapes.~~

~~The 13 units include:~~

~~1A Breaking Barriers~~

~~1B The Wizard~~

~~2—Conditioning~~

- ~~3—Your Self-Image~~
- ~~4—How Your Self-Image is Built~~
- ~~5—Building Self-Esteem~~
- ~~6—Comfort Zones~~
- ~~7A Motivating Yourself~~
- ~~7B Self-Esteem and Performance~~
- ~~8—Creating Positive Motivation~~
- ~~9—Shaping Your Future~~
- ~~10 Making It Work~~
- ~~11 Staying on Track~~

9. Deadlines for Processing 415-15-05-15

The date of application (Application Received Date in SPACES) is the date the human service zone receives a signed Application for Assistance provided the application was submitted during normal North Dakota Department of Human Services business hours. When an application is submitted after normal business hours, on a weekend, or on a North Dakota Department of Human Service holiday, the application is considered received the next business day. The human service zone must document the date an application is filed by recording the date it was received on the application. The processing timeframe begins the day following the date of application.

NOTE: If the application is signed but not dated, the date stamp (date received in county) will be considered as the date the application was signed.

Applications from fixed-income households that arrive before October 1 will be considered to have been received on October 1. **Although the application received date is prior to October 1, the worker will have 45 days from October 1 to process the application.**

NOTE: The first calendar day following receipt of the signed application is Day 1 of the 45 day processing timeframe.

Additional time may be allowed due to an extenuating circumstance. An extenuating circumstance may be

determined by the eligibility worker, but reason for the extenuating circumstance must be documented in the case file.

If the application is incomplete, every attempt must be made by the county social service board to help the household obtain the necessary information to ensure prompt processing.

Upon receipt of a signed application, a pending case should be established in the LIHEAP system. Missing data may be added as it comes in.

Within 15 days of receipt of an incomplete application, the county social service office must send a "Request for Information Verification" notice to the applicant requesting any additional information needed to process the application. The Request for Information Verification notice should:

1. Clearly identify missing information or verifications, and
2. The deadline date for receipt of the requested information or verifications should be 10 days from the mailing date.

Applications, including verifications, that are not completed within 30 days* of the date the application is received in the county office may be denied and the household invited to submit a new signed and dated application with verifications. (See 415-10-05-10 #1 for county office outreach responsibilities). However, if the applicant provides the necessary information and verifications before the county office has finished processing the denial and the 45-day processing time limit will not be exceeded, the applicant should not be required to complete a new application even though his 30-day deadline has passed. Once the case has been established in the system as a denial, a new application is mandatory.

Summary of Processing Deadlines:

Application Date: The date a signed application is received in the county office (even if it is not complete) is the Application Date.

The 'pending' case is added to the LIHEAP system.

Day #1: **Day 1 of the processing timeframe is the next calendar day following the Application Date.**

By Day #15: Notice of missing data or verifications and deadline has been provided to the applicant.

By Day #30: The applicant must have returned all data and verifications. If not, and the county office has provided appropriate assistance to the applicant in completing the application, the application may be denied.

By Day #45: Action has been taken on the case to approve or deny and the 'Notice of Eligibility' has been generated in the system.

NOTE: If used, SFN 530 (Eligibility and Benefit Worksheet) or the LIHEAP Budget Excel Worksheet from the Eligibility Tech website must be signed and dated by the worker where it says "Signature of CSSB Representative." An electronic or text box signature is acceptable.

10. Reapplication Procedures 415-15-05-30

Only one application per heating season will be required for each household, UNLESS the case was originally denied, or closed, ~~or~~ withdrawn. A new application is required if a case has been denied or

~~closed.~~ If a new application is required, the application will be processed in the system. The revised information will be noted in the case narrative or on SFN 530, "Eligibility and Benefit Worksheet," if used to recompute the benefit level.

If a household which had originally been denied wishes to reapply, a new application is required.

11. Denied Cases (Reapplication) 415-15-05-30-05

~~If a household which had originally been denied wishes to reapply, a new application is required. *~~

~~*Note: The new application cannot be recorded as "pending" on the computer record. Any changes to the computer record resulting from the new application will be recorded at the time action is taken on the new application. If the household was authorized for case management services, refer to 415-10-15-15.~~

12. Transferred Cases (Reapplication) 415-15-05-30-10

~~If a household moves to another county, a copy of the original application and other verifications may be forwarded to the new county. However, a new application shall be taken as well. * The benefit level will be recomputed on SFN 530, "Eligibility and Benefit Worksheet."~~

~~*Note: The new application cannot be recorded as "pending" on the computer record. Any changes to the computer record resulting from the new application will be recorded at the time action is taken on the new application. If the household was authorized for case management services, refer to 415-10-15-15.~~

13. Income – Verifications 415-15-10-05

While eligibility for LIHEAP is determined in large measure on information supplied by the applicant under penalty of perjury, income eligibility must be supported by conclusive, documenting evidence.

All sources and types of income that exceed \$500 per year must be verified at the time of application by written documentation. This may be accomplished by the use of wage stubs, signed statement from an employer, Internal Revenue Service (IRS) forms, automatic bank deposit

slips for social security, award letters for SSI or other types of benefits, interfaces, etc.

Acceptable interfaces for each program are addressed in the Administrative Procedures Manual. Refer to section 448-01-50 of the Administrative Procedures Manual.

Interface searches are to be conducted according to current agreements with the interface sources.

If the application is taken during the early days of the month before the current wage stub is available, the previous month's wage stubs, etc. may be used to establish the amount of monthly income. If the applicant has income from a new source in the month of application, consider the amount of this monthly income. Establish the annual amount of income by using the current wage stubs received and the pay frequency. If no pay checks have been received at the time of application, a written verification from the employer should be provided by the applicant.

Income received during any month used to compute eligibility and/or benefits prior to the month of application must be similarly verified.

Wherever possible, the case file should contain copies of the written verification provided by the applicant. However, where this is not feasible, such as when an application is taken by home call or in alternate sites where a copy machine is not accessible, it is sufficient for the eligibility technician to make a case note of the type of written verification that was seen.

Where the applicant is a current recipient of another public assistance program, it is sufficient to make a cross reference in the case file to the appropriate public assistance record containing the documentation of income, so long as the other record is current and has been reviewed for completeness of information used to establish LIHEAP eligibility. ~~If the TEC3 screens are used to verify TANF income, the worker needs to be sure the amounts used reflect the net TANF grant actually received without the extra allowances for special needs, child care reimbursements, incentive allowances, etc.~~

Since LIHEAP eligibility will normally be determined only once during the duration of the heating season, it is not necessary to report or verify income changes.

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

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

- | | |
|--|--|
| 1. Medical | Cancelled checks, receipts, vendor account statements. |
| 2. Health and Hospitalization Insurance Premiums | Cancelled checks, receipts, vendor account statements. |
| 3. Child Support | ND✓erify, when available (See 448-01-50, Interfaces) |
| 4. Education | Bills, statements, receipts, from the educational institution (See 415-25-05-05 Item 7) |
| 5. Garnishment | Copy of the court order/Verification of IRS levies, etc. (See 415-05-05 Definition of Garnishment) |
| 6. Employment | Statement from employer, work schedule from employer, receipts from motels or work-site landlord (See 415-25-05-05 Item 7) |
| 7. Child Care | Cancelled checks, receipts from providers, etc. in combination with evidence of the amount reimbursed from an outside source such as TANF. |

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

If deductions in a category exceed \$1,000/year and verification is NOT received, the deduction will NOT be allowed.

EXCEPTION: If a deduction is questionable, regardless of the amount, and verification is NOT received, the deduction will NOT be allowed.

15. Verification of Other Eligibility Factors 415-15-10-20

Verification of the applicant's statement of resources, or any other factor of eligibility and benefit determination, may be required whenever it is questionable in the judgment of the county social service board representative. If the required verification is refused, the application may be denied. In addition to the household income, eligibility and/or benefit determination factors include, but are not limited to identity, location and size of home, type of fuel, various dates, household composition, vulnerability, etc.

~~If there is a court order or legal agreement form that indicates that both parents have 50% custody of their children, each parent can count the children in their household.~~

The following are illustrations of circumstances in which the eligibility worker would find it "prudent" to make further inquiry into the applicant's eligibility status:

1. The applicant's situation indicates potential resources not reported by the applicant, such as sick leave benefits, eligibility for OASDI, veterans benefits, or unemployment compensation;
2. The applicant's condition indicates that some, if not all, of the eligibility factors need further inquiry or verification. This would include instances in which the applicant:
 1. Appears to be mentally confused.
 2. Is physically ill or disabled and unable to participate adequately in the eligibility determination process.
 3. Has a known history of misrepresentation.
 4. Is a transient or someone who changes his address frequently or who has no permanent place of abode.

50-50 Custody Arrangement Verification

If there is a court order, legal agreement, or a notarized agreement between both parents that indicates that both parents have 50% custody of their children, each parent can count the children in their separate household when applying for LIHEAP.

A copy of the court order or agreement must be saved in the case file for each heating season, as verification. If the document is dated a year ago or more, verify and document on the copy that the court order, legal agreement, or notarized agreement is still accurate.

16. Benefits for Heating Assistance 415-20-05-05

Allowable heating-related costs which may be billed directly to LIHEAP include: all types of energy sources (oil, propane, natural gas, electricity, wood, kerosene, coal) used to provide heat to the eligible household's living unit only; and incidental costs, if normally billed to the household, including connection and re-connection charges, delivery charges, or propane tank rental and wireless monitor charges.

Tank Rentals

- **Tank rentals** must be billed during the regular heating season (October 1 - May 31)
- Use fuel type "08-Tank Rental" to bill for these charges.
- Assistance with tank rental charges after May 31 must be handled through emergency assistance.
- LIHEAP will **not** pay for tank rental charges associated with secondary heat sources.
- LIHEAP does **not** purchase tanks or pay installment payments for tanks which are on a purchase contract.

Wireless Monitors

- **Wireless Monitor charges** must be billed during the regular heating season (October 1 – May 31)
- Use fuel type "08-Tank Rental" to bill for these charges.
- Assistance with wireless monitor charges after May 31 must be handled through emergency assistance.
- LIHEAP will **not** pay for wireless monitor charges associated with secondary heat sources.

Set-up or Hook-up Charges

- The **set-up or hook-up** of a new tank must take place during the regular heating season (October 1 - May 31)
- Use fuel type "16-Setup/Hook-up Costs" to bill for these charges.
- Assistance with setups or hook-ups after May 31 must be handled through emergency assistance.
- LIHEAP will **not** pay for set-up/hook-up charges associated with secondary heat sources.

LIHEAP does ~~not~~ purchase tanks or pay installment payments for tanks which are on a purchase contract.

LIHEAP will ~~not~~ pay for tank rental and hook-up charges associated with secondary heat sources.

Incidental Charges

Incidentals, such as same day delivery charges or leak check costs can be added to the cost of the delivery.

Regulators

- **Regulators** are the client's property, therefore the replacement charges for obsolete or non-functioning regulators, along with the miscellaneous costs needed for the hook-up of the regulator may be billed to LIHEAP.
- Use fuel type "16-Setup/Hook-up Costs" to bill for these charges.
- These charges can be billed to LIHEAP **anytime during the year**.

NOTE: If regulators are replaced outside of the regular heating season the worker will need to enter the payment as a miscellaneous payment.

Low Income Home Energy Assistance Program payments to vendors can be made ONLY for actual cost of allowable fuel and services that are incurred by the customer during their period of eligibility.

Allowable heating-related costs are paid at the client's established LIHEAP Share percentage.

17. Native Americans on Reservations 415-20-10-15

Four (4) ~~Indian Tribal~~^{al} organizations in North Dakota will administer LIHEAP (tribal LIHEAP) for ~~Indian~~ **Native American** households residing within the Reservation Boundaries. They are:

Standing Rock **Sioux Tribe**
Turtle Mountain **Band of Chippewa Tribe**
~~Fort Totten~~ **Spirit Lake Sioux Tribe** and
Fort Berthold Three Affiliated Tribes.

Tribal LIHEAP is **not** part of the state's LIHEAP program.

Non-Indian Native American households residing within the boundaries of the reservations will be served by the appropriate county social service board. Mixed households residing within these reservations that include both Indian Native American and non-Indian Native American adults may elect to be served by either the tribal organization or the county social service board, although the Indian Native American or non-Indian Native American designation of the head of the household is the normal determining factor.

The county social service boards involved must establish continuous lines of communications and coordination with the tribal organizations to resolve problems and avoid duplicate payments.

The county social service boards state LIHEAP program will serve both Indian Native American and non-Indian Native American households residing within the boundaries of the Lake Traverse reservation.

18. Rent-Free Housing Which Includes Fuel 415-20-10-35

Households that receive rent-free housing including fuel as a required condition of part of an employment agreement, or as a gift, or through legal action (separation/divorce), are NOT vulnerable to the rising cost of heat and are therefore not eligible for heating assistance from LIHEAP.

Households that receive rent-free housing including fuel as a gift require documentation relating to terms of said gift.

19. Income Eligibility 415-25-05

Income is the first test of eligibility of LIHEAP. Adjusted gross income from all sources not expressly excluded in 415-25-05-30 are to be used in calculating the household's income.

The income from ALL persons living in the household must be included in the determination of household income with one exception: minor children still in school (See 415-25-05-50).

College students residing with their parents only on weekends and holidays will not be counted as members of their parent's household. (See 415-25-05-55.) Foster persons (415-25-05-60), and persons who make a room payment to the household (415-25-05-45), and higher education foreign students (415-20-10-55-05), are not counted as members of the household.]

20. Medical Expenses 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.

If an incurred expense may be reimbursed by an insurance policy, it cannot be deducted as a medical expense until the insurance company has paid their portion 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.

Allowable Medical Expenses

The following is a list of allowable medical expenses:

- Medical and dental care provided by a licensed practitioner, including but not limited to:
 - o psychotherapy
 - o rehabilitation
 - o surgery
 - o orthodontics
- Hospitalization or outpatient treatment, nursing care, and nursing home care. This includes 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.
- Prescription drugs and other over-the-counter medication (including insulin) prescribed by a qualified health professional. Additionally, costs of medical supplies, sickroom equipment (including rental) or other prescribed equipment are deductible.

EXCEPTION

Medical marijuana is not federally recognized as legal and as such is not considered an allowable medical deduction.

- Health and hospitalization insurance premiums (including dental, vision and nursing home insurance) used to cover medical expenses

are allowable. This includes Workers with Disability (WWD) and Children with Disability (CWD) premiums and enrollment fees. The cost of health, accident, cancer, nursing home and ambulance policies which state that the monies will be used to cover medical expenses are an allowable medical expense.

EXCEPTION:

Disability, cancer, nursing home, or accident policies that are primarily for income maintenance or do not specify what the monies are intended to be used for are NOT allowable.

When health insurance premiums are an automatic deduction from a checking or savings account, the service fee charged by the bank is not an allowable deduction.

- The incurred client share from Health Care Coverage Programs (Medicaid).

Medical expenses from the three prior months may not be indicative of combination Medicaid cases when the full recipient liability is not being met. The worker must thoroughly discuss this with the household to establish what the household anticipates as ongoing medical expenses.

- Medicare premiums, deductibles, and co-pays.

Part A and B Medicare premiums for an individual who is QMB/SLMB, QI-1 or Buy-In eligible are not allowable medical expenses.

The actual out-of-pocket Part D Medicare premium is an allowable medical expense.

- Medical needs including but not limited to:
 - o Dentures
 - o Hearing aids
 - o Prosthetics
 - o Prescription eyewear
- Securing and maintaining a service animal, including the cost of food and veterinarian bills.
- Reasonable cost of transportation and lodging to obtain medical treatment or services including trips to a pharmacy, dental office, optometrist, etc. The current Medicaid rates are used to determine the cost of transportation and lodging.

EXCEPTION:

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

- Maintaining an attendant, homemaker, home health aide, child care services or housekeeper necessary due to age, disability or illness.
- Child care expenses for a child receiving SSI which are necessary and identifiable.

Example:

Mom is not working and stays home to care for her disabled child receiving SSI. Mom takes the child to a child care facility while she runs errands, medical appointments, etc. The child care expense incurred is an allowable medical expense deduction.

- Monthly phone fees for the medic alert system. The basic fee for the phone is allowed as a medical expense.
- Payments on loans for one-time medical expenses or medical expenses billed on a credit card are deductible, but the interest must not be allowed as part of the deduction.

Calculating Medical Expenses

Allowable medical expenses are annualized as follows:

Non-fluctuating recurring medical expenses are annualized by using the total in month of application multiplied by 12.

Fluctuating recurring medical expenses are averaged from a prior three-month period if that is indicative of what the household anticipates to have as ongoing medical expenses. Multiply the average monthly amount by 12 to arrive at an annual expense.

If a recurring medical expense does not have a three-month history (ex: new prescription) but the worker can establish what the household anticipates as a monthly ongoing expense, the expense can be annualized (x12).

For **non-recurring medical expenses**, only the actual amounts paid between the previous June 1 and the following May 31 are allowed as an expense.

21. Income Eligibility Limits 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 ~~FY2023~~ FY2024 are as follows:

<u>Household Size</u>	<u>Annual Eligibility Limit</u>	<u>Monthly Eligibility Limit*</u>
1	<u>\$35,724</u>	<u>\$2,977</u>
2	<u>\$46,716</u>	<u>\$3,893</u>
3	<u>\$57,708</u>	<u>\$4,809</u>
4	<u>\$68,701</u>	<u>\$5,725</u>
5	<u>\$79,693</u>	<u>\$6,641</u>
6	<u>\$90,685</u>	<u>\$7,557</u>
7	<u>\$92,746</u>	<u>\$7,728</u>
8	<u>\$94,807</u>	<u>\$7,900</u>
9	<u>\$96,868</u>	<u>\$8,072</u>
10	<u>\$98,929</u>	<u>\$8,244</u>
11	<u>\$100,990</u>	<u>\$8,415</u>
12	<u>\$103,051</u>	<u>\$8,587</u>

22. Family Home Subsidy, Foster Care, and Subsidized Adoption Payments 415-25-05-60**1. 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 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 be included in the household's resources.

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

2. 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.

3. Subsidized Adoption Payments

Subsidized adoption payments WILL NOT 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.

4. 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 is NOT counted.

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

23. Benefit Minimum/Maximum 415-30-05

If the LIHEAP Share Percentage calculates between 6-10%, the minimum LIHEAP Share Percentage which will be paid for eligible households will be 10%. If the actual calculated percentage is between 0-5%, a one-time minimum benefit of \$50 will be paid directly to the applicant. No vendor will need to be notified.

If the household's heat is included in the rent (and there is no rent subsidy), a monthly renter check will be paid to the household. If the monthly renter benefit is less than \$5.00 a month, the household will receive at least a \$50.00 lump sum for the season regardless of what the payment would have been monthly.

If the Renter/Heat Paid household's heat share equals or is greater than the estimated cost of heat, or the LIHEAP Share percentage equals 5%, a one-time lump sum payment of \$50.00 will automatically be issued to the household.

When a one-time minimum benefit of \$50.00 is generated, ~~the computer will automatically put the case into a status 10, which will prevent future payments and trigger appropriate messages on the Notice of Action.~~ the case will close. The household may reapply if their circumstances change. If the new LIHEAP Share Percentage would also result in a one-time minimum benefit of \$50.00, the system will recognize that this has already been paid and will not generate a second minimum benefit. ~~The system will automatically recode the payment type as '02', so the number of these cases can be tracked case will~~ case will close.

The LIHEAP Share Percentage will be capped at 95% if the calculated LIHEAP Share Percentage is between 95-100%.

24. Household Poverty Level Percentage Table 415-30-10

The household 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 system:

	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	<u>0 – 11,908</u>	<u>11,909 – 23,816</u>	<u>23,817 – 35,724</u>	<u>2,977</u>
2	<u>0 – 15,572</u>	<u>15,573 – 31,144</u>	<u>31,145 – 46,716</u>	<u>3,893</u>
3	<u>0 – 19,236</u>	<u>19,237 – 38,472</u>	<u>38,473 – 57,708</u>	<u>4,809</u>
4	<u>0 – 22,900</u>	<u>22,901 – 45,801</u>	<u>45,802 – 68,701</u>	<u>5,725</u>
5	<u>0 – 26,564</u>	<u>26,565 – 53,129</u>	<u>53,130 – 79,693</u>	<u>6,641</u>
6	<u>0 – 30,228</u>	<u>30,229 – 60,457</u>	<u>60,458 – 90,685</u>	<u>7,557</u>
7	<u>0 – 30,915</u>	<u>30,916 – 61,831</u>	<u>61,832 – 92,746</u>	<u>7,728</u>
8	<u>0 – 31,602</u>	<u>31,603 – 63,205</u>	<u>63,206 – 94,807</u>	<u>7,900</u>
9	<u>0 – 32,289</u>	<u>32,290 – 64,579</u>	<u>64,580 – 96,868</u>	<u>8,072</u>
10	<u>0 – 32,976</u>	<u>32,977 – 65,953</u>	<u>65,954 – 98,929</u>	<u>8,244</u>
11	<u>0 – 33,663</u>	<u>33,664 – 67,327</u>	<u>67,328 – 100,990</u>	<u>8,415</u>
12	<u>0 – 34,350</u>	<u>34,351 – 68,701</u>	<u>68,702 – 103,051</u>	<u>8,587</u>

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

NUMBER OF PERSONS	MONTHLY ELIGIBILITY LIMIT	ANNUAL ELIGIBILITY LIMIT
1	<u>2,977</u>	<u>\$35,724</u>
2	<u>3,893</u>	<u>\$46,716</u>
3	<u>4,809</u>	<u>\$57,708</u>
4	<u>5,725</u>	<u>\$68,701</u>
5	<u>6,641</u>	<u>\$79,693</u>
6	<u>7,557</u>	<u>\$90,685</u>
7	<u>7,728</u>	<u>\$92,746</u>
8	<u>7,900</u>	<u>\$94,807</u>
9	<u>8,072</u>	<u>\$96,868</u>
10	<u>8,244</u>	<u>\$98,929</u>
11	<u>8,415</u>	<u>\$100,990</u>
12	<u>8,587</u>	<u>\$103,051</u>

26. Household Annual Heat Share 415-30-10-05

The household's Poverty Level percentage will be multiplied times the household's adjusted annual gross income to calculate the annual household heat cost.

The annual heat share is calculated by the computer and is used only for the purpose of calculating the LIHEAP Share Percentage. It is not included in the Notice of Action that is sent to the household and the vendor ~~and is not stored in the computer's Household Data Record.~~

27. Household's Estimated Cost of Heating Computation from Cost/Consumption Tables 415-30-15

~~Using the statewide cost of heating table (Statewide Benefit Matrix), locate the sub-section for the type of home in which the household lives. Locate the primary type of fuel used by the household and read under the number of bedrooms to find the estimated cost of heating for the household.~~

The Statewide Estimated Cost of Heating Table (Statewide Benefit Matrix) is a table of the household's estimated cost of heating for the entire

heating season based on the household's primary heat source, type of home in which the household live, and number of bedrooms in the home.

The values in the table are updated annually based on data from the five most recent, complete fiscal years in the eligibility system.

The estimated cost of heating table is housed in the eligibility system and is used by the eligibility system to establish a LIHEAP benefit (LIHEAP Share %).

28. Cost of Heating - Secondary Heat Source 415-30-15-05

The same LIHEAP Share Percentage and household Co-payment Percentage that has been computed for the primary source of heat will be used to pay a secondary source of heat, with exceptions for electric heating.

Payment on secondary heat sources can be paid throughout the heating season at the established LS percentage.

~~If the home with secondary electric heat can separate heat costs from general utility electricity, the LS percentage will be used to compute the amount paid.~~

Secondary electric heat ~~that is not separate from electricity used as utilities~~ will be paid at 50% of the bill times the LS percentage. Example: Total bill divided by 2, times the LS percentage.

LIHEAP will not pay for non-installed appliances such as space heaters or electric fireplaces.

LIHEAP will not pay for a secondary heat source unless it is used in a primary living space, such as a bedroom that is in use, a kitchen, a living room, or family room.

NOTE: Payment of secondary heat in basement bedrooms is allowed even if the bedrooms in the basement are not counted.

NOTE: THERE ARE NO EMERGENCY PAYMENTS MADE FOR SECONDARY HEAT.

29. 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 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.

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, both income and deductions 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.

30. Pending Reapplications 415-45-01-01

~~Reapplications, such as when a denied household reapplies or when a household moves to a different county, cannot be entered as "pending" cases.~~

~~The Option B, "Change Household Data Record" is programmed to reject any attempt to change the status to "pending". However, the Option B screen will allow a "pending" status code to remain in the record if it was first entered on the Option A "Add Household Data Record."~~

~~Therefore, you can add/change other data on Option B and leave the case "pending." Once the status code has been changed to anything else, it cannot be changed back to "pending."~~

31. Electric Utilities 415-50-05-25

Primary responsibility for emergency payment of electric utilities (lights only) will be assumed by Energy Share of North Dakota, a private non-profit corporation. All applications, processing, and eligibility determination will be done by Energy Share.

Homes heated by electricity (as a primary fuel source), including lights, will be assumed by the North Dakota LIHEAP.

Do not separate the "heating" from "non-heating" costs. Consider the entire bill, household resources, amount needed to resolve the crisis, ~~and enter one payment under Emergency as Service Code 04.~~

LIHEAP has maintained the computer capability of making payments for electric utilities. ~~However, these payments will be entered into the LIHEAP computer ONLY if the Energy Share Board has certified to the State LIHEAP Administrator that Energy Share funds are depleted and a written agreement is made between LIHEAP and Energy Share for such funding participation by LIHEAP.~~

~~In this event, Energy Share will continue to accept applications, determine eligibility and benefits approved for utility payments~~ for households who have emergency needs with electricity costs and electricity is NOT the household's primary fuel source. Energy Share ~~and will provide all information needed to make the approved payments~~ and will submit a weekly payment file that is retrieved and processed for payment by the eligibility system. ~~through the LIHEAP computer.~~

LIHEAP cannot issue electric utility payments under any circumstance for applicants whose income does not meet LIHEAP Heating Assistance eligibility guidelines at the time of the application for utility payment, or at some point during the current fiscal year, or for utility bills which would have no effect on the operation of the heating system.

32. Emergency Assistance Eligibility Guidelines 415-50-10-10

The applicant's income must be within the limits specified by the Heating Assistance Program for the month of the Emergency Assistance application or have been approved for heating assistance for some portion of the current fiscal year heating season.

Income averaging, as discussed in 415-25-05-15, will not be used in determining eligibility for Emergency Assistance benefits.

The following are suggested guidelines for determining eligibility for Emergency Services and must be documented on SFN 62, "Application for Emergency Assistance," each time a new request for Emergency Assistance is received. Guidelines, rather than mandatory specific requirements, permit the county social service board to evaluate the unique circumstances of each household to decide whether emergency assistance is needed and is an appropriate resolution of the crisis.

1. Community Resources: Other community programs to alleviate the crisis, such as county General Assistance, credit, churches, and other community agencies** must be denied or known to be unavailable to the applicant or inadequate to resolve the crisis.

**Energy Share of North Dakota is not considered a resource for supplemental heating costs.

2. Assets: Immediately available liquid assets of the household may be considered as an available personal resource.
3. Income: For emergency assistance purposes, income is defined as the household's net income or the actual amount of funds available from any source that can be used for the household's basic living costs (see below), including heating fuel and utilities.

Do not make the deductions from income described in 415-25-05-05. The appropriate deductions will be accounted for in basic living costs described below.

All sources of income are considered available unless exempt by law, or it is the children's earned income described in 415-25-05-50, or it is a reimbursement of an expense paid from income previously counted, or it is restricted for some other specified expense. (Note. A portion of some types of income are restricted for the costs of producing the income.)

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 assets that can be used as collateral.
 - Some business/farm operating loans include daily living expenses and could be released to purchase fuel.
 - Even unsecured personal loans may be available from an individual or organization in the community.
 - The household should be cautioned not to accept a loan if they do not have the realistic capability to repay the loan with interest.
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, and credit, is equal to or less than total monthly basic living expenses.
- Food--To determine actual household food costs the SNAP Thrifty Food Plan may be used as a guide, minus the value of any SNAP benefits the household receives. Add any special food costs.
 - Shelter--Actual cost of rent or mortgage payment (include taxes and home insurance costs), and/or mobile home lot rent. Only the portion of the rent the household pays themselves should be counted if they are in subsidized housing.
 - Utility bill--Include only current basic bills for water, sewer, phone (one land or wireless telephone line, up to \$75 per month), and lights that the household is obligated to pay the month of the emergency application. Do not include accumulated unpaid back bills.
 - Child and/or Spousal support ~~and/or alimony actually paid that the household anticipates paying in the month of the emergency application.~~
 - ~~Paid-m~~Medical bills that the household anticipates paying in the month of the emergency application --Include insurance premiums (See 25-05-05-05).

- Child care costs--Out-of-pocket child care costs related to work, training, or educational purposes that are not reimbursed to the household from any source. CAUTIONS: See 415-25-05-05 #8.
- Transportation costs--The actual monthly payment for one car, up to \$300/month, plus actual insurance cost/month for one car, plus up to \$200/month maintenance and gas. (If the household happens to pay the entire premium for several months during the emergency assistance application month then it can be deducted.)
- Employment costs--Up to \$100/month for costs that must be paid to retain employment.

Example: Cost of tools, or uniform costs required for work

- Miscellaneous--Up to \$100/month for up to three persons; up to \$200/month for more than three persons.
- Absent Student Expense--Up to \$500/month may be deducted from household income for a head of household or spouse who must reside away from home for all of the school week for higher education purposes. Prorate the deduction down if the student is away for less than a full school week, but if the student is away less than 50% of the school week, no deduction will be allowed. This deduction will be further reduced by any portion of exempt educational income which is available to the student for living costs.
- Absent Worker Expense--Up to \$500/month may be deducted from the earnings of a head of household or spouse who must reside away from home for all of the work week for employment purposes. Prorate the deduction down if the worker is away for less than a full work week, but if the worker is away less than 50% of the work week, no deduction will be allowed. This deduction will be further reduced by any reimbursement or subsistence allowance provided by the employer for living expenses while on the job.
- Other--Any other mandatory expense which affects the household's basic living needs. Installment payments must be evaluated to determine if they are pertinent to basic living costs, even if they are mandatory.

Example: monthly cost for renter's insurance mandated by landlord

6. Action Plan: Following an analysis of the household basic living costs and total expenditures, especially unusual or impractical amounts, the county social service board may need to assist the household to develop a financial management plan that will prevent the reoccurrence of the energy crisis in the future. Frequently, authorizing emergency assistance is all that is necessary for the household to be self sufficient again. Conversely, authorizing emergency assistance may only provide temporary relief of the crisis and may or may not be cost effective or assure continued service.

The basic cause of the crisis must be identified and an appropriate resolution implemented. In this regard, the household may need assistance to negotiate a realistic credit or payment plan with the fuel supplier or other creditors. A monthly payment plan throughout the year to level out fuel and utilities cost could be beneficial. Or, the household budget deficiencies may be so extensive that credit or financial counseling must be secured by the household. Referral for employment counseling, case management services, or other problem-solving counseling or for a social evaluation and follow up services may be needed. Specific actions designed to solve the cause of the crisis may be required as a condition of the receipt of emergency benefits. In any event, the household situation must be carefully considered to assure that emergency assistance is appropriate, and the household is given the opportunity to become self sufficient whenever possible.

SFN 11, "Emergency Assistance Action Plan," shall be used, whenever the worker and applicant identify problems to self-sufficiency and agree upon a plan of action to work toward improved self-sufficiency or that will diminish the occurrence of future crises.

When an Emergency Assistance application is denied, or when no action is required, possible, or practical, a comment to that effect should be entered on SFN 62 and the SFN 11 is not required.

33. Cooling Assistance Program 415-60

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

cooling needs due to weather aberrations, or an emergency disaster declaration.

A LIHEAP-eligible household may qualify for a cooling device (an air conditioner or a fan, as the need dictates. The household need not be responsible for paying heating costs so tenants in subsidized housing and their heat is included in their rent may qualify

If a household requests cooling assistance and they received LIHEAP during the regular heating season, a cooling referral notice can be sent to Community Action or the client can provide a copy of their approval notice to Community Action as verification of eligibility.

If the household requests cooling assistance after May 31 and they did not receive LIHEAP during the regular season because they had been denied during the year, live in subsidized housing and heat was included in their rent, or never applied in the heating season, they may apply for a cooling device by completing the LIHEAP application (SFN 529). If they are determined income eligible, send a cooling referral notice to Community Action. However, households who apply after May 31 will not be eligible for any other LIHEAP benefits.

The LIHEAP application form has a release of information to permit sharing of information between the Community Action Agencies and LIHEAP

Direct Payments to Household or Vendor for Cooling Costs

The State Administrator may elect to issue direct payments to households or vendors for cooling costs as a cooling component, depending upon the nature of the cooling emergency and the amount of funding available.

Existing household data may be used to identify eligible LIHEAP household so that no additional application is required.

Depending upon the amount of funds available to meet the need, payment may be limited to specific vulnerable groups.

The amount and frequency of the payment(s) will be

determined at the time a decision is made to implement this cooling component. Information may be solicited from the electric providers or obtained from available electricity cost reports to establish the level of need and an appropriate benefit amount.