

## **Low Income Home Energy Assistance Program**

Division 10  
Program 415

Service 415  
Chapters 05 - 65

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## **Low Income Home Energy Assistance Program**

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### **Service Chapter 415**

**North Dakota Department of Human Services  
600 East Boulevard Dept. 325  
Bismarck, ND 58505-0250**

**REVISED 2/1/2022**

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# **Low Income Home Energy Assistance Program 415**

Welcome to the LIHEAP Program Policy Manual.

To download a printer friendly version of this manual please see the [Printed Documentation](#) book in the Table of Contents.

This manual was last published to the Internet on February 1, 2022.

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### **General Provisions 415-05**

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### **Authority Reference 415-05-01**

**(Revised 10/1/14 ML #3407)**

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1. Public Law 97-35, Title XXVI
2. Section 50-06-05.1 (North Dakota Century Code)

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### Definitions 415-05-05

(Revised 10/1/18 ML #3533)

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#### **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](#))

#### **Cost/Consumption Tables**

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 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:

- a. Single detached home

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

a. Duplex

This term means a single building that contains two complete living units.

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

This term means all other building types not described in 'a' or 'b' above.

### **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.

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### **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



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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. 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 70° F. The following groups of people are more vulnerable to hypothermia:

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- 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.

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### **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.

### **Young Child**

This term includes all children under six years of age.

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### **Purpose of the Program 415-05-10**

**(Revised 10/02 ML #2812)**

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At the time the Low Income Home Energy Assistance Program was initiated the United States Congress found:

1. Recent and projected increases in the cost of primary energy sources have and will continue to cause corresponding sharp increases in the cost of [home energy](#).
2. Fixed income, lower income, and lower middle income households should be protected from disproportionately adverse effects on their incomes resulting from national energy policy and beyond their control.
3. Adequate home heating is a necessary aspect of shelter and the lack of home heating or home cooling for certain individuals poses a threat to life, health or safety.
4. Assistance to households in meeting the burden of rising energy costs is insufficient from existing State and Federal sources and credit is not available to low income households.

Therefore, the purpose of this program is to provide assistance to eligible households to offset the rising costs of home energy that are excessive in relation to household income. Therefore, the benefits provided by the North Dakota Low Income Home Energy Assistance Program are not designed to pay the eligible household's total fuel costs, but rather to protect the household against the rising costs of fuel. Further, benefit amounts are based on the individual household's fuel needs insofar as possible and require a fixed percent of household income be spent for fuel.

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### **Administrative Organization and Responsibilities 415-05-11**

**(Revised 10/1/20 ML #3588)**

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The Low Income Home Energy Assistance Program in North Dakota is a state-supervised, county-administered program. The Department of Human Services established a LIHEAP administrative unit within the Economic Assistance Policy Division and delegated responsibility for program planning, direction, supervision, monitoring, training and evaluation. DHS also has the responsibility of building and maintaining the computer system that determines eligibility and benefits state-wide.

The department's Fiscal Administration Division, LIHEAP Administrator and Economic Assistance Director monitor the funding of the program. Various units of the Fiscal Administration Division will provide research, reporting, accounting, and data processing services.

The local human service zone offices, formerly known as county social service offices are responsible for local program administration, outreach and the delivery of services. Program supervision, training and monitoring are provided by the state office staff in the Economic Assistance Policy Division.

Fair hearings are managed by the Department's Appeals Supervisor. An Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH) conducts hearings for the Department concerning appeals. See [448-01-30-35](#), Fair Hearings Procedure, for additional information.

The four Indian tribes, located on the North Dakota reservations, will administer a program of low income home energy assistance to eligible Indian households that reside within the boundaries of the reservations.

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Indians and non-Indians residing on the North Dakota part of the Lake Traverse Reservation are within the scope of this plan administered by the State and by HSZ boards.

See [448-01-15](#), Responsibilities, for additional information.

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### **State Responsibilities 415-05-11-05**

**(Added 10/1/20 ML #3588)**

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#### Policy and Procedure Development

As part of its responsibility, the state also develops and maintains policy and procedures regarding appeals and fair hearings, waste, fraud, and abuse, overpayment recovery, and civil rights complaints as well as grievance procedures.

#### Maintenance of Verification Interface

The North Dakota Department of Human Services (DHS) has built a web-based verification system called NDVerify that streamlines the search of different interfaces/sources to obtain verification electronically. NDVerify allows eligibility workers to search multiple interfaces/sources for household members included in a LIHEAP case at the same time. NDVerify also stores the search based on the date completed for historical purposes. The following interfaces/sources are included in NDVerify:

- Birth/Death Records (ND Vital Records)
- Health Insurance (DEERS)
- ND Child Support
- ND Department of Corrections
- ND Motor Vehicle/Watercraft (Motor Vehicle/Game & Fish)
- ND State Directory of New Hire
- ND State Hospital Admission/Discharge
- ND Unemployment Insurance Benefits (Job Service)
- ND Wages (Job Service)
- Other Benefit Information (SSA)
- SNAP Intentional Program Violations
- WSI Medical Claims Status

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- Request UPA
- Request 40 Quarters
- SAVE

In addition to these interfaces/sources, eligibility workers also have access to additional verifications received through other program interfaces such as the Income and Eligibility Verification System (IEVS), Social Security Administration and Public Assistance Reporting Information System (PARIS).

### Quality Assurance Coordinator

The State Office institutes a continuing performance reporting system to monitor program administration and program operations. The components of the system are:

- Data collection through quality assurance reviews
- Analysis of data collected by Quality Assurance and all other management information sources
- Corrective action planning
- Corrective action implementation, monitoring, and evaluation

### Corrective Action Planning

The objectives of corrective action planning are to develop appropriate measures to correct LIHEAP deficiencies based upon the results of data analysis performed by the Quality Assurance Coordinator.

The State is responsible for the development of two types of corrective action:

- Remedial involves rectifying past errors in individual cases.
- Preventative involves correcting patterns of deficiencies.



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Corrective action plans are monitored by HSZ and state personnel to determine if they are completed in a timely manner.

### Case Monitoring

State Low Income Home Energy Assistance staff monitor heating assistance and emergency assistance continuously to identify errors in eligibility determination and benefit issuance. Numerous monitoring reports from the central office and field staff are also reviewed by state office. Reports from the HSZ boards' supervisors and staff, on-site visits to local offices and fuel suppliers, and/or fiscal and recipient data from the LIHEAP system are also incorporated as monitoring tools. Corrective action plans are initiated appropriately.

In addition, numerous data edits exist within the LIHEAP system to ensure that data is accurate and benefits are issued correctly.

The state office employs the following monitoring tools:

Duplicate Payment Report – periodic report, usually quarterly, that indicates possible duplicate payments for LIHEAP. Payments are investigated and resolved by state program staff.

Estimated Cost of Heating Report – list of households whose cumulative payment amount for the heating season deviates from the estimated cost of heating by \$250 or more. Report is reviewed and questionable payment amounts are investigated.

Payment Summary Notice – when a case closes or at the end of the heating season, households are sent a payment summary notice that lists all payments that have been made on behalf of the household. Household is instructed to review and report any discrepancies.

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Quality Assurance Reviews - a statewide monthly random sample of fifteen (15) LIHEAP cases that received a payment are reviewed by the Quality Assurance Unit staff.

The sample consists of one (1) case per region along with an additional two (2) random selections from the statewide sample. In addition, a statewide monthly random sample of five (5) denied/closed cases are selected and reviewed.

The results of the reviews are shared with the eligibility worker, zone director and the Policy and System Support (PaSS) Unit. If overpayments exist as a result of the review, overpayments are established regardless if it is due to an agency or recipient error. At the time an overpayment is established, the family is informed of the overpaid amount and their responsibility for repayment.

Error trends are used to identify areas of the program in need of training or possible policy revisions. LIHEAP e-Learning courses are available online 24 hours a day for eligibility workers to develop competency and skills in applying LIHEAP policy. Policy and System Support (PaSS) provides training for zone eligibility workers on new policy and revisions. In addition, they work one-on-one with eligibility workers as needed.

Statistical Reports - local agency utilization of LIHEAP is monitored monthly through statistical reports that are generated for review of caseload and expenditures by county. These reports are shared within DHS and each county agency for their review and information. If there are any discrepancies identified, they are reviewed by the LIHEAP Administrator.

Returned LIHEAP Checks - returned checks are investigated to obtain current address and to determine if eligibility is ongoing.

On-site or Virtual Visits - County visits, as determined, to conduct training or monitoring program administration

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### Fiscal Monitoring

An abstract is created each week of payments authorized by the eligibility worker in the LIHEAP eligibility system along with payments requested by fuel vendors. The abstract is reviewed by DHS policy staff and Fiscal Administration and authorized payments are reconciled with system reports before payments are released and paid through the PeopleSoft payment system.

In addition, Fiscal Administration provides monthly spenddown tables on the utilization of program funds to the Economic Assistance Director.

### Program Monitoring

For weatherization and emergency furnace services, monitoring is flagged in the Department's electronic contract system on a specified schedule throughout the life of the contract.

### Training

The State Office is responsible for providing continued training opportunities for workers, supervisors, Policy and System Support (PaSS) staff, performance reporting system reviewers, vendors and subgrantees.

The zones are responsible to ensure staff attend training sessions and enroll in e-learning training opportunities.

North Dakota's open meeting law permits attendance of non-employees at training sessions. However, the role of public participants must be limited to observation only.

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### Human Service Zone Responsibilities 415-05-11-10

(Added 10/1/20 ML #3588)

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Local human service zone offices, formerly called county social service offices, are responsible for effective case management that includes:

- Eligibility determination
- Issuance
- Keeping records necessary to determine if the program is administered in compliance with policy and federal law (See [415-05-35](#), Case Recording and [415-05-35-05](#), Case Narrative Contents)
- Maintaining detailed program case files that include complete applications, worksheets, case action forms, and such correspondence, receipts and other forms or documents necessary to support and explain eligibility, authorization periods, and benefit decisions
- Outreach and program informational activities
- Submitting accurate and timely financial and program reports
- Meeting other responsibilities as outlined in this manual and Administrative Procedures for Economic Assistance and Health Care Coverage Programs
- Employing sufficient staff to determine eligibility and issue benefits accurately to eligible households within prescribed timeframes. (See [415-05-55](#), Staffing Needs)
- Establishing easy access for applicants or recipients to provide information and report change
- Determining that fuel suppliers and recipients follow instructions, agreements, and program regulations
- Maintaining records of all reviews, violations, negotiations, and corrective action plans.

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### **Worker Responsibilities 415-05-11-15**

**(Added 10/1/20 ML #3588)**

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The policies and procedures throughout this manual are guides for LIHEAP eligibility determination and are written within the limits imposed by the Low Income Home Energy Assistance Program's statute and regulations. Policies allow workers to exercise reasonable judgment in executing their responsibilities. It is impossible to write a procedure that will cover every possible contingency that specific cases may present to the worker.

The concept of the "prudent person" is helpful to a worker. The term refers to the reasonableness of the judgments made by a worker in a given situation. In making an eligibility determination, a worker should ask if this judgment is reasonable based on their experience and knowledge of the program.

#### **Examples:**

- 1. If the client's rent expenses, as they state them, are out of line with rentals charged in the community, the worker must ask for an explanation or additional verification such as a lease agreement.**
- 2. The worker is responsible to exercise reasonable judgment in determining if a given number of individuals who apply for LIHEAP as a single household fit the program's concept of a household.**

If a worker encounters a problem in a specific case, it should be referred to the immediate supervisor or the state office Policy and System Support Unit.

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### **Differences From Other Financial Assistance Programs 415-05-12**

**(Revised 10/1/17 ML #3512)**

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1. Block grant funding significantly reduces Federal requirements and restrictions.
2. Income eligibility criteria are significantly increased.
3. Controls on minor procedures are reduced, permitting increased efficient use of staff time, lower total administrative costs, simplified procedures, flexibility, and case decisions focused on individual household needs.
4. The importance of seeking out eligible households in any way possible is emphasized, including the responsibility to assist applicant households to successfully establish their eligibility.
5. Acknowledgment that home heating conservation methods are an investment in the future.

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### **Confidentiality 415-05-15**

**(Revised 10/1/12 ML #3343)**

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North Dakota Century Code, Section 50-06-15, prohibits the disclosure of any information about persons applying for or receiving assistance under any program administered by the Department of Human Services.

A written release of information signed by the applicant must accompany any request for information regarding a LIHEAP household. If the agency requesting information does not have a Release of Information Form, Department of Human Services Form 1059 may be used.

The county social service board and any persons receiving payments on behalf of LIHEAP households may NOT release the names of LIHEAP applicants to any person/agency other than an authorized representative of the Department of Human Services or the county social service board.

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### Right to Appeal and Fair Hearing 415-05-20

(Revised 10/1/16 ML #3478)

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

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

Contact the county social service office for instructions on how to request a hearing. The household's written request for a hearing must be received within 30 days of the date on the notice of action. The household can have an attorney, relative, friend or other person assist them at the hearing.

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

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

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



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### **Right to Review Manual Policies 415-05-25**

**(Revised 10/00 ML #2629)**

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State and county social service agencies are required to maintain program materials and policies and to make them available for examination by the public upon request; therefore, the public has a right to review the policies and procedures of the Low Income Home Energy Assistance Program. The agencies have the right to insist that such review of policies be restricted to regular hours during normal work days.

Public social service agencies are required to reproduce without charge certain policy materials reasonably requested by an applicant/recipient to help him decide whether to appeal for a fair hearing or with his preparation for a fair hearing. Such policies must also be made available without charge or at a charge related to actual cost to other individuals or organizations appearing to have a legitimate interest in them.

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### **Right to Non-Discrimination 415-05-30**

**(Revised 10/1/19 ML #3557)**

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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.

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.

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### Case Recording 415-05-35

(Revised 10/1/17 ML #3512)

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The case record must contain sufficient information to support a decision regarding eligibility and benefits and duration. The following items should be in LIHEAP case files:

1. Heating Assistance Application (SFN 529);
2. [SFN 530](#) (Eligibility and Benefit Worksheet);
3. Verifications (income, deductions, living arrangements, fuel type, or other factors affecting eligibility or benefits);
4. Emergency Assistance Application ([SFN 62](#)) if EA is requested;
5. Action Plan ([SFN 11](#)), if referrals for services are made;
6. Copies of all bills entered on the computer by county staff;
7. Copies of any correspondence (excluding notices generated electronically);
8. Copies of any overpayment agreements;
9. Copies of any other optional forms used in the case; and
10. Case narrative.

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### Case Narrative Contents 415-05-35-05

(Revised 10/1/18 ML #3533)

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It is not necessary to repeat information in narrative that is on the forms. The case narrative should be used, however, to record the following:

1. Support for decisions made regarding miscellaneous, premium, and emergency payments.
2. The circumstances resulting in the use of the "prudent person concept" to obtain additional verification of eligibility factors, if this is not explained on the [Form 530](#).
3. Circumstances relating to overpayments and questions of suspected fraud, actions taken, and how resolved.
4. Documentation of "[outreach](#)" efforts.
5. Additional information for all cases reporting zero or near zero income regarding how the household is meeting other basic living needs such as shelter, food, medical expenses, etc. The case narrative will document that referrals have been made to other appropriate programs such as Supplemental Nutrition Assistance Program (SNAP), Medical Assistance, etc., to be certain the household is fully aware of all resources which might help during their financial crisis. [Form 1681](#), "Near Zero Income Worksheet" may be used in place of or to supplement the case narrative.

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### **Notification of Eligibility and Benefits 415-05-40**

**(Revised 10/00 ML #2629)**

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The applicant and the heating vendor authorized by the applicant must be notified in writing of the LIHEAP heating assistance benefits available to the household and to whom payments will be made.

A "Notice of Action" must be sent:

1. When action is first taken on an application.
2. Whenever an action is taken which will change the amount or type of benefits available.
3. Whenever the time period changes for covered heating costs.
4. Whenever a miscellaneous payment is authorized.
5. Whenever a premium payment is authorized.
6. When action is taken on an application for Emergency Assistance.

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### **Informational Brochures 415-05-45**

**(Revised 10/1/19 ML #3557)**

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An applicant MUST be mailed or given a copy of the brochure, 'LIHEAP: Low Income Home Energy Assistance Program', at the time of initial application and at the time of a reapplication. The applicant MUST also be informed of the non-discrimination policies of the Department of Human Services programs. Information regarding non-discrimination policies of the Department of Human Services programs will be included on the LIHEAP application.

It will not be necessary to mail this brochure when notifying the household of changes in eligibility, authorization periods, or at the time of authorization of miscellaneous or emergency payments.

Additional supplies of these brochures can be ordered from the supply unit of the Department of Human Services in Bismarck.

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### **LIHEAP Payments Disregarded as Income 415-05-50 (Revised 10/1/18 ML #3533)**

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Notwithstanding any other provision of law, the amount of any home energy assistance payments or allowances provided to an eligible household by LIHEAP shall NOT be considered income or resources of such household, or any member thereof, for any purpose under any federal or state law, including any law relating to taxation, Supplemental Nutrition Assistance Program (SNAP), public assistance, or welfare programs.

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### **Staffing Needs 415-05-55**

**(Revised 10/1/13 ML #3380)**

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



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### **Records Retention 415-05-60**

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### **Authority (Records Retention) 415-05-60-05 (Revised 11/02 ML #2829)**

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The LIHEAP record retention policy is intended to conform to the provisions of the North Dakota Records Management Act in N.D.C.C. 54-46, the policies and procedures promulgated by the administrator of the North Dakota Records Management Division, the North Dakota Department of Human Services Records Management Policies and Procedures in the Department Manual Service Chapter 248-01, P.L. 97-35 the Low Income Home Energy Assistance Act of 1981 as amended, and C.F.R. Title 45 Part 96 and C.F.R. Title 45 part 74.20.

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### **Records Retention Policy 415-05-60-10**

**(Revised 11/02 ML #2829)**

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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 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,

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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.

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.

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### **Outreach and Coordination 415-10**

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### **Outreach 415-10-05**

**(Revised 10/1/20 ML #3588)**

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Outreach activities designed to assure that all potentially eligible households are informed about LIHEAP are an essential part of the program. Outreach activities also include assisting applicants to establish their eligibility. Special emphasis must be placed on reaching those households that include at least one elderly or disabled individual.

It shall be the responsibility of the county social service board to conduct outreach activities for the Low Income Home Energy Assistance Program. Each county office will maintain a file documenting outreach efforts that can be monitored by the Area Supervisor of Economic Assistance.

Outreach activities will be divided into two categories. "General Outreach--Public Information" includes any efforts designed to make the general public aware of the assistance available under LIHEAP. "Outreach Services to Individuals" are those efforts to assist individual households in completing the application process, understanding the payment procedures, and assisting as needed with other heating related problems or making a referral to the appropriate social service agency.

The Department of Human Services may also subcontract with third-party organizations to perform additional outreach services with a focus on vulnerable groups such as elderly and disabled people.

All outreach activities are coordinated with HSZs and the Community Action agencies to ensure that there is no duplication of services.

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### **General Outreach - Public Information 415-10-05-05 (Revised 10/00 ML #2629)**

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#### **1. Public Media**

Major newspapers, radio stations, television stations, and local weekly newspapers shall be utilized to provide frequent news releases and Program advertisements. County offices should maintain contact with media in their area to announce up-dates on the program's progress or to announce the availability of county staff in outreach stations of outlying communities, and to publicize their emergency telephone number for after-hour crises.

#### **2. Posters and Brochures**

Printed materials shall be distributed for displays to utility companies, major fuel suppliers, social service board offices, senior citizen centers, day care centers, medical facilities, Community Action Agencies, and any other community agency or public place available to display such information. An emergency telephone number for after-hour crises shall be included on all posters.

A copy of the LIHEAP brochure shall be provided to every applicant for Heating or Emergency Assistance.

#### **3. Distribution of Application Forms**

The county social service boards shall distribute heating assistance application forms to all individuals upon request, and provide such application forms to fuel suppliers, Community Action Agencies, senior citizen centers, or any other individuals or organizations that are willing to distribute the form to potentially eligible households.

#### **4. Public Speaking**

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The county social service boards are encouraged to seek opportunities to give talks at community organizations, church groups, senior citizen clubs and centers, et cetera, as another means of publicizing the program.

### **5. State Office Support**

Brochures, posters and other printed material will be available from the State Office. Prepared radio "spots" suitable for either paid advertising or public service announcements can be made available. Sample media news releases will be made available upon request.

### **6. Emergency Services**

Public information news releases, posters, brochures, and other contacts shall include information about the availability of Emergency Assistance funds for additional fuel, emergency repairs or shelter, payments to prevent utility shut-offs, et cetera.



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### Outreach Services to Individuals 415-10-05-10

(Revised 10/00 ML #2629)

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The county social service board offices will provide outreach activities and services to assist households to understand, verify, or otherwise complete the application, when necessary, especially when a member of the household is elderly or disabled. Direct outreach activities and services for heating assistance and emergency assistance may include, but are not limited to:

#### 1. Assistance with Application Process

Most potential applicants are able to complete the application and obtain needed verification and understand the payment procedures without assistance. Many of these applications and certifications can be handled successfully by mail or telephone contact. The applicant has 30 days from the date an application is received in the county office to provide all necessary information and verifications. If, however, a potential applicant does not respond to written or telephone requests for additional information, it is the responsibility of the county social service board to offer to provide the applicant with assistance in obtaining the necessary information before a decision is made to deny the application because of lack of verification. No application shall be denied based on lack of verification unless the case file documents that the applicant refused to provide the information or that every effort was made to assist the applicant in obtaining necessary verification.

In some cases, a face-to-face interview with the applicant may be necessary. If the applicant cannot come to the social service office by reason of age, illness, disability, lack of child care or transportation, isolation, work schedule, or other appropriate reason, it is the responsibility of the county social service board to arrange another means of making contact. This may include:

- a. Home visits, when necessary;

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- b. Arranging for transportation or assistance from another staff person, friend, or relative;
  - c. Providing application forms, assistance, advice, information and services at alternate sites, especially in outlying communities, senior citizen centers, etc.;
  - d. Mailing of applications and instructions when appropriate and providing follow-up to assure applicant receives and understands needed services;
  - e. Providing advice and other information through personal and telephone contact;
  - f. Scheduling appointments for the convenience of the applicants;
  - g. Providing extended office hours when necessary;
  - h. Arranging for communication assistance, if necessary, for applicants who are non-English speaking or who have a communication disability; and
  - i. Providing procedures for after hour emergencies to provide at least minimal assistance.
- 2. Referrals to Weatherization Services . . . and providing or securing home energy conservation advice or information for individual households or groups of households.
- 3. Enable Communications Between Suppliers and Eligible Households. . . and act as a facilitator to develop realistic payment agreements when necessary.
- 4. Assistance with Improved Economic and Energy Self-Sufficiency by:
  - a. Provision of or referral to credit, financial, or other appropriate counseling;
  - b. Provision of Case Management Services and advocacy; and
  - c. Assisting applicants to develop self-sufficiency [action plans](#) and services.

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### **Alternate Sites for Outreach and Intake 415-10-07**

**(Revised 10/00 ML #2629)**

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North Dakota Community Action Agencies and the Area Aging Services Coordinators will provide outreach and intake functions to reach potential applicants who might not otherwise know about or apply for heating assistance.

Outreach activities which will be provided by these agencies may include publicity through public media, meetings and presentations, flyers and brochures, etc.

Intake activities will include the first formal contacts with a potential applicant to provide information and explanation of the program services. Assistance may be provided, when necessary, to complete the application form and the verifications required. The intake function is completed when the signed application is submitted to the county social service board.

Clarifying verifications, eligibility determination, benefit computation and recomputations, payment of authorized bills, and the provision of or referral to personal services when needed shall be the responsibility of the county social service board.

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### **Coordination 415-10-10**

**(Revised 10/1/18 ML #3533)**

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The State coordinates fuel assistance activities with similar and related programs administered by the State and Federal government, particularly low income energy related programs administered by the Community Action agencies, Supplemental Security Insurance programs, Title XX programs, and the TANF Program. The county social service boards coordinate fuel assistance with other service programs, the Supplemental Nutrition Assistance Program (SNAP), General Assistance Program, and medical care program.

The Department of Human Services, Aging Services Division, coordinates a network of services and special projects for the elderly including nutrition, transportation, recreational, educational, and chore services.

Many LIHEAP households can benefit from these programs and should be referred to them. The senior projects may also help LIHEAP locate unserved elderly households. The county social service boards are encouraged to become acquainted with any local senior project staff and with the regional aging services coordinator to ensure that appropriate referrals are made.

Responsibilities, such as outreach, distributions and securing of applications, obtaining income verifications, and the determination of eligibility, should be coordinated with other county social service board programs and the Community Action agencies. As a minimum, the recipients of last year's Fuel Assistance Program, as well as recipients of other programs administered by the county social service boards, should be given the opportunity to apply for fuel assistance.

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### **Conservation Emphasis 415-10-10-05**

**(Revised 12/1/03 ML #2895)**

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All heating assistance applicants will automatically be referred for energy 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.

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### **Conservation Referrals 415-10-10-05-05**

**(Revised 10/1/19 ML #3557)**

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#### Comprehensive Energy Conservation Program

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

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

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

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

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

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### **Coordination with Other Energy Agencies 415-10-10-05-10**

**(Revised 10/02 ML #2812)**

[\*\*View Archives\*\*](#)

Applicants, as well as other individuals that inquire about the Fuel Assistance Program, should be made aware of energy audits that are conducted by utility companies. Brochures or other forms of written material that may be available from the utilities or Community Action agencies describing the energy audit or other conservation methods should be distributed to applicants or individuals that inquire about the Fuel Assistance Program.



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### **Documentation of Coordination 415-10-10-05-15**

**(Revised 10/02 ML #2812)**

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The county social service board must be able to demonstrate and document their efforts to coordinate fuel assistance activities with all other energy-related programs. A notation in a general coordination file may be sufficient, if the activity is not related to a specific case.

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### **Conservation Referral Process 415-10-10-10 (Revised 10/02 ML #2812)**

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The LIHEAP application offers all eligible applicants conservation services.

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

The county should discuss the potential benefits of conservation 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](#)).

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### **Vendor Budget Payment Plans 415-10-10-15**

**(Revised 10/00 ML #2629)**

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Many LIHEAP recipients can benefit from participating in budget payment plans offered by all major utilities and by many other fuel vendors. However, recipients may be reluctant to participate in a year around payment plan if the amount of the monthly payments does not take into account the amount of fuel assistance received and reduce the monthly payment accordingly.

Vendors may achieve increased participation in budget plans if they will deduct the amount of the annual fuel assistance from the customer's estimated consumption cost before calculating monthly payment amounts.

The customer's annual fuel assistance benefit can be estimated by multiplying the customer's co-payment percentage times the actual heating bills from the previous heating season. Example: The vendor determines that annual consumption for the previous heating season (October 1 - June 30) was \$1200. The customer is eligible for LIHEAP benefits but is still responsible for a co-payment of 50% of the heating costs. The customer's annual fuel assistance benefit would be estimated at \$600. The vendor would then deduct the customer's estimated annual fuel assistance of \$600 from the estimated annual heating consumption of \$1200, add any additional costs for the non-heating months (July 1 - September 30), and divided the result by 12 to determine the amount the customer would pay in even payments year around.

The advantage to the vendor is that he will not be carrying large bills during the peak of the heating season when the cost of heat is the greatest, because the customer would have accumulated a credit. The customer would be able to maintain a more balanced monthly budget.

Some vendors may prefer to set up budget plans, but suspend them during the time LIHEAP is paying on the heating bills. This can also work, especially for customers whose low-income problems are short term or

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seasonal. However, for the consistently low-income customer, the monthly payment amount may still be unmanageable and therefore discourage his participation.

Neither the vendors nor the LIHEAP recipients can be required to participate in budget payment plans. However, the county social service office should strongly encourage both vendors and customers to negotiate in advance some type of reasonable payment arrangement for heating costs not covered by LIHEAP.

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### **Case Management Services 415-10-15**

**(Revised 10/02 ML #2812)**

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The need for case management services (self reliance) to be available for LIHEAP clients stimulated an agreement between the Office of Economic Assistance and the Division of Community Service dated May, 1990. Later, additional funds were provided to LIHEAP to purchase case management services for LIHEAP eligible households that were not on the JOBS program. Consequently, under no circumstances, will county funds be required for these services.

Purchasing case management services for LIHEAP eligible households is intended to supplement, but not to substitute or replace LIHEAP services provided by the county social services office.

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### **Description of Case Management Services 415-10-15-05 (Revised 10/02 ML #2812)**

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The actual services provided are based on a comprehensive social and economic assessment and an Action Plan, developed and updated by the case manager and the customer. Services included on the [Action Plan](#) may be provided in an individualized or group setting or both.

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### **Individualized Case Management 415-10-15-05-05**

**(Revised 10/00 ML #2629)**

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1. Provide information about assistance and service programs, employment and training opportunities available, community resources, support services, recipient rights and responsibility, etc.
2. Referrals to appropriate employment support services, treatment or other needed services, etc. Includes follow up, advocacy, coordination, etc.
3. May assist to develop or update resumes, and assist in job search, job coaching, practice interviews, etc.
4. Supportive relationships to encourage the customer to carry out the plan and their responsibilities.
5. Actions designed to heighten and maintain the individual's motivation to resolve personal problems that may be barriers to employment and self sufficiency.
6. Realistically identifying individuals and households that have little potential of becoming more self sufficient so economic security, protective service, and maintenance of current level of functioning may be established as the appropriate goals.

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### **S.T.E.P.S. Program 415-10-15-05-10**

**(Revised 10/00 ML #2629)**

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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.



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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

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### **Case Management Referral Process 415-10-15-10**

**(Revised 10/02 ML #2812)**

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Case management services will not be purchased for any individual or household unless referred by a county social service board LIHEAP representative on SFN 98, "Case Management Inter-Agency Referral Form."

Individuals or households that are referred for case management services by LIHEAP, and later become eligible in the other program, should not be re-referred.

The case manager shall contact all individuals referred, usually within 10 days, to complete the assessment, the action plan, and to initiate services. A copy of the "Action Plan Summary" is provided to the referral source.

1. Households that are eligible for LIHEAP may only be referred by county social service board staff. Identifying the household that should be referred will be based on the county worker's knowledge of the household, the problem and service needed, and the variety of other community services available. Training and case consultation has and will continue to be provided, but continuous communication between county staff and the case manager is essential. Joint training or information meetings within a county, regional, or statewide could be scheduled.

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### **Case Management - Termination of Services 415-10-15-15**

**(Revised 10/02 ML #2812)**

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By Request: The referral source, the customer, or the case manager may terminate case management services at any time after written notification to each other. The cost of all services provided prior to written termination shall be authorized.

Customer Moves: Authorization for LIHEAP services will be terminated when a household moves out of the jurisdiction of the referral source. The household may or may not be re-referred by the receiving referral source. The initial referral source may transfer file information.

End of LIHEAP Program Year: Technically, all LIHEAP households are ineligible on September 30 of each year. However, to allow time for the household to reapply and the county staff to process and enter the data in the electronic file without an interruption of service:

1. LIHEAP will extend payment authorization through November 30 unless it is known that the household will not reapply or will not be LIHEAP eligible.
2. Payment will not be authorized after November 30 if the electronic file has not been updated and activated. In such cases, a complete new referral will be needed to continue case management services.
3. LIHEAP payments shall not be authorized for any new referrals until the household has been approved for LIHEAP and the new electronic file activated.

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### **Case Management Billing Process 415-10-15-20**

**(Revised 10/02 ML #2812)**

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SFN 339 "Monthly Case Management Billing and Reporting Form" will be completed by the case manager. One form for each county is completed for services provided to a household.

The billing form should be submitted to the referral source by the case manager by the 10th of the month after the service was provided and forwarded to the state office by the 15th. Payment will not be made for any services provided three or more months prior to the receipt of the billing form by the referral source.

The form is self explanatory. The referral form (SFN 98) provides most of the necessary identifying information. A uniform system to calculate each case manager's cost per hour per county has been adopted. The signature of the director of the community action agency will certify that the billing is accurate and that the services were delivered. When completed by the case manager, the billing form is submitted to the referral source. The monthly data report will be attached and should be referenced to the [Action Plan Summary](#).

Eligible household billing forms are sent by the case manager to the LIHEAP worker who referred the household. The county worker receives the form for accuracy and LIHEAP eligibility.

If someone is not eligible for LIHEAP, the community action agency must be notified so that they may bill those costs elsewhere.

#### County Social Service Representative

- Review the form for accuracy and that LIHEAP eligibility is checked appropriately.

LIHEAP Households . . . Billing is sent directly to the county social service office that made the referral.

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- Signature certifies that:
  - Household was properly referred for case management services
  - Case has not been closed
  - Household was LIHEAP eligible during the current federal fiscal year
- Checks that services on the monthly data report are in accord with the Action Plan Summary on file.
- Resolves any questions with the case manager and/or CAA official.
- Submits billing form to State LIHEAP Office for payment. Attach explanation of any unresolved questions.

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### **Application and Verification Procedures 415-15**

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### **Application Procedures 415-15-05**

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### **Right to Apply 415-15-05-05**

**(Revised 10/00 ML #2629)**

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Any person has the right to apply for the Low Income Home Energy Assistance Program (LIHEAP), even those who are clearly ineligible. The county social service board must provide information about the eligibility requirements of the program; explain applicants' rights, benefits, and obligations under the program; assist individuals as necessary in completing their applications; and accept and process applications without delay.

The county social service board's obligation to provide assistance to the applicant in completing the application process is described in detail in the section of this Service Chapter dealing with "outreach." (See [415-10-05-10.](#))



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### Head of Household 415-15-05-06

(Revised 10/1/08 ML #3151)

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The head of the household is the household member responsible for payment of the heat cost. Usually, this is the person who will be the applicant for heating assistance and who will sign the application. However, any other household member could provide the application information and documentation and could sign the form to attest to its accuracy. **See 415-15-10-17** regarding verification of heating responsibility. See also [415-35](#) for information regarding the payment process when the designated head of household for LIHEAP is a different person than the person whose name is on the bill.

**Note:** Usually the social security number for the head of household should be used when entering an application. If the applicant has no social security number, leave it blank and request that a "dummy" number be assigned by the state office.

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### **Deadlines for Application 415-15-05-10**

**(Revised 10/1/08 ML #3151)**

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Applications will be accepted for this program beginning October 1. All applications must be completed, signed, and received by the county social service board by the close of business on May 31 of each year. If May 31 falls on a weekend or holiday, the deadline for receipt of signed applications will be the end of the first working day after May 31. Those households who apply in May have 30 days to provide verifications to complete the application. No amendments to the application may be accepted after May 31. Applicants must reapply each year.

The State reserves the right to terminate the acceptance of new applications at any time prior to May 31 if federal program funds are exhausted.

Supplemental Security Income/Social Security Administration (SSI/SSA), flat grant TANF whose income is fixed may be contacted by the county beginning August 15 to make reapplication for the coming heating season. (These applications will be dated 10/1 in computer.) This shall be at the discretion of the local county social service board.

A complete application includes all information and verifications needed to establish eligibility and compute benefits.

If the application has not been signed and dated, the county does not have a valid application and it is not necessary to make any data entry on the computer.

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### Deadlines for Processing 415-15-05-15

(Revised 10/1/2021 ML #3625)

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An application shall be considered as "received" on the date a signed application is received by the county social service board office. This is the "Application Date" which will be entered as the Application Received (Start) Date in the system.

**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.

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

1. Clearly identify missing information or verifications, and
2. Identify a deadline date after which the application may be denied because it is incomplete. This deadline date should be 30 days from the date of application.

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.**

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**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.

**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 Action' 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.

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### **Emergency Application Procedures 415-15-05-20**

**(Revised 10/1/20 ML #3588)**

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An applicant household may have a heating emergency (because of being without fuel or having received a "shut-off notice") under these circumstances:

1. During hours when the county social office is not open;
2. During a state or federal disaster declaration; or
3. When eligibility cannot immediately be established due to lack of verification.

For dealing with cases described in '1' and '2,' each county must have a workable plan by which temporary assistance is available for health or life threatening crises. This may involve an arrangement with local police or any other agency which is accessible 24 hours per day and can be publicized as available for after-hour emergencies. In these cases, the county social service board or its designated agency may authorize, without a signed application or verifications, the purchase of the minimum amount of fuel practical under the circumstances.

In an emergency under the conditions described in '3,' the county social service board must attempt to secure the health and safety of the household short of authorizing the purchase of fuel. Measures could include arranging for the family to stay with relatives temporarily or locating emergency services provided by local churches, for example. If all such measures have been exhausted, the county social service office may authorize purchase of the minimum amount of fuel practical to alleviate the emergency.

In all of the above situations, the county social service board must assist the applicant to obtain the verifications necessary as soon as possible. If found ineligible, the household must refund all LIHEAP funds expended or committed.

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### **Emergency Disaster Responses**

Additional enhancements to the LIHEAP emergency program may be implemented in the event of state or federal disaster declarations or other emergencies as determined by the department.

To streamline the emergency process and ensure an effective and timely response to disaster-type emergencies, any or all of the following changes may be implemented as part of an emergency disaster response:

- Telephonic emergency applications with a verbal signature will be allowed. Worker must indicate applicant's name and notate "Verbal Signature" in the applicant signature line of the emergency application.
- Client statement will be allowed as an acceptable source of verification of income and expenses on the emergency application if currently acceptable sources of verification are not readily available. Worker must be sure to document the verification source used.
- The seasonal maximum amount for supplemental fuel may be increased to accommodate the emergency. State office approval should be obtained for amounts that exceed the maximum amount.
- If additional funding is available to the program, a temporary disaster assistance program may be considered. The temporary program may include but is not limited to:
  - 1) Extension of the heating season,
  - 2) Additional assistance with heating costs,
  - 3) Assistance with non-heating electric utility costs, or
  - 4) A combination of the above options.

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### **Applications - Receipt of 415-15-05-25**

**(Revised 10/1/2021 ML #3625)**

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The county social service office shall provide application forms to any individual, agency, fuel vendor, etc., who may wish to distribute and assist a potential applicant in completing the form. ALL applications MUST be received by the county social service board, however, and reviewed for eligibility. NO OTHER agency may make any decision regarding eligibility or the level of benefits.

Application may be received, filed and maintained at any HSZ within the state, based on what is most convenient for the applicant or recipient.

NOTE: When a household applies for fuel assistance and is income-eligible for prior months when they were living in a different county (in the early months of the same fuel season), the current county will complete the eligibility process. The eligibility will be based on the cost of heating at the time of the application.

Example: Household lived in Burleigh County from October through December and did not apply for fuel assistance. The household moved to Morton County in January and applied for fuel assistance. The Morton County LIHEAP staff will determine eligibility that includes October through December. The LIHEAP Share percentage will be based on the household's current income and estimated cost of heating and will be applied to prior months in which eligibility exists.

Face-to-face interviews shall not be required unless factors affecting eligibility cannot be clarified by telephone or mail. Circumstances which may indicate the need for a face-to-face interview include:

1. An applicant has a history of misrepresentation;
2. An applicant has difficulty understanding written communication;
3. The application has discrepancies or complex resource information which cannot be resolved by telephone or mail; and



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4. The applicant is a "high risk" for Emergency Assistance and an interview is appropriate for crisis prevention (see [415-50-02-05](#)).

Counties who elect to routinely schedule applications by interview must inform the applicant that the interview can be waived if it will cause undue hardship because of poor health, lack of transportation, age, disability, isolation, or conflicting work schedules. Counties are encouraged to be innovative in providing assistance to applicants who cannot come to the county office. In some cases, if weather conditions are poor and an emergency need for fuel exists, the application might be taken by phone, and if income verifications can be done with collateral contacts, the application could be sent with the fuel vendor when he makes an emergency delivery of fuel so the applicant can sign it.

If alternate methods are not successful in assisting the applicant to complete or understand the application or payment procedures, the county office must arrange a personal contact. This may require a home visit if the applicant cannot come to the office and other arrangements are not practical.

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### **Reapplication Procedures 415-15-05-30**

**(Revised 10/1/2021 ML #3625)**

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Only one application per heating season will be required for each household, UNLESS the case was originally denied, closed, or withdrawn. 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.

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### **Denied Cases (Reapplication) 415-15-05-30-05** **(Revised 10/00 ML #2629)**

[View Archives](#)

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](#).

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### **Transferred Cases (Reapplication) 415-15-05-30-10 (Revised 10/00 ML #2629)**

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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](#).

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### Verification Procedures 415-15-10

(Revised 10/1/20 ML #3588)

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Unless otherwise indicated, Department of Human Services [SFN 1059](#), "Authorization to Release Information," should be used whenever requesting information not available from public records, or when the general release on the application is not adequate for the agency asked to supply information.

If medical information is needed to determine eligibility on a case, the SFN 1059 should be used. The statement on the LIHEAP application is not sufficient.

All documentary evidence must be date stamped the day it is received at the county. **It is unacceptable to use the date the verifications are scanned into the case file as the date stamp.** An electronic date stamp is acceptable as long as it is part of the document and stamped the day the verification is received. A date stamp using an email import function is also acceptable as long as the email and verifications received with the email are contained in one document.

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### **Income - Verification 415-15-10-05**

**(Revised 02/01/2022 ML #3653)**

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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.

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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.

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### **SSI/SSA Income - Verification 415-15-10-05-05**

**(Revised 10/1/14 ML #3407)**

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NDVerify (Other Benefits) can be accessed to verify SSA/SSI benefits received by LIHEAP households. If the results are inconsistent with what the household has provided, the household needs to be referred to the Social Security Administration to obtain current verification.

Verification can also be obtained by sending SFN 1059, "Authorization to Release Information" signed by the claimant directly to the Social Security Administration.



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### **Worker's Compensation - Verification 415-15-10-05-10** **(Revised 11/02 ML #2829)**

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To verify Worker's Compensation, send a [SFN 1059](#), "Authorization to Release Information" signed by the claimant directly to the Worker's Compensation Bureau.

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### **Unemployment Compensation - Verification 415-15-10-05-15**

**(Revised 10/1/14 ML #3407)**

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NDVerify or Job Service UIB real-time system can be accessed to verify ND Unemployment Insurance Benefits (UIB) for LIHEAP households. If the results are inconsistent with what the household has provided, the household needs to be referred to Job Service North Dakota to obtain current verification.

Verification can also be obtained by sending SFN 1059, "Authorization to Release Information" signed by the claimant directly to the Job Service North Dakota.

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

(Revised 10/1/14 ML #3407)

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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✓ify, when available (See 448-01-50, Interfaces)   |
| 4. Education                                     | Bills, statements, receipts, from the educational institution (See <a href="#">415-25-05-05</a> Item 7)                                    |
| 5. Garnishment                                   | Copy of the court order/Verification of IRS levies, etc. (See <a href="#">415-05-05</a> 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. |

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\* 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.

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### **School Attendance - Verification 415-15-10-10**

**(Revised 10/1/08 ML #3151)**

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When the household wishes to have the earnings of a minor child age 19 and under but still in secondary school disregarded from the determination of household income, it will be necessary to verify the school attendance of the child whose earnings are to be disregarded. This should be verified at the time of the initial application. (See [415-25-05-50](#)).

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### **Responsibility for Heat Costs - Verification 415-15-10-17 (Revised 10/00 ML #2629)**

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If there is any question that the applicant is responsible for payment of heating costs, the county social service board may require verification of that responsibility. In most cases, the name on the heating bill will be the same as a member of the household. However, some landlords may choose to leave the bill in their own name and have the tenant reimburse them for the heating bill the landlord pays to the heating vendor. Usually, a written lease agreement will verify the responsibility of the tenant to pay the heating costs. In the absence of a written lease, previous tenants, community knowledge of the landlord's policy, the vendor, or the landlord's accountant may be able to attest to the rental policy regarding responsibility for heating costs. See [415-35](#) regarding payment procedures.

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### **Verification of Other Eligibility Factors 415-15-10-20 (Revised 10/1/17 ML #3512)**

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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:
  - a. Appears to be mentally confused.
  - b. Is physically ill or disabled and unable to participate adequately in the eligibility determination process.
  - c. Has a known history of misrepresentation.
  - d. Is a transient or someone who changes his address frequently or who has no permanent place of abode.

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### **Collateral Contacts for Verification 415-15-10-25**

**(Revised 11/02 ML #2829)**

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Whenever the county social service board is unable to determine eligibility on the basis of information provided by an applicant, it must seek additional data. The applicant should be given first opportunity to supply the needed information, provided he is physically and mentally capable of doing so. However, if the applicant is unable to do so, or there is suspicion that the information provided is unreliable, collateral sources must be used to clarify the data. The applicant **MUST** give his written consent for such collateral contacts by use of [SFN 1059](#), "Authorization to Release Information." The applicant must be given an explanation of what information is needed, why it is needed, and how it will be used. Should the applicant refuse to give his consent for necessary collateral contacts, he must be given the choice to: 1) give his consent; 2) withdraw his application; or 3) have his application denied by reason of inadequate verification of eligibility status.

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### **Applicant Responsibility to Provide Verifications 415-15-10-35**

**(Revised 10/00 ML #2629)**

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It shall remain the primary responsibility of the applicant to provide the necessary verification to the county social service board to establish eligibility. However, if the applicant is unable to obtain the necessary information, it becomes the responsibility of the county social service board to assist the applicant in whatever manner is needed to complete the application process.

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### **Benefits Available and Eligible Households 415-20**

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### **Benefits Available 415-20-05**

**(Revised 10/00 ML #2629)**

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Any benefits paid under the Low Income Home Energy Assistance Program (LIHEAP) must be directly related to [home energy](#) costs only. There are three broad categories of benefits. 1) [Heating assistance](#) LIHEAP benefits; 2) [Premium](#) LIHEAP benefits; and 3) Emergency LIHEAP benefits. (See Emergency Fuel Assistance Service Chapter [415-50.](#))

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### Benefits for Heating Assistance 415-20-05-05

(Revised 10/1/18 ML #3533)

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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, propane tank rental (tank rentals may be charged during the regular heating season using fuel type "08") and hook-up (the charge for the set-up or hook-up of a new tank must take place during the regular heating season. Use fuel type "16" to bill for the charges.). 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.

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" to bill for these charges. These charges can be billed to LIHEAP anytime during the year. Those billed outside of the regular heating season need to be entered as a miscellaneous payment.

Low Income Home Energy Assistance Program payments to vendors can be made ONLY for costs of fuel actually purchased by the customer during the customer's period of eligibility that has NOT been paid for by the customer. County social service boards need to take extra care to instruct vendors that LIHEAP will NOT pay for fuel which has previously been paid for by the customer. However, special considerations may apply if the vendor and the customer have agreed upon an even monthly payment plan. (See [415-10-10-15](#).)

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

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### Electric Heating 415-20-05-05-02

(Revised 10/1/19 ML #3557)

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Recipients who heat with electricity may or may not have their heating consumption sub-metered. To ensure that all eligible LIHEAP households retain responsibility for their electric "non-heating" costs, LIHEAP will have electric vendors submit the entire metered residential usage to the State computer, even if the heating is sub-metered. For households with electric heat, the LIHEAP system calculates a LIHEAP share percentage (LS%) that is 75% of what it would be for any other fuel. This is to adjust for the non-heating portions (lights, TV, etc.) of each electric bill that is submitted. By using this adjusted LS%, LIHEAP is paying benefits based upon a presumed heating cost that is 75% of the entire metered residential bill.

LIHEAP households who heat with electricity may also have installed devices such as demand control, off-peak, dual heating systems or sub-metering which offer reduced electric heating rates. When a household has off-peak electric heat, the electric vendor requires the household to have a whole-home back-up (supplemental) heating system therefore, **electricity is to be considered the primary heat source in this situation.**

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### **Utility Costs 415-20-05-05-05**

**(Revised 10/1/11 ML #3276)**

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Other utility costs may NOT be billed as heating assistance costs except when the cost of heat cannot be differentiated from the total fuel cost. For households with electric heat, the LIHEAP system calculates a LIHEAP share percentage (LS%) that is 75% of what it would be for any other fuel. This is to adjust for the non-heating portions (lights, TV, etc.) of each electric bill that is submitted. By using the adjusted LS%, LIHEAP is paying benefits based upon a presumed heating cost that is 75% of the entire metered residential bill. The LIHEAP system is "presuming" non-heating electric costs to be 25% of the total residential usage. This presumed electric utility cost may NOT be rebilled to LIHEAP.



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### **Excess Usage and Stockpiling Fuel 415-20-05-05-10**

**(Revised 11/00 ML #2644)**

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LIHEAP funds may be used ONLY to purchase fuel for the living unit of the eligible household in quantities normally purchased for that household and placed in tank(s) connected to the primary residence. LIHEAP funds may NOT be used to purchase fuel to be stockpiled in additional storage tanks.

Heating vendors are not permitted to bill LIHEAP for fuel which has not been delivered in order to build a credit on the account.

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### **Non-Residential Usage 415-20-05-05-15**

**(Revised 10/02 ML #2812)**

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Clients whose usage includes non-residential purposes are required to specify this fact on the LIHEAP application, Form 529. These clients will be identified by a code on the data entry screens (See Manual 416) and will be subject to a maximum benefit equal to the estimated cost of heat X calculated LIHEAP Share % of the household.

Definition of Non-Residential Usage: Fuel used to provide heat or electricity to other buildings, machinery, vehicles, etc.

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### **Unused Fuel - Credits 415-20-05-05-20**

**(Revised 10/02 ML #2812)**

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If the customer dies or moves and the fuel purchased by LIHEAP can reasonably be pumped out, the refund must be returned to LIHEAP. The customer may NOT sell any fuel purchased by LIHEAP, nor receive a refund from the vendor for any fuel purchased by LIHEAP.

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### **"Topping Off" Tanks 415-20-05-05-25**

**(Revised 10/02 ML #2812)**

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Tanks may be "topped off" at the end of the heating season (deadline is May 31), provided that the household has either requested or authorized the fuel delivery. LIHEAP will not honor bills if the household did not want the fuel or if the household has moved prior to the delivery.

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### **Premium Benefits 415-20-05-10**

**(Revised 11/02 ML #2829)**

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Households eligible to receive Heating Assistance are also eligible for "Premium" benefits, subject to the conditions described for each premium benefit. Requests for furnace cleaning and chimney cleaning may be made October 1 – July 31st of the current year. Electric rate reduction devices may be requested October 1 – September 30th of each year.

The household is not required to be eligible under the guidelines of the Emergency Assistance Program. Premium benefits are designed to meet special needs.

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### **Furnace and/or Chimney Cleaning 415-20-05-10-05** **(Revised 10/1/19 ML #3557)**

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To prevent a heating crisis and promote safety and energy conservation, premium benefits can be paid to clean the furnace of an eligible household. Up to \$250 per household or up to \$275 per household for a fuel oil furnace (exceptions must be approved by the State Administrator) may be used for travel, labor, furnace cleaning, maintenance, and service including the cost of replacement parts such as fuel nozzle, filter, etc., necessary for maintenance and service. An additional payment of up to \$150 per household may be allowed for chimney cleaning when necessary for safety. All households who were financially eligible for basic LIHEAP heating assistance in any prior month of the current fiscal year are also eligible for these services, except as noted in the following paragraph.

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

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

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

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

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1. Insure that the furnace is not functional or poses a threat to the household's health and safety.
2. Have the household fill out an application for emergency assistance
3. Determine whether the household is eligible (income and asset)
4. Contact a vendor to repair the furnace (two bids are not needed for furnace repair)
5. When the furnace has been repaired, it should be determined that the household is satisfied with the repair and the vendor's costs are reasonable. Furnace breakdowns on a weekend may be reimbursed if an eligible household reports to the county immediately on Monday. Households should contact the office in a timely manner to have emergency furnace repair bills paid or reimbursed. **Prudent judgment** by the eligibility worker is to be used to determine if payment or reimbursement is issued.

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

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

Some LIHEAP eligible households have yearly maintenance contracts with fuel vendors. Vendors are responsible for repairing any appliance in the household including cleaning the furnace. The vendor must notify the county office (unless the household had already requested a furnace cleaning from the vendor) they are going to do a furnace/chimney cleaning and request a furnace/chimney cleaning form from the county office. The vendor then must verify the cleaning by supplying the county office with

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the completed furnace/chimney cleaning form (at this time inform the county that the household has a vendor contract.) The county can reimburse the household when the bill and the completed furnace/chimney cleaning form are received. The charge for the furnace cleaning has to be in line with other furnace cleaning done to similar furnaces.

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

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



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### Electric Rate Reduction Devices 415-20-05-10-10

(Revised 10/02 ML #2812)

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Households who have installed devices such as demand control, dual heating, heating submeters, etc., receive reduced heating rates. As the heating cost goes down, their share of the total bill also goes down, and the cost to LIHEAP goes down.

To encourage recipients who were eligible for Heating Assistance during any prior month of the current fiscal year, to take advantage of these rate reduction devices, the LIHEAP State Office will accept requests for funding assistance with the installation costs. The funding plan approved may:

1. Provide funding from ["premium" benefits](#);
2. Require partial funding participation by the applicant, utility, and/or other sources; or
3. Develop a combination of the above.

Individual proposals should be developed jointly by the recipient and the electric heating vendor and mailed to the State LIHEAP office. No payment of installation costs can be assured without prior approval by the State LIHEAP Administrator. Proposals should include at a minimum:

1. Customer name, address, social security number, county of residence;
2. Vendor name, address, phone number, and contact person;
3. Estimate of annual heating cost without the device, estimated annual dollar savings;
4. Copy of household's previous 12 months actual consumption and cost;
5. Type of cost reduction system selected and why;
6. Total cost of installation, availability of loan or other incentive programs from the company or other agency which will participate in installation costs, amount of customer's annual installment payments;
7. Who will own the equipment installed and be responsible for repair/maintenance; and
8. Proposed installation date.

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### Eligible Households 415-20-10

(Revised 10/1/19 ML #3557)

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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 income limitations of the program. (Tenants of subsidized housing in which heat is included in the rent are not eligible. See [415-20-10-30](#))

Eligibility and benefits can be established for heating costs incurred by the household **only** during the time they were physically occupying a residence (living unit) in North Dakota. (See [415-20-10-40](#), Temporary Absences, for exception)

## **"Sleeping Room" Renters 415-20-10-05**

**(Revised 10/1/17 ML #3512)**

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A sleeping room is less than a complete living unit that may or may not have a private entrance.

- Sleeping room renters who share the use of other rooms (kitchen and bath facilities, living area) located in the same dwelling unit ARE NOT considered sleeping room renters and ARE NOT eligible for LIHEAP benefits as a separate household.
- Sleeping room renters who have their own kitchen and bath facilities in the dwelling unit ARE NOT considered "sleeping room" renters. These renters may be eligible for LIHEAP benefits as a separate household.

In determining basic eligibility for sleeping room renters, the household must meet income limitations. The household's estimated cost of heating will be one-fourth of the one bedroom column on the cost/consumption table, not to exceed 25% of annual rent costs.

**Example:** Ann pays \$250/month to rent a room in the home of an elderly couple. The area she rents is less than a complete living unit. It does NOT include a kitchen or living area. She shares those areas with the elderly couple. In this case, Ann would NOT be considered a sleeping room renter but would instead be considered a member of the elderly couple's household.

If Ann rents a room from the elderly couple but does NOT share the living areas (kitchen, living room, etc.) with them, then she would be considered a sleeping room renter.

If the area she rents is a complete living unit (kitchen, bath, etc.), then she would be considered a renter and may be eligible for LIHEAP benefits as a separate household.

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### **Part-Time Residents and Non-Resident Applicants 415-20-10-10**

**(Revised 12/1/03 ML #2895)**

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A household may apply for North Dakota Heating or Emergency Assistance even though they have already moved out of state.

However, eligibility and benefits can only be established for heating incurred by the household at the time it was physically occupying a residence in North Dakota, but emergency assistance cannot be provided to any energy costs not incurred in the current living unit.

See [415-30-20](#) for instructions regarding determination of eligibility and benefits for this circumstance.

Similarly, households who maintain a permanent residence in North Dakota may elect to leave the state during the winter months or live with a friend or relative, maintaining only a minimum of heat in their permanent home. An eligible household may be approved for benefits for heating costs incurred during the time they actually live in their permanent North Dakota residence ONLY.

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### Non-Indians on Reservations 415-20-10-15

(Revised 10/1/18 ML #3533)

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Four (4) Indian Tribe organizations in North Dakota will administer LIHEAP (tribal LIHEAP) for Indian households residing within the Reservation Boundaries. They are Standing Rock, Turtle Mountain, Fort Totten, and Fort Berthold Three Affiliated Tribes.

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

Non-Indian 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 and non-Indian adults may elect to be served by either the tribal organization or the county social service board, although the Indian or non-Indian 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 will serve both Indian and non-Indian households residing within the boundaries of the Lake Traverse reservation.

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### **Migrant Workers 415-20-10-20**

**(Revised 10/00 ML #2629)**

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A migrant worker is a person who has left his 'home' or accepted place of residence temporarily to do hired field or food processing work which requires travel such that the worker is unable to return 'home' within the same day.

Migrant workers from other states can be expected to arrive in North Dakota during the latter part of the LIHEAP heating season. Occasionally they will bring with them unpaid or prepaid fuel costs incurred in their 'home' states. North Dakota LIHEAP funds shall NOT be available for fuel costs incurred in any other state. The household may be referred to the other state's LIHEAP program.

Migrant workers ARE eligible to apply for and receive heating assistance benefits in North Dakota if they incur heating bills in North Dakota between October 1 and May 31, or until federal program funds are depleted.

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### Households Maintaining Two Residences 415-20-10-25 (Revised 10/00 ML #2629)

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#### 1. Work/Education-Site Residence

Occasionally, a head of household or spouse may travel within North Dakota to a work/education site which is too far from his permanent residence to allow him to return home each night. These workers/students frequently maintain a part-time residence during the work week at their work/education site and return to the permanent home only on weekends.

For the purposes of this program, the eligible household may receive LIHEAP benefits ONLY for heating costs incurred at the permanent residence. Heating costs incurred by the worker/student at the "work/education-site" residence will NOT be covered by LIHEAP. This policy does not apply if the entire family has moved with the worker/student at the temporary work/educational site residence. In that case, the policy in #2 of this section shall apply and LIHEAP assistance may be provided at the temporary residence in which the family is living.

2. A household who elects to maintain a minimum heat in their permanent home but lives elsewhere on a temporary basis due to road or weather conditions or other special circumstances may receive LIHEAP heating assistance ONLY for the residence in which they are living. Benefits will be adjusted as needed when the household moves back to their permanent home.



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### **Subsidized Housing 415-20-10-30**

**(Revised 10/00 ML #2629)**

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Renters of units in some governmental subsidized housing (including HAP renter/heat paid clients) are not directly responsible for heating costs. The rental costs for these households are based on a fixed percentage of the household's income and/or other factors. Their rental costs do NOT increase when heating costs increase; therefore, these households are NOT eligible for heating assistance from LIHEAP.

Those renters in governmental subsidized housing who are responsible for part or all of their heating costs may be eligible for LIHEAP benefits. Their eligibility and benefit level is determined in the same manner as other LIHEAP households.

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### **Rent-Free Housing Which Includes Fuel 415-20-10-35** **(Revised 10/00 ML #2629)**

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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.

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### **Temporary Absences 415-20-10-40**

**(Revised 10/1/05 ML #2988)**

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Occasionally, an applicant may be forced to temporarily live away from his permanent home due to illness or other circumstances beyond his control.

If the applicant intends to return to his home within a reasonable time period (up to three months), LIHEAP funds may be used to pay for the cost of maintaining a minimum of heat in the home during his absence.

#### **Examples:**

1. An elderly person in nursing home for a short stay.
2. Persons of any age that need to go away from home a short time because they cannot care for themselves.
3. Someone away for a reasonable time for medical treatment.

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### **Aliens Barred from LIHEAP Participation 415-20-10-50 (Revised 10/1/18 ML #3533)**

[View Archives](#)

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 (minus allowable expenses) 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. A refugee who is admitted to the United States under section 207 of such Act,
3. An alien who is granted asylum under section 208 of such Act,
4. 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,

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5. 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,
6. An alien who is granted conditional entry under section 203(a)(7) of such Act as in effect prior to April 1, 1980,
7. An alien who is a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980),
8. 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),
9. An Iraqi and Afghani aliens who have been granted special immigrant status under section 101(a)(27) of INA,
10. A Native American born in Canada who possesses at least 50% of blood of the American Indian race,
11. Victims of trafficking, or
12. 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.

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### **Household Members Under House Arrest 415-20-10-60**

**(Revised 10/01 ML #2711)**

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Any person who is a convicted offender but is under house arrest while serving court-appointed sentence will be considered part of the household.

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### **Victims of Trafficking 415-20-10-65**

**(Revised 10/01 ML #2711)**

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The Trafficking Victims Protection Act states that victims of trafficking who are certified by the U.S. Department of Health and Human Services are eligible for benefits to the same extent as refugees.

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### **Eligibility Determination 415-25**

**(Revised 10/00 ML #2629)**

[View Archives](#)

Applicant households must meet income eligibility criteria 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.



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### Income Eligibility 415-25-05

(Revised 10/1/06 ML #3045)

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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](#)), 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.

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### Deductions from Income 415-25-05-05

(Revised 10/1/19 ML #3557)

[View Archives](#)

Some expenses over which the household has little or no control reduce the amount of funds available to the household to spend on fuel.

The following expenses are deducted from the household's gross income:

1. Medical expenses as defined in [415-25-05-05-05](#).
2. Legally obligated child or spousal support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member. If the household verifies that payments are being made on a regular monthly basis, the monthly amount may be annualized before deducting it from the income. However, if the payments have been irregular, only those payments actually made since June 1 may be deducted.

The fully automated Child Support Enforcement System can be used to verify household legal obligation to pay child support. Other types of verification can be used also such as copies of court documents, child support stubs, wage stubs, etc.

3. Twenty-seven percent (27%) of earned income (to compensate for income producing employment expenses and income withheld or payments made for social security and Federal and State taxes). This does NOT apply to Supplemental Security Income (SSI), Training, Education, Employment, and Management/Temporary Assistance for Needy Families (TANF), interest income, etc. **See 415-25-05-20-05** for a description of earned income.
4. The annualized amount of wages garnished by a court order, or other deductions/payments required by statutory law such as levies by the Internal Revenue Service (IRS), etc. **See [415-05-05](#)** for a definition of garnishment.
5. 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

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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.

6. 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. This work expense deduction will be deducted from gross earnings after the 27% earned income deduction is made.
7. Additional mandatory employment or educational expenses that are significant and unusual that are determined by the State Program Administrator to be unavailable to the household.
8. Out-of-pocket child care costs related to work, training, or educational purposes that are not reimbursed to the household from any source. If the household verifies that payments are being made on a regular monthly basis, the monthly amount may be annualized before deducting it from the income. However, if the payments have been irregular, only those payments actually made since June 1 may be deducted.
9. Representative Payee Fees.

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### Medical Expenses 415-25-05-05-05

(Revised 10/1/20 ML #3588)

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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:
  - psychotherapy
  - rehabilitation
  - surgery
  - 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.

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### 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:

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- Dentures
  - Hearing aids
  - Prosthetics
  - 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.

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### **Calculating Medical Expenses**

Allowable medical expenses are annualized as follows:

- **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.

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### Medicare Premiums - How to Deduct 415-25-05-05-10 (Revised 10/1/14 ML #3407)

[View Archives](#)

The amount of the Medicare **Part B** premiums can be deducted from gross income, unless the individual has their premiums paid through the Medicare Savings Programs (QMB) (SLMB) & (QI1).

NDVerify (Other Benefits) can be used to verify out-of-pocket costs for Medicare **Part B** premiums.

The actual out-of-pocket premiums for Medicare **Part D** may be deducted if the individual is responsible for paying them.



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### **Flexible Compensation Plans 415-25-05-05-15** **(Revised 10/00 ML #2629)**

[View Archives](#)

A number of employers are now making "Flex Comp." Plans available to employees. This allows the employee to have a regular deduction from gross income set aside in a special account, from which the employee can later receive reimbursement for medical and/or other qualified expenses. The Flex Comp Plans reduce taxable income, since the Flex Comp deduction is made before taxes are calculated.

LIHEAP still needs to use the gross income before the Flex Comp deduction is made. Then any actual medical expenses can be deducted from the gross income in the usual manner.

### **Child or Adult Dependent Care 415-25-05-05-20** **(Added 10/1/2021 ML #3625)**

[View Archives](#)

The out-of-pocket dependent care costs are only allowable for the care of a child under the age of 18, an incapacitated household member, or other elderly or disabled dependent when necessary for a household member to:

- Accept or continue employment
- Seek employment
- Attend training or pursue education preparatory to employment

Incapacitation refers to any permanent or temporary condition that prevents an individual from participating fully in normal activities, including but not limited to work or school, without supervision and that requires the care of another person to ensure the health and safety of the individual, or

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a condition or situation that makes lack of supervision risky to the health and safety of that individual.

If the household incurs dependent care costs that could qualify as both a medical deduction and dependent care deduction, the costs may be deducted as a medical expense or a dependent care expense, but not both.

The portion of dependent care costs that will be reimbursed are not allowable.

### **Example:**

The child care expense for one child is \$750 and CCAP reimburses the household \$300 which is applied toward that child care bill.

1. Disregard as income the \$300 CCAP payment.
2. Allow a child care deduction in the amount of \$450 (\$750 total child care expense incurred minus the \$300 child care payment).

Dependent care expenses will be allowed only if the service is provided by someone outside the LIHEAP household.

### **Example:**

Grandma, mom, and child are all in the same LIHEAP and SNAP household. Grandma is providing child care for the child and receiving a CCAP payment of \$300. Mom is paying out of pocket expenses to grandma of \$50. The \$300 CCAP payment is counted as earned self-employment income to grandma. The \$50 mom is paying grandma out of pocket is not counted as income to grandma and is not allowed as an expense for mom.

If the household verifies that payments are being made on a regular monthly basis, the monthly amount may be annualized before deducting it from the income. However, if the payments have been irregular, only those payments actually made since June 1 may be deducted.

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### Income Eligibility Levels 415-25-05-10

(Revised 10/1/2021 ML #3625)

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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 FY2022 are as follows:

Household <u>Size</u>	Annual Eligibility <u>Limit</u>	Monthly Eligibility <u>Limit*</u>
1	\$32,475	\$2,706
2	\$42,467	\$3,539
3	\$52,460	\$4,372
4	\$62,452	\$5,204
5	\$72,444	\$6,037
6	\$82,437	\$6,870
7	\$84,310	\$7,026
8	\$86,184	\$7,182
9	\$88,057	\$7,338
10	\$89,931	\$7,494
11	\$91,804	\$7,650
12	\$93,678	\$7,807

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### Annualizing Income 415-25-05-15

(Revised 10/1/2021 ML #3625)

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To determine a household's benefit level, LIHEAP compares a household's income to its estimated annual heat cost. This means that income must be converted to a yearly figure or "annualized." The LIHEAP Application (SFN 529) asks the client for information about his or her income in the current month, the previous month, and anticipated income for the following month. The difference in these figures will determine the method of annualization to be used. (References to the "current month" or the "month of application" will also apply to the month during which a reportable change requires a recalculation of the LIHEAP Share Percentage. [See [40-05](#).])

If the income between consecutive months is less than \$400 yet not exactly the same each month use the month of application and annualize.

1. If the difference between the current month's income and the previous month's income is less than \$400, the income would be annualized by the most appropriate of the following methods:

- a. Regular income - This would include anyone on a fixed income, TANF recipients, wage earners who have not recently changed jobs, etc. Income in this category would **NOT** be averaged (See "#2," of this section), even though the payroll schedule results in an additional paycheck during every two weeks will sometimes receive three paychecks in one month.

Annualization is done by multiplying a monthly payment by 12; a weekly payment by 52; a biweekly payment by 26; and a semi-monthly payment by 24.

- b. Periodic income - Examples would include interest payments, land rent, farm payments, and some types of seasonal employment.

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To annualize, multiply the amount received in a single payment by the number of times it is received in a 12-month period. Sometimes, payments for farm or other seasonal labor may fit into this category if the laborer is not paid regularly as the work is done.

- c. Annual employment contracts - These would typically, but not necessarily, apply to employees of a school district.

The total amount of income specified in the contract would be included, regardless of the amount received in the current month.

- d. Business/Farm Income - This would include most business and farm income, as reported on and verified by the most recent tax forms available.

To annualize, use the income from the most recent tax form that reduces gross income by the amount of necessary operating expenses. Use this amount regardless of the amount received in the current month. Each business/farm income is to be reported and computed separately. A reported income loss will be revised to zero income before adding to the income of another business or to other sources of annualized income.

- 2. If the difference between a household member's income (from a single source) in two consecutive months is \$400 or more, or if the household's income in the current month is at or near zero, that member's income (from that source) would be annualized using a three-month average as follows:

- a. The income from the month preceding the month of application,
- b. The income from the month of application, and
- c. A projection of income for the month following the month of application
  - If income for the following month is known and verifiable, that income will be used. ("Known and verifiable" can include TANF, Unemployment Compensation, salaries and the like. It can also include the receipt of one paycheck [in the application month] from a new job, provided that it

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can be determined that the paycheck is representative of wages and hours in the following month.) If there is terminated source income, include the income in the three-month average.

Example:

Application month is October. Household's job ends October. Use the regular earned income (from that source) for September. For October, use the actual amount received for that month. If there is no income predicted for November, then use 0.00. If there is income predicted for November, use the client's best estimate for income. Total the three months and multiple by 4, then you will have the annual income. The second example under 25-05-15-10 is a good example of how to handle terminated source income.

- If income for the following month is not known or cannot be verified, the income in the month of application will be used twice in determining the three-month average.

The earned income deduction will be applied to the sources of income to which it is appropriate. Then, the three monthly figures will be totaled, and the total multiplied by four to arrive at an annual figure.

**NOTE ON AVERAGING:** Averaging is one method of determining a household's benefit level. When using averaging to determine a benefit level, eligibility for month of application ongoing will be established based on the annual income test. Therefore, income ineligibility during the month of application DOES NOT automatically disqualify the household for that month and future months. However, the household must still be income eligible during any prior month for which LIHEAP benefits are to be paid.

### **EXAMPLE:**

Income Limit: \$1,600 monthly (\$19,200 annually)

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Last Month's Income: \$1,200

Current Month's Income: \$ 1,800

Anticipated Income: \$ 1,200

Averaging would be used, resulting in an annual income of \$16,800, or an average of \$1,400 per month.

Even though the household's income is over the monthly income limit for the application month, the household's annual income falls within annual guidelines therefore, the household is eligible for month of application ongoing.

In addition, the household is also income eligible for the prior month because income for that month falls within the monthly guidelines.

Income ineligibility in the month before the month of application does not automatically disqualify the household, but benefits cannot be paid for that month. In other words, if averaging is called for, the prior month's income will be used in the averaging calculation, even if the household cannot receive a benefit for that month.

### **EXAMPLE:**

Income Limit (monthly): \$1,000

Last Month's Income: \$1,200

Current Month's Income: \$ 600

Anticipated Income: \$ 600

Averaging would be used, resulting in an average of \$800 per month.

Averaging may also be appropriate if the household's income is at or near zero.

3. Whenever it can conclusively be demonstrated that the household income annualized in the manner described in "1" and "2" above is not the best indicator of the household's ability to pay their fuel costs, the State Program Administrator may approve or promulgate an alternative method that is reasonable and equitable.



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**NOTE:** A \$400 difference caused solely by an additional check from a regular source of income does not trigger averaging.

Example:

Joe's Income - he applied in December.

November \$350 - regular pay

December \$800 - regular pay because of extra paycheck

January \$350 - regular pay

This case is not averaged just because of the extra paycheck in December (since there are 5 pay periods).

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### **Annualizing Income - Samples 415-25-05-15-10 (Revised 10/1/05 ML #2988)**

[View Archives](#)

#### AVERAGING NOT CALLED FOR:

A household of four applies in November. The husband is a self-employed farmer who also cash rents a portion of his land, collecting the rent twice per year. He works during the school year on a contract basis as a bus driver. His wife has been unemployed several months and collects unemployment compensation weekly. They have a small trust account which earns interest quarterly. Their income is calculated as follows:

Farm Income (from most recent IRS: 5000 x 73%) =	\$ 3,650.00
Cash Rent (\$2,500 x 2) =	5,000.00
Interest Income (Trust Account) (\$25 x 4) =	100.00
Unemployment Compensation (\$50 x 52) =	2,600.00
Bus Driver Wages (\$2700 x 73%) =	<u>1,971.00</u>
Total Annualized Income	\$13,321.00

#### AVERAGING CALLED FOR (Change of more than \$400 per month):

A family of three, a woman with two small children, applies on February 5. The woman had worked in December but was laid off in January. She was paid \$1,000 in January. The client has received no income in February and none is anticipated. She is rehired for her job on March 1. She knows she will be paid \$4.25 per hour, but she does not know how many hours she will work each week. Within the 45 days allowed for processing the

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application, the client provides verification that she has begun receiving regular weekly checks of \$170. The calculation would be as follows:

Income received in January ( $\$1,000 \times 73\%$ ) =	\$ 730
Income received in February =	0
Income anticipated in March ( $\$680 \times 73\%$ ) =	<u>496</u>
Total for three months =	1,226
Annual income ( $\times 4$ ) =	\$4,904

On the other hand, if she had received a check in February for a partial pay period (\$100), but her regular hours could not be established until later in March, the calculation would be as follows:

Income received in January ( $\$1,000 \times 73\%$ ) =	\$ 730
Income received in February ( $\$100 \times 73\%$ ) =	73
Income anticipated in March ( $\$680 \times 73\%$ ) =	<u>496</u>
Total for three months =	1,299
Annual income ( $\times 4$ ) =	\$5,196

If March's income could not reasonably be established within the time allowed, the same amount would be used for March as had been used for February.

If the client's situation calls for more immediate action, see "Emergency Application Procedures," [415-15-05-20](#).

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**NOTE:** A household's income may include sources that must be averaged and also other sources for which averaging is not appropriate. For example, the household above may also receive a cash rent payment from a farm property every November. This amount would be added to the annual income calculated for the averaged sources, to arrive at the household's total annual income. (See Worksheet, [SFN 530](#))

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### Income Counted When Household Composition Changes 415-25-05-15-15

(Revised 10/1/2021 ML #3625)

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Generally, income of any person who is in the household as of the date of application **MUST** be considered in determining initial eligibility and used in the benefit calculation.

Exceptions:

- If an individual moves into the household after the date of application and prior to the initial eligibility determination, the individual's income **MUST** be counted.

If initial eligibility determination was made and the household reports a member entered the household, the report is treated as a change.

- If an individual leaves the household after the date of application and prior to the initial eligibility determination, the individual's income **MUST** not be counted.

If initial eligibility determination was made and the household reports a member left the household, the report is treated as a change.

#### Eligibility for Months Prior to Application Month

When determining income eligibility in months prior to the month of application, only consider the income of household members at the time of initial eligibility determination, unless the individual was not in the household in the past month(s).

**Unpaid bills** incurred prior to the month of application for which the current household is held liable, may have the LIHEAP Percent Share of the bill paid if eligibility is established for those months based on the income of current household members. Reimbursement cannot be paid for the LIHEAP percent of the bill incurred prior to the month of application unless

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the current household member can verify that previous members did NOT participate in the payment of those bills.

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**Income to be Included 415-25-05-20**

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### **Earned Income 415-25-05-20-05**

**(Revised 10/1/20 ML #3588)**

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

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

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

#### **EXCEPTION:**



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

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

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

**Example:**

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

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

**EXCEPTION:**

**Wages earned under the Federal Work Study Program are excluded.**

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

If a household receives up to 50% of the bonus amount as an initial payment with the remainder paid in equal annual installments, the initial payment is annualized and counted as earned income. Each annual installment thereafter is also annualized and counted as earned income.

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

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

### **EXCEPTION:**

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

16. Payments received from the Compensated Work Therapy Program (CWT).

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### **Employment Contracts 415-25-05-20-12 (New 10/1/16 ML #3478)**

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

#### **Examples:**

School teachers, bus drivers, coach, etc.

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

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### **Income of Absent Household Member 415-25-05-20-15 (Revised 10/1/05 ML #2988)**

[View Archives](#)

The head of household or spouse who must reside away from his permanent residence for employment/higher education purposes will be counted as a member of the household at his permanent residence, and his entire income will be counted in the eligibility of that household. That portion of his paycheck which is specifically identified as reimbursement or subsidy for subsistence costs of food, lodging, etc. away from home shall NOT be counted as income. **See 415-25-05-05** (5 and 6) for information regarding deduction for some work-site/educational expenses.

**Exception:** Additional pay received by military personnel as a result of a deployment to a combat zone is disregarded in determining eligibility. The individual's regular military pay continues to be countable income.

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### Unearned Income 415-25-05-20-20

(Revised 10/1/17 ML #3512)

[View Archives](#)

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

If unearned income is withheld for:

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

#### **Examples:**

1. Back Taxes
2. Defaulted Student Loan

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

#### **The following types of unearned income are countable:**

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

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

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

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

### **2. Unemployment and Workforce Safety and Insurance.**

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

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

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

- a. The date funds were deposited into the account based on a bank statement from the electronic payment card vendor or their personal bank account, or
- b. Two working days after the date the WSI or UIB was processed.

### **3. Other benefits, including but not limited to:**

- Monthly or regular payments from annuities, pensions and other retirement plans (including dividends and interest). Penalties, if any, should be deducted from the gross disbursement amount.
- General Assistance
- Income deemed to a community spouse or household member
- Military Allotment received from non-household member
- Short term or long term disability or loss of time insurance payments for illness or injury paid by someone other than the employer (AFLAC, CIGNA, Thrivent, etc.).
- Railroad benefits

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- Veterans benefits other than those designated for education
- Union Compensation during strikes

4. TANF and Diversion Assistance, including:

- Job Retention portion of TANF Transition Assistance
- TANF Kinship Care

**EXCEPTION:**

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

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

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

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

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

- Gambling winnings
- Mineral lease bonuses, oil and gas royalties. Any mandatory production taxes withheld prior to distribution are not counted and are allowed to reduce the amount of countable income. Any

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income taxes withheld are not allowed to reduce the amount of countable income.

- Alaska Permanent Fund Payments
- Insurance settlements
- Inheritance
- Income received from a trust - Submit SFN 1947, Request for Trust Review, along with complete copies of all trust agreements to the Legal Advisory Unit of the Department of Human Services for review.
- Lump sum retroactive social security payments when the individual had earnings in the year prior to the adjustment

9. Cash Contributions received on a regular basis that can be reasonably anticipated.

**EXCEPTION: Regular contributions from parents made available on condition that the recipient continues as a bona fide higher education student are not counted.**

**Small (under \$360/year) contributions are not counted.**

10. Contracts for Payment.

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

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

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



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calculated separately.

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

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

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

### **EXCEPTION:**

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

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

### **Examples:**

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

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

(Revised 10/1/17 ML #3512)

[View Archives](#)

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 NDVerify.

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 NDVerify.

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.

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- 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.

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### **Tribal Payments and IIM Accounts 415-25-05-22 (New 10/1/16 ML #3478)**

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

#### **Countable Unearned Income**

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

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

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

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

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

25 USC 1408

#### **Excluded Income**

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

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25 USC 1407

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

25 USC 1408

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

43 USC 1626 (b) (c)

4. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation Food Distribution Program.
5. Monies derived from certain sub-marginal land held in trust for certain Indian tribes. The tribes that may benefit are:

- Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin
- Blackfeet Tribe
- Cherokee Nation of Oklahoma
- Cheyenne River Sioux Tribe
- Crow Creek Sioux Tribe
- Lower Brule Sioux Tribe
- Devils Lake Sioux Tribe
- Fort Belknap Indian Community
- Assiniboine and Sioux Tribes
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians
- Keweenaw Bay Indian Community
- Minnesota Chippewa Tribe
- Navajo Tribe
- Oglala Sioux Tribe
- Rosebud Sioux Tribe
- Shoshone-Bannock Tribes
- Standing Rock Sioux Tribe

25 USC 459e

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

### **Determining Countable Income in Individual Indian Money (IIM) Accounts**

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

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

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

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

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

IIM accounts can be verified in the following ways:

1. Client statement is acceptable when the account balance is less than \$2000 and the income is derived solely from leases, trusts and

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restricted lands.

2. When client statement is questionable, the balance is over \$2,000, or the account includes income from sources other than leases, trusts and restricted lands verification is required:
  - a. Request for verification of IIM account information using form SFN 413, Individual Indian Monies Account. This form will need to be notarized per requirements of the United States Department of the Interior, Office of the Special Trustee for American Indians, Office of Trust Funds Management. These releases are valid for one (1) year and must be renewed annually.
  - b. Individuals with IIM accounts receive statements from the Office of Trust Funds Management on a quarterly basis. A copy of this form may be requested from the recipient. However, the recipient will not receive the statement if the Office of Trust Funds Management does not have a current address.
  - c. The individual may obtain a statement of their IIM account directly from the Office of Trust Funds Management through the Bureau of Indian Affairs (BIA) by requesting the information in person or by making a telephone request. In both cases, the individual will need to know their account number and provide at least two forms of identification.

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

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



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### **New Source of Income**

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

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

25 USC 1408

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### **Calculating Self-Employment Income 415-25-05-27-05 (Revised 10/1/14 ML# 3407)**

[View Archives](#)

Self-employment income is normally calculated by completing the EAP Self-Employment Worksheet using data from tax forms as verification. Information for each business must be calculated separately. When a household has filed self-employment income taxes the income is determined as follows:

- If the income represents a household's annual income, the income must be annualized over a 12-month period of time, even if the income is received within a shorter period of time during those 12 months.
- If a self-employment enterprise has been in existence for less than a year and continues to operate, the income must be averaged over the period of time the business has been in operation.
- If an individual is self-employed for only part of the year to supplement their income from regular employment, the self-employment income must be averaged over the period of time it is intended to cover rather than a 12-month period.

#### **Example:**

**An individual may be a self-employed painter during the three summer months and works as a housekeeper for regular wages the rest of the year. The self-employment income from painting is averaged over the three summer months because it is intended to meet the individual's needs for only part of the year.**

When the total business 'profit' as calculated above results in a loss, for LIHEAP, zero income will be used. A loss from a self-employment business cannot be used to offset or reduce income from other self-employment or other sources such as earned income.

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### **Anticipating Self-Employment Income in Special Circumstances 415-25-05-27-10**

**(Revised 10/1/14 ML# 3407)**

[View Archives](#)

When a household has not filed a self-employment income tax return or there has been a significant increase or decrease in the operation of the business, income tax forms, monthly ledgers or bookkeeping records may be used as verification. The income is determined as follows:

1. Business Not In Operation a Complete Calendar Year or Tax Forms Not Filed
  - a. The applicant will need to provide monthly income and expense ledgers to anticipate self-employment income and unearned income as a result of self-employment. The EAP Anticipated Self-Employment Worksheet will assist with determining the monthly net farming and business income.
2. Partial Liquidation of Business
  - a. If a business sells some land, equipment, or other capital items to obtain money for current operating expenses and/or pay off a loan, and does not expect a substantial reduction in self-employment income as a result of the sale, continue to look at the most recent income tax forms.
  - b. If the business liquidates a large enough portion of the business to result in an anticipated substantial reduction in the self-employment income, the income tax forms must be appropriately adjusted to accurately anticipate the current year's income using the most recent income tax forms. Income and expenses (other than depreciation and depletion) for the portion of the business that is not being liquidated is used to determine net self-employment income.

Capital gain/losses on sale of property are counted as income.

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**NOTE: Use only the income or loss from the sale of capital items that can be reasonably anticipated to recur during the current year.**

- c. If the business expects to liquidate partially but has not done so yet, use the most recent income tax forms in their entirety until the liquidation takes place.

### **3. Significant Increase or Decrease in Operation**

A farm or business may have a significant increase or decrease in operation that is temporary and does not result in liquidation of the business. In these cases, one of the following methods must be used:

If the applicant has had an estimated tax return prepared for the current business year, use the estimated tax return forms to complete the EAP Self-Employment Worksheet.

If the applicant has prepared documents (such as farm plans) from a lender or bank or monthly income and expense ledgers, these documents may be used to arrive at the current year's anticipated income and expenses. The EAP Anticipated Self-Employment Worksheet will assist with determining the monthly net farming and business income.

Anticipated capital gains/losses on sale of property are counted as income.

### **4. Termination Of Business**

- a. If a business expects to completely liquidate but has not done so yet, continue to use the most recent income tax forms or one of the methods described in #3 above until the business has liquidated.
- b. If a business has been completely liquidated, tax forms cannot be used to evaluate the applicant's income. Use only whatever income is currently available from other sources.

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### **Treatment of Self-Employment Income 415-25-05-27-15 (Revised 10/1/15 ML# 3453)**

[View Archives](#)

When an individual is actively engaged in a self-employment business, the income they receive is considered earned income. The following types of income are always considered earned income:

- Capital or Ordinary Gains/Losses
- Farm Income
- Business Income
- Partnership – Ordinary income, guaranteed payments to partners, depreciation and depletion

However, there are some types of income included on the self-employment income tax forms that are considered unearned income. The following types of income are always considered unearned income:

- Royalty income
- Partnership – rental, interest and dividend income
- Income from S-Corporations
- Estate or trust income

The following types are considered earned or unearned depending on whether the individual is actively engaged in earning the income and the self-employment tax forms filed.

- Cooperative distributions from the sale of goods
- Farm rental income
- Other rental income

The earned income must be separated from the unearned income and will be when using the self-employment calculation worksheet.

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### **Determining Self-Employment Income 415-25-05-27-20 (Revised 10/1/15 ML#3453)**

[View Archives](#)

1. Capital or Ordinary Gains or Losses – A capital or ordinary gain or loss is the difference between the sale price and the cost basis. The cost basis may include improvements and sales expenses such as broker's fees and commissions.

Capital or ordinary gains or losses are considered part of the **EARNED** income from self-employment. The gain or loss is calculated by deducting the cost basis from the gross sale price. The result is then added to or subtracted from the calculation of the self-employment income for the business the property was used in.

**NOTE: Use only the income or loss from the sale of capital items that can be reasonably anticipated to recur during the current year.**

**This income is generally included on the Schedule D or Form 4797.**

2. Farm Income – Income earned through the operation of a farm or ranch including farm rental income and CRP.
  - a. Farm Rental Income – Income received by a landowner from the sale of crops or livestock produced by the tenant. **This does not include cash rent of pasture or farmland.**
  - b. Conservation Reserve Program Payments (CRP) – Cost share and payment program under the USDA that encourages farmers to convert highly erodible crop land or other environmentally sensitive acreage to vegetative cover.

Farm income, including farm rental income and CRP:

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- Is considered **EARNED** income when the individual is actively engaged in farming. The total farm income or loss is determined by taking the taxable amount of cooperative distributions (patronage dividends) from the net farm income and adding in the depreciation.

The amount of cooperative distributions is deducted from farm income as it is excluded. Depreciation is added back in as this is not an allowable expense.

**NOTE: Cooperative distributions may include income from the sale of goods (grain, milk, cattle, etc.). Any portion of cooperative distributions that is income from the sale of goods must not be deducted from farm income.**

**This income is generally included on the Schedule F.**

- Is considered **UNEARNED** income as a result of self-employment when the individual is NOT actively engaged in farming. The total farm rental income or loss is determined by taking the taxable amount of cooperative distributions (patronage dividends) from the net farm rental income and adding in the depreciation.

The amount of cooperative distributions is deducted from farm rental income as it is excluded. Depreciation is added back in as this is not an allowable expense.

**NOTE: Cooperative distributions may include income from the sale of goods (grain, milk, cattle, etc.). Any portion of cooperative distributions that is income from the sale of goods must not be deducted from farm rental income.**

**This income is generally included on the Form 4835.**

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3. Business Income – Income earned through the operation of a business other than farming or ranching.

Business income is considered **EARNED** self-employment income. Business income is determined by taking the net business income profit or loss and adding in the depletion or depreciation. Depreciation and depletion are added back in as they are not allowable expenses.

**This income is generally included on the Schedule C.**

4. Partnerships – A partnership is a self-employment business set up as a partnership with two or more partners. A partner's share of income, gain, loss, deductions or credits is determined by a partnership agreement.

- Ordinary income and guaranteed payments to partners in a partnership are considered **EARNED** self-employment income. **This income is generally included on the Schedule K-1 (Form 1065).** The partner's share of the partnership income is determined by adding the partner's share of depreciation or depletion to their ordinary income and guaranteed payments. Depreciation and depletion are added back in as they are not allowable expenses. **The depreciation and depletion are generally included on the Form 1065.**
- Rental, interest and dividend income paid to partners in a partnership are considered **UNEARNED** income as a result of self-employment. The partner's share of the partnership income is the total of the rental, interest and dividend income. **This income is generally included on Schedule K-1 (Form 1065).**

5. Other Rental Income – Income received from the cash rental of property.

Other rental income is considered **UNEARNED** income as a result of self-employment. Rental income is determined by taking the total net rental income from all rental properties and adding in the depreciation or depletion. Depreciation and depletion are added back



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in as these are not an allowable expense. **This income is generally included on Schedule E.**

6. Royalty Income – a percentage of gross or net revenues derived from the use of an asset or a fixed price of a unit sold of an item.

Income individuals receive from royalties is considered **UNEARNED** income as a result of self-employment. **Royalty income is generally included on Schedule E.**

7. Cooperative distributions from the sale of goods are countable income and must not be deducted from farm income.
8. S –Corporation – a separate business entity with 1 to 100 shareholder(s) that passes through the net profit or loss to their shareholder(s). The business profits are taxed at individual tax rates on each individual shareholder's income tax.

Income shareholders receive from a corporation is considered **UNEARNED** income as a result of self-employment. **This income is generally included on the Schedule K-1 (1120S).** The shareholder's income is determined by adding the shareholder's share of depreciation or depletion to their ordinary business income, net rental real estate income, interest income and dividend income. Depreciation and depletion are added back in as these are not an allowable expense. **Depreciation and depletion are generally found on the Form 1120S.**

**NOTE: An owner or employee of a corporation is not a self-employed individual because the business income and liabilities belong to the corporation, not the individual. Wages that an owner or employee receive from a corporation are considered earned income.**

9. Estate or Trust Income – Income received from an estate or trust.

Income individuals receive from estate or trusts is considered **UNEARNED** income as a result of self-employment. **Estate or trust income is generally included on Schedule E.**

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### Other Types of Self-Employment Income 415-25-05-27-25

(Revised 10/1/14 ML# 3407)

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The following types of income may or may not be listed on self-employment tax forms. If the income is not listed on the self-employment tax forms, the income must be verified separately.

1. Qualified Service Provider (QSP) – Qualified Service Providers (QSPs) are individuals who provide care for people who want to continue to live in their own homes and communities. QSPs do not need to have a special certificate or license, but they do need to prove they have the skills to provide care.
  - QSP income is considered **EARNED** self-employment income when the individual is not an employee of an agency.
  - QSP income is considered regular earned income when the individual is employed by an agency.
2. Boarder - Individuals or groups of individuals residing with others and paying reasonable compensation for lodging and meals.

Income from boarders is considered **EARNED** self-employment income when the individual providing the board is actively engaged in providing the lodging and meals and the boarder is not included in the household based on program policy.

To calculate income from room and board, take the monthly gross receipts less \$100 per boarder.

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### **Wages Paid to Family Members 415-25-05-27-30**

**(Revised 10/1/14 ML# 3407)**

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Wages paid to family members are an allowable business expense.

However, the wages paid to family members must be counted as earned income separately from self-employment income unless the earned income is specifically excluded by program policy.

**Exception:**

**Earned income of all dependent children age 19 or under and attending an elementary or high school 1/2 time or more will NOT be counted.**

The income tax forms identify wages paid to family members as wages or labor hired but does not separate outside labor hired from wages paid to family members. The household will need to identify and verify the amount paid to family members (cancelled checks, W-2 forms, bank books showing transfer of funds).

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### **Allowable Expenses 415-25-05-27-35**

**(Revised 10/1/14 ML# 3407)**

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The following expenses are allowable deductions from self-employment income. Because the EAP Self-Employment Worksheet uses net income any of these expenses claimed on the tax form are already deducted. The Anticipated Self-Employment Worksheet also accounts for these expenses.

If a household verifies any of the following expenses incurred as a result of self-employment income that were not included on the tax forms, the expense must be allowed by deducting it from the net income.

- Advertising
- Car and truck expenses
- Chemicals
- Commissions and fees
- Conservation expenses
- Contract labor
- Custom hire (machine work)
- Employee benefit programs
- Feed
- Fertilizers and Lime
- Freight and Trucking
- Gasoline, Fuel and Oil
- Insurance (other than health)
- Interest (mortgage and other)
- Labor hired
- Legal and professional services
- Office expenses
- Pension and profit-sharing plans
- Rent or lease (vehicles, machinery, equipment, business property, land, animals)
- Repairs and maintenance
- Seeds and Plants
- Storage and Warehousing
- Supplies

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- Taxes (Real estate, employer's match of payroll taxes, contributions to state unemployment insurance, licenses)
- Travel, meals, entertainment
- Utilities and phone
- Veterinary, breeding and medicine
- Wages
- Other expenses such as:
  - Bad debts
  - Bank service charges
  - Dues and publications
  - Laundry and cleaning
  - Tools
  - Day care meal expenses (if not reimbursed through a food program)

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### **Non-Allowable Expenses 415-25-05-27-40**

**(Revised 10/1/14 ML# 3407)**

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The worker must determine if an expense is non-allowable based on whether the expense is part of producing income. The following expenses are not allowable deductions from self-employment income:

- Expenses and net operating losses (NOL) from previous periods.
- Depreciation/depletion - to allow these costs would result in exclusion for amounts that are not actual costs.
- Other expenses that are not incurred as a result of self-employment income, such as:
  - Charitable contributions
  - Penalties and fines

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### **Income Exclusions 415-25-05-30**

**(Revised 10/1/20 ML #3588)**

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The following types of income are excluded:

1. Non-recurring lump-sum unearned payments are those payments that cannot be reasonably anticipated to be received again. These payments include, but not limited to:
  - Retroactive Social Security payments (whether it is paid in a lump sum or installments)
  - Retroactive SSI (whether it is paid in a lump sum or installments)
  - Retroactive adjustment payments from SSA due to changes in the individual's earning record
  - Retroactive unemployment benefits
  - Retroactive TANF
  - Retroactive railroad retirement benefits
  - Retroactive Veteran's benefits
  - Retroactive Workforce Safety and Insurance
  - Inheritance
  - Gambling winnings
  - Child support intercepted from Federal taxes
  - Insurance settlements
  - Mineral leasing bonuses and up-front payments
  - Contests
  - Employees retirement funds taken as a lump sum
  - Severance Pay
  - Income received from a trust - Submit SFN 1947 - Request for Trust Review, along with complete copies of all trust agreements to the Legal Advisory Unit of the Department of Human Services for review.
  
2. Military re-enlistment bonuses received as a non-recurring lump-sum payment.

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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).
4. Reimbursements to a household member or payments to third-party for past or future expenses, including but not limited to:
  - Housing Assistance Program (HAP) and other subsidized housing authorities
  - Housing and Urban Development (HUD)
  - Utility reimbursements made by the Department of Housing and Urban Development (HUD), Rural Housing Service, and Tribal Utility Payments including Tribal LIHEAP.
  - General Assistance reimbursements - BIA or CSSB
  - Supportive Services and Special Items of Need paid by the TANF Program (TANF, TANF JOBS, Diversion, Kinship Care, Transition, Post-TANF and Crossroads)
  - Medical
  - Child Care
  - Employment and training
  - Family Subsidy payments.
  - Adoption Assistance Subsidies
  - Payments directed by a divorce decree to a third party
5. Child support or spousal support of a TANF recipient assigned to the Child Support Division.
6. Children's earned income (See [415-25-05-50](#)).
7. In-kind income that is paid or given in goods, commodities, credits, including in-store credits or services instead of money when the individual does not have the option to receive a wage or monetary payment.
8. Dividends and Interest derived from savings and checking accounts and investments.

### **EXCEPTION:**

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



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

**EXCEPTION:**

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

11. Withdrawals from medical savings, health reimbursements and flexible spending accounts.
12. Foster Care Payments, including continuing education and job-training through PATH Inc.
13. Subsidized Guardianship Payments.
14. Money received from a benefit or fund raiser and disbursed by a third party for a household expense.

**EXCEPTION:**

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

15. When a member of the household serves as a representative payee for Federal benefits (SSI, Social Security, Veterans Benefit) for an individual who is not a member of the household, the income is not considered available to the household.
16. All income, allowances, and bonuses received as a result of participation in the Job Corps Program.
17. Refunds of a deposit from rental units, apartments, storage units, utility companies, child care providers, etc.
18. Homestead Tax Credit refunds.
19. Property Tax relief.

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20. Loans that require repayment. A loan must be verified with a written agreement between the parties executed at the time the loan was agreed upon (This includes reverse mortgage loans).
21. When monies are received and used by a household for the care and maintenance of a non-household member, the portion of the payment that is identified as belonging to the non-household member is excluded.

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

### **Examples:**

1. The out-of-home allowance paid by TANF for children in boarding school or under the Voluntary Placement Program.
2. TANF grant amount for students away at school (the student is not counted as a member of the household either).
3. A parent is receiving court ordered child support of \$350 per month for two children (prorated to \$175 per child). The parent reports that one of the children went to live with the grandparents. The parent sends \$175 of the monthly child support check to the grandparents for the care of the child. Only \$175 would be counted as unearned income to the parent and remaining child. The \$175 sent to the grandparents is not counted as income to the parent.

If the parent does not send any of the \$350 monthly child support to the grandparents, the \$350 is counted as unearned income for the parent and remaining child.

If the parent sends \$200, only the prorated \$175 would be excluded.

22. Census Income.

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23. Trade Adjustment Assistance (TAA) - The following payments made to individuals under the Trade Adjustment Assistance (TAA) Extension Act of 2011:
- **Training Readjustment Allowances** - A wage subsidy available in the form of weekly cash payments to workers who are enrolled in a full-time training course;
  - **Job Search Allowance** - A cash allowance provided to workers who cannot find an available job within the commuting area, which is used to cover transportation costs, etc.
  - **Relocation Assistance** - A cash allowance provided to workers who have to accept a job outside of their commuting area and relocate.
  - **Health Coverage Tax Credit** - A tax credit offered to TAA participants to help pay for the health insurance premiums of the worker and their family.
24. Earned or unearned income set aside for the fulfillment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act (SSI).
25. Monetary gifts received by household members for special occasions such as birthdays, graduation, holidays, etc.
26. Infrequent or irregular income, both earned and unearned, that cannot be reasonably anticipated.
27. Gift Cards which were given as gifts and Gift Certificates.
28. National School Lunch Act provides assistance to individual through the following programs:
- School Lunch Program  
Summer Food Service Program for Children  
Commodity Distribution Program  
Child and Adult Care Food Program (reimbursements to child adult care providers such as Heartland)

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(42 USC 1760 (e))

29. Child Nutrition Act provides assistance to children through the following programs:

Special Milk Program  
School Breakfast Program  
Special Supplemental Food Program for Women, Infants, and Children (WIC)

(42 USC 1780 (b))

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

(42 USC 4636)

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

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

42 USC 5044 (f)

42 USC 5058

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

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

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(42 USC 5155 (d))

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

**EXCEPTION:**

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

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

42 USC 8624 (f)

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

7 USC 2017 (b)

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

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

(42 USC 9858q)

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

**EXCEPTION:**

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

Title IV aid includes:

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

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

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

Aid that is not federally funded includes:

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

20 USC 1087uu

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

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

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

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

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

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

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

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

41. Radiation Exposure Compensation Act.

USC 2210 (h) (2)

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

26 USC 6409

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

(42 USC 10602 (c))

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

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

45. Vietnam Veterans - the following payment made to the children of Vietnam veterans:

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- Children of Vietnam Veterans Born with Spina Bifida
- Children of Women Vietnam Veterans Born with Certain Birth Defects
- Children of Certain Korea Service Veterans Born with Spina Bifida

(38 USC 1833 (c))

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

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

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

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

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

- Bahrain
- Gulf of Aden
- Gulf of Oman
- Iraq
- Kuwait
- Persian Gulf
- Qatar
- Oman
- Red Sea
- Saudi Arabia
- United Arab Emirates

Direct Support of EO 12744

- Turkey effective January 1, 2003 - December 31, 2005
- Israel effective January 1 - July 31, 2003
- Eastern Med effective March 19 - July 31, 2003
- Jordan effective March 19, 2003



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- Egypt effective March 19 - April 20, 2003

Executive Order 13239 (effective September 19, 2001)

- Afghanistan

Direct Support of EO 13239

- Pakistan effective September 19, 2001
- Tajikistan effective September 19, 2001
- Jordan effective September 19, 2001
- Incirlik AFB effective September 21, 2001 - December 31, 2005
- Kyrgyzstan effective October 1, 2001
- Uzbekistan effective October 1, 2001
- Philippines (only troops w/orders that reference OEF) effective January 9, 2002
- Yemen effective April 10, 2002
- Djibouti effective July 1, 2002
- Somalia effective January 1, 2004

Executive Order 13119 (effective March 24, 1999)

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

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

Public Law 104-117 Establishing a Qualified Hazardous Duty Area (November 1995)

- Bosnia
- Herzegovina
- Croatia
- Macedonia

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### **Eligibility for Back Bills and Reimbursements 415-25-05-35**

**(Revised 10/1/17 ML #3512)**

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If the household is eligible for months prior to the month of application and heating costs were incurred, the LIHEAP Share Percentage of the bill can be paid on unpaid bills or the LIHEAP Share Percentage of the bill can be reimbursed to the household (for special circumstances, **see 415-25-05-15-15**). The LIHEAP Share Percentage is calculated on the basis of the month of application (or an average, **See 415-25-05-15**) and applied to bills from prior eligible months.

Back bills and reimbursements may NOT be paid for ANY month in which income eligibility did not exist.

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### Room Payments 415-25-05-45

(Revised 10/1/14 ML #3407)

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For the purpose of determining LIHEAP benefits, a "room" arrangement exists if there is a negotiated agreement to make payments for room, in cash or in kind, regardless of whether the person making the payments is related to the client.

Monthly payments received by the client will be counted as annual income.

In a room arrangement, the person making room payments will **not** be counted as a member of the household, **nor will** his income be included when determining the applicable income eligibility level for the household. The bedroom of this person will **not** be counted. Conversely, the income of an individual living in the household who does not have a negotiated rate of payment for room will be included in the total household income, the individual person will be counted as a member of the household, and the bedroom of the person will be counted.

**NOTE:** If a room arrangement exists but the person making room payment has privileges to use other rooms in the dwelling unit, then they must be counted as a member of the household for LIHEAP eligibility purposes. Their income will be included in the total household income and the bedroom of the person will be counted. The monthly room payments will be disregarded as an exchange of funds between household members.

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### **Children's Earned Income 415-25-05-50**

**(Revised 10/1/19 ML #3557)**

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The earned income of all dependent children age 19 and under and attending an elementary or high school 1/2 time or more will NOT be counted. (See [415-15-10-10](#))

School attendance is defined as, attending elementary or secondary school or attending classes to obtain a General Equivalency Diploma (GED). The school must be recognized, operated or supervised by the state or local school district. This includes a student who attends classes through a home-school program recognized or supervised by the state or local school district.

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### **College Students Living Away from Home 415-25-05-55** **(Revised 10/00 ML #2629)**

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Households who have a college student living away from home, except for weekends and holidays, may NOT count that student as a member of the household for purposes of establishing the appropriate income eligibility level.

NOTE: If the student is a spouse or head of household, that individual must be included in the household unit. (**See 415-25-05-05**, #5 for Deductions from Income).

College students living in congregate living arrangements such as dormitories, fraternity or sorority residences, or in housing owned and operated by the educational institution are excluded from participation in LIHEAP. (See complete definition of this exclusion in 415-05-05, Housing Unit definition) Other college students may apply in their own behalf for their heating costs.

In many cases more than one college student will rent an apartment or house and divide the rental and utility costs equally. In these situations, one individual must be designated to apply as head of the household and all other residents, and their income, are considered as members of the household.

In evaluating the income of the college students, contributions from parents, educational loans, grants, scholarships, or any other income available on condition that the recipient continues as a bona fide higher education student may NOT be counted as income for LIHEAP purposes. ([415-25-05-30](#), Item 12).

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### **Family Home Subsidy, Foster Care, and Subsidized Adoption Payments 415-25-05-60**

**(Revised 10/1/2021 ML #3625)**

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#### 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.

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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.



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### Benefit Computation 415-30

(Revised 10/00 ML #2629)

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The LIHEAP benefit level is expressed as a "LIHEAP Share Percentage" that will be paid on each authorized heating bill that falls within an eligible month. The LIHEAP Share Percentage subtracted from 100% is the "Co-payment Percentage" which the household will be expected to pay on each heating bill.

The LIHEAP benefit level is calculated by first determining an annual dollar amount that an eligible household could reasonably be expected to pay for heating. This household heat share is then subtracted from an annual estimated cost of heating to determine an estimated annual LIHEAP cost. The estimated LIHEAP cost divided by the total estimated cost of heating and rounded up to the nearest 5% is the actual percentage LIHEAP will pay on each authorized bill. (LIHEAP Share % for electrically heated homes is capped at 70%.) (**See 30-05** for benefit minimum)

Whenever an appropriate household benefit level cannot be determined within the provisions of this section, the State Program Administrator will assign a benefit level that is reasonably related to similarly situated households.

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### Eligible Months - Computation 415-30-01

(Revised 10/1/2021 ML #3625)

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Benefits (LIHEAP Share Percentage) will generally be computed based on the household's annualized income that is calculated at time of application and applied from the month of application forward to May 31.

If the household has income-eligibility for months prior to the month of application, the ongoing LIHEAP Share Percentage and the household's co-payment percentage that have been established will be applied to bills from eligible prior months.

The months the fuel dealer is authorized to bill LIHEAP on behalf of his customer may be adjusted to include prior months of eligibility.

**NOTE: A household will not be eligible for months prior to the month of application if the household has NO ongoing eligibility.**

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### **Benefit Minimum/Maximum 415-30-05**

**(Revised 11/00 ML #2644)**

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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 minimum benefit 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. If the case must be changed at a later date to reflect a change that requires an adjustment, the computer will recalculate the LIHEAP Share Percentage based on the new data. If the new LIHEAP Share Percentage would also result in a minimum benefit, 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.

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

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NOTE: LIHEAP pays up to 70% LIHEAP Share for households that use electricity.

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### Household Poverty Level Percentages Table 415-30-10 (Revised 10/1/2021 ML #3625)

[View Archives](#)

The household poverty level percentage to be applied to each household's annual adjusted gross income will be calculated 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	0 – 10,825	10,826 – 21,650	21,651 – 32,475	2,700
2	0 – 14,156	14,157 – 28,312	28,313 – 42,467	3,533
3	0 – 17,487	17,488 – 34,973	34,974 – 52,460	4,377
4	0 – 20,817	20,818 – 41,635	41,636 – 62,452	5,200

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5	0 – 24,148	24,149 – 48,296	48,297 – 72,444	6,03
6	0 – 27,479	27,480 – 54,958	54,959 – 82,437	6,87
7	0 – 28,103	28,104 – 56,207	56,208 – 84,310	7,02
8	0 – 28,728	28,729 – 57,456	57,457 – 86,184	7,18
9	0 – 29,352	29,353 – 58,705	58,706 – 88,057	7,33
10	0 – 29,977	29,978 – 59,954	59,955 – 89,931	7,49
11	0 – 30,601	30,602 – 61,203	61,204 – 91,804	7,65
12	0 – 31,226	31,227 – 62,452	62,453 – 93,678	7,80

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

(Revised 10/1/2021 ML #3625)

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<b>NUMBER OF PERSONS</b>	<b>MONTHLY ELIGIBILITY LIMIT</b>	<b>ANNUAL ELIGIBILITY LIMIT</b>
1	2,706	\$32,475
2	3,539	\$42,467
3	4,372	\$52,460
4	5,204	\$62,452
5	6,037	\$72,444
6	6,870	\$82,437
7	7,026	\$84,310
8	7,182	\$86,184
9	7,338	\$88,057
10	7,494	\$89,931
11	7,650	\$91,804
12	7,807	\$93,678

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### **Household Annual Heat Share 415-30-10-05**

**(Revised 10/00 ML #2629)**

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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.

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### **Cost of Heating Computation from Cost/Consumption Tables 415-30-15**

**(Revised 10/1/12 ML #3343)**

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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.

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### **Cost of Heating - Wood, Coal, etc. 415-30-15-01** **(Revised 10/00 ML #2629)**

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If the household has a consumption record for the previous year, always use those records of actual consumption as the Cost of Heating. Use the Cost of Heating Tables only as a last resort when there is no usage history. On the "Household Data" screen, code the type of fuel as "07" (other) for kerosene.

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### **Cost of Heating - Secondary Heat Source 415-30-15-05 (Revised 10/1/08 ML #3151)**

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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: THERE ARE NO EMERGENCY PAYMENTS MADE FOR SECONDARY HEAT.

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### **Cost of Heating - Counting Bedrooms 415-30-15-10** **(Revised 10/1/17 ML #3512)**

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The purpose of counting bedrooms is to estimate the size of the area to be heated which has exterior walls exposed to cold outside air. Since it is nearly impossible to completely 'close off' unused bedrooms and prevent heat loss into them, households will be allowed to count unused bedrooms.

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.

If a house is a split-level home where one or more walls of the lower level are fully exposed to the outside air, bedrooms on that floor can be counted. Similarly, "split foyer" or "raised ranch" style homes generally have 4-5 feet of the lower level above ground level and exposed to the outside air. Bedrooms on the lower level of these homes may be counted.

A household which rents out sleeping rooms on the main or upper floors of the house, may count only those bedrooms which are not rented, since the cost of heating the rented rooms should be covered by the rent received.

Do Not count any bedrooms used exclusively by any person not counted as a member of the household for LIHEAP eligibility purposes.

If a household reports more than five bedrooms, use the matrix column for five bedrooms to determine the Estimated Cost of Heat.

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A single-detached house which has an apartment will be treated as a duplex, since the house contains two separate and complete living areas.

If you have a situation which does not fit any of the situations described, contact the State Office for an interpretation.

If the household reports varying numbers of bedrooms for the same house from one season to the next, or the reported number of bedrooms is otherwise questionable, you have the right to question the count and/or to verify that the number of bedrooms reported is accurate. It may be that the household did not report all the bedrooms in previous years because they were previously used for some other purpose. In that case, it would be legitimate to allow the additional bedrooms. When trying to make a fair decision, the guideline should be to count the number of rooms structurally intended for bedrooms.

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### **Cost of Heating - Different in Months Prior to Application 415-30-15-15**

**(Revised 10/1/08 ML #3151)**

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When the cost of heating for the month of application is different from previous months for any reason, the benefit will be calculated based upon the cost of heating at the time of application.

NOTE: See exception to this policy in [415-30-15-20](#).

When a household applies for fuel assistance and was eligible in a different county previously (in the early months of the same fuel season), the current county will complete the eligibility process. The eligibility will be based on the cost of heating at the time of the application.

Example: Household lived in Burleigh County from October through December they did not apply for fuel assistance. The household moved to Morton County in January and applied for fuel assistance. The Morton County LIHEAP staff will determine eligibility that includes October through December. The LIHEAP Share percentage will be based on the household's current income.

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### **Cost of Heating - High Fuel Consumption Due to Age, Disability, or Health 415-30-15-20**

**(Revised 10/00 ML #2629)**

[View Archives](#)

Persons who must maintain a home temperature significantly higher than normal due to age, disability, or health which might predispose them to hypothermia may need more fuel than the Estimated Cost of Heat indicates. Therefore, the household's actual co-payments may be more than the household is able to afford.

These households may receive additional LIHEAP payments for their heating costs if their actual heating costs (use previous year's records if necessary) exceed the LIHEAP Estimated Cost of Heating.

To assist these households, the goal is to reduce their Co-payment Percentage to a level that reflects their ability to pay in relation to their true heating costs:

1. Obtain the household record of actual heating costs, and compare it to the LIHEAP Estimated Cost of Heating table.
2. If the actual heating costs are higher, use the actual heating costs for the prior LIHEAP heating season in place of the estimated amount from the LIHEAP tables. In some cases, you may be aware of this situation when you are first calculating the case, and entering the actual heating costs in place of the LIHEAP Estimated Cost will result in the correct LIHEAP Share Percentage from the start. If the issue is raised after the case has already been established on the computer, entering this information as a change will cause the LIHEAP Share Percentage and the customer's Co-payment Percentage to be recomputed. The effective date of the revised LIHEAP Share Percentage will be 5 days from the date the change is entered.
3. If the household does not contact you until some bills have already been paid, you can use miscellaneous payments to increase the amount of the LIHEAP payment on prior bills.



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### **Authorization Period Computation 415-30-20**

**(Revised 10/1/14 ML #3407)**

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The purpose of the authorization period is to prevent the designated vendor from billing for fuel delivered during an ineligible time period or for fuel the customer has already paid for. Therefore, the authorization period will not necessarily include all the months a household has eligibility. The sections which follow provide examples of the correct use of the authorization period to achieve that purpose.

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### **Payments Not Required Prior to the Month of Application 415-30-20-05**

**(Revised 10/00 ML #2629)**

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The authorization period for those households who are NOT eligible for or are not requesting payment of any bills incurred prior to the month of application shall be dated from the first day of the month of application through May 31. Since benefit levels will NOT be adjusted for income changes, this authorization period would NOT be shortened to limit payments for cases with fluctuating income.

NOTE: Authorization periods are not shortened for the LIHEAP Program.

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### **Payments Required for Bills Incurred Prior to the Month of Application 415-30-20-10**

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### **Bills Owed to Current Heating Vendor 415-30-20-10-05** **(Revised 10/00 ML #2629)**

[View Archives](#)

The authorization period will be retroactive to the first month in which "continuous eligibility" was established if:

- the household has unpaid bills incurred prior to the month of application,
- the unpaid bills are owed to the household's current heating vendor, and
- the household was eligible during the month in which those bills were incurred.

**Example 1:** The household applies for LIHEAP in February and is determined eligible from February 1st to May 31st. However, the household has also incurred unpaid bills from October through January and has been found to be eligible for LIHEAP during October, December and January but not November. The authorization period will be submitted as December 1st through May 31st, provided the unpaid bills incurred during December through January were with the same vendor the household will be using for the remainder of the heating season. The vendor will be allowed to bill for these back bills in the same manner as he will bill for current unpaid bills on the computer print-out, "Request for Payment." The October bill will be paid with the "Miscellaneous and Emergency Payment" screen even though the payment may be issued to the current vendor.

**Example 2:** The household applies for LIHEAP in February and is determined eligible from February 1st through May 31st. The household has also incurred unpaid bills from October through January, but was eligible only during November. The authorization period will be from February 1st through May 31st. The November bills ONLY will be paid with the "Miscellaneous or Emergency Payment" screen even though the payment may be issued to the current vendor. The current vendor will be allowed to submit ONLY current unpaid bills on the computer Printout, "Request for Payment."

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### **Bills Owed to Different Vendor 415-30-20-10-10**

**(Revised 10/1/08 ML #3151)**

[View Archives](#)

**(Refer to Example in [415-30-20-10-05](#).)**

If unpaid back bills were with a different vendor, the authorization period will be recorded as February 1st through May 31st, and the unpaid back bills with the previous supplier will be paid as miscellaneous payments. The current supplier will bill current unpaid bills on the computer printout, "Request for Payment."

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### **Reimbursements for Paid Bills 415-30-20-10-15**

**(Revised 10/00 ML #2629)**

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If the household is requesting a reimbursement for bills paid prior to the month of application, and the household has been determined eligible during the months those bills were incurred, the authorization period will NOT be adjusted retroactively, but will begin with the month of application. The reimbursement will be paid with the "Miscellaneous or Emergency Payment" screen. This prevents a supplier from billing again for a delivery already reimbursed to a client by LIHEAP.

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### Renter Benefits Computation 415-30-30

(Revised 10/00 ML #2629)

[View Archives](#)

Establishing the LIHEAP benefit level for unsubsidized renters whose heating costs are included as an undesignated part of their rent will be similar to the procedures for establishing a LIHEAP benefit level for any other eligible LIHEAP applicant, with TWO EXCEPTIONS:

1. An additional calculation for the estimated cost of heating is necessary. The estimated cost of heating will be the smaller of the amount taken from the appropriate cost of heating tables OR 25% of the annualized rent payment. (See lines 7a and 7b of [SFN 530](#), "Eligibility and Benefit Worksheet.")
2. For renter/heat paid households using electricity as the primary heat source, the computer will NOT perform the calculation which reduces the LIHEAP Share Percentage by 25% to account for non-heating electricity. That is because the Estimated Heat Cost computed in #1 above is already based on a presumed heating cost being 25% of the total rent. Applying the additional 25 % reduction to the LS percentage would be duplication.



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### **Renter Benefits - Authorization Period 415-30-30-05 (Revised 10/1/07 ML #3094)**

[View Archives](#)

The renter checks are printed the third week of each month. Therefore, the authorization period for renters should normally begin with the first eligible month in which a renter payment can be made and should end with the last eligible month.

The computer will continue to make monthly renter payments ONLY as long as the case is open and the renter payment date falls within the authorization period.

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### **Renter Benefits - Computation of Monthly Payment 415-30-30-10**

**(Revised 10/00 ML #2629)**

[View Archives](#)

The monthly benefit will be calculated by the computer using the following formula:

The cost of heating will be multiplied by the LIHEAP Share Percentage and the result will be divided by 8 to establish a monthly benefit. The monthly benefit will always be rounded off to the nearest dollar: \$50.49 = \$50/Mo. and \$50.50 = \$51/Mo. 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. The "lump sum" is paid in one check to the renter, and the case goes automatically to a status '10', which prevents any further payments.

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### **Renter Benefits - 'Catch-up' Payments 415-30-30-15 (Revised 10/00 ML #2629)**

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The computer never goes back to pick up a monthly renter payment that was missed for any reason. The county worker will need to issue a [miscellaneous payment](#). The delivery date entered for the miscellaneous payment should be the date of the third Tuesday for the month the payment is intended.

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### **Renter Benefit for New Case with Old Vendor Bills 415-30-30-20**

**(Revised 10/00 ML #2629)**

[View Archives](#)

Occasionally a household may apply as a renter but have prior months of eligibility during which time the household paid a vendor for fuel and incurred unpaid bills or requests a [reimbursement](#) for bills paid. The LIHEAP Share Percentage will be calculated the same, but the amount which will be paid out in miscellaneous payments for unpaid back bills or reimbursements will be determined using the LIHEAP Share Percentage that is calculated for the current living situation.

**Example:** The household applies in February and is determined eligible from February 1st through May 31st. The household has also incurred heating costs in the form of unpaid vendor bills and/or reimbursements from October through January, and is determined eligible during October, December and January, but NOT November. The LIHEAP Share Percentage for this household is computed at 50%. LIHEAP could pay 50% of unpaid vendor bills and/or reimbursements for October, December, and January. No unpaid vendor bills and/or reimbursements will be paid by LIHEAP for the month of November as the household was not eligible in November. February 1 through May 31 renter/heat paid benefits will be paid at the 50% level.

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### **Renter Benefit - New Vendor 415-30-30-25**

**(Revised 10/00 ML #2629)**

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For a household who applies and pays a fuel vendor, but has prior months of eligibility as a renter with heat paid, reimbursement using "miscellaneous payments" should be used for any eligibility for renter benefits. The LIHEAP Share Percentage will be based on income in the month of application, and applied to the renter reimbursement for any prior month. This calculation must be done manually.

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### Payment Procedures 415-35

(Revised 10/01 ML #2711)

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The applicant's responsibility for the energy bill must be established before any payments can be made by LIHEAP, especially if the bill is not in the applicant's name. The vendor and LIHEAP need to agree that it is appropriate to have other than the head of the household's name on the bill. Once responsibility is established there are several options to make the payment:

1. The vendor can bill LIHEAP directly if the company is able to assure proper credit to the LIHEAP household even if the bill is in another name ([415-35-10](#));
2. The county can generate the payment to the vendor if the vendor can assure proper crediting and if the household agrees that sending the check to the vendor will not cause problems with old bills ([415-35-20-15-05.3](#));
3. The county can generate a reimbursement to the household if the family pays the bill first ([415-35-20-20-05](#));
4. The county can generate the payment to a third party under certain conditions ([415-35-40](#));
5. The county can generate a payment to the household even if the family hasn't paid the bill, as long as the county has a means of assuring that the payment will get to the party who provided the energy services ([415-35-20-20-20](#)).

Options #4 and 5 should be used only as a last resort.

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### **Payment Methods - How to Choose 415-35-05 (Revised 10/00 ML #2629)**

[View Archives](#)

There are three basic payment methods.

1. Automated Vendor Billing Payment

Only one vendor, designated by the household as a primary vendor, is allowed to directly bill LIHEAP ([415-35-10](#)).

2. Automated Payments to Renters

This method is used when the heating cost is included as an undesignated portion of an unsubsidized rent payment. Payments are made the third Tuesday of the month, October through May ([415-35-15](#)).

3. On-Line Payments

This method is used to pay miscellaneous, premium, or emergency bills. There are two ways of entering on-line payments:

- a. Option F, "Miscellaneous, Premium, Emergency" screen -- Used for miscellaneous, premium, or emergency bills.
- b. Option Q, "Payment Adjustments" screen (can be used only by the State Office)-- This method is used for bills (usually emergency) which have delivery dates prior to October 1 of the current fiscal year. Since only the State Office can use this screen, the county office needs to submit the information needed to pay the bill to the State Office by regular or electronic mail. ([415-35-35-10](#)) The State Office also uses this screen to record refunds, cancellations, and other adjustments.

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

**(Revised 10/1/17 ML #3512)**

[View Archives](#)

Most households who pay heating costs directly to a vendor will have LIHEAP payments made on their behalf directly to their designated vendor.

This method should be the most widely used when the household buys their fuel regularly from the same vendor. Generally, if the household uses two forms of heating fuel, one will be designated as the primary fuel, and the provider of that fuel will be the designated primary vendor.

Making payments to the designated, primary vendors is a four-step process:

#### Step 1:

The eligible case is established in the computer file on the "Household Data" screen.

The "Household Data" screen is completed with a payment type of Code 01 (Vendor), the vendor's ID number, and the dates he is authorized to bill. The designated vendor will be notified by the county office using a "Notice of Action," that his customer is eligible for LIHEAP benefits, including the benefit level and the authorized time period covered. The county social service board will instruct all vendors in their service area NOT to expect any LIHEAP payments unless they have first received a "Notice of Action."

#### Step 2:

##### For New Vendors Only

When a LIHEAP household designates a heating vendor that is not already listed in the computer vendor file, the county will need to request the State Office assign a vendor ID and enter the new vendor into the computer file.



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The county also needs to tell the State Office when the household file using the new vendor ID will be entered on the computer.

The State Office will automatically send 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.

This printout will be sent automatically from the State only when the vendor first has a customer approved for LIHEAP. From then on, a new "Request for Payment" will only be sent when a payment is made to the vendor.

### For Vendors Carried Over From Previous Heating Season

All vendors carried on file at the end of the previous heating season will be transferred automatically into the vendor file of the new heating season. These vendors will automatically receive in mid October four blank pages with only their name, address, I.D. number, and the column headings printed on it. They will use this form to write in the names, billing number and billing information for their very first approved LIHEAP customers. When they send these in for payment, the automatic process described in Step 4 will take over. If counties have already entered some cases on the file, those customers will have pre-printed customer information on the billing form.

### Step 3:

#### Manual Billing Method

The vendor uses the columns in the center of the printout to submit his bill for those customers who have had fuel delivered, and the vendor sends the original copy of the "Request for Payment" to the State Office for payment. He retains a copy for his records.

#### Secure Web File Transfer Billing Method

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Some of the larger utility companies have elected to transmit bills for their LIHEAP customers by electronic file. Each local office of the company submits billing information to the company's central computer, and the bills for all the company's LIHEAP customers statewide are then transmitted to the State computer once per week via electronic file.

Each local office of the utilities will continue to receive all the documents identified in Step 4, but they will no longer need to submit the billing information by hand for current bills. Montana Dakota Utilities and Ottertail are not able, however, to submit back bills via electronic file and will have to manually submit back bills with the "Request for Payment" printout.

Xcel Energy will send an electronic file from the Minneapolis office. Local Xcel Energy offices will continue to receive their check and all other documents identified in step 4 including a printed copy of the Remittance Advice. Xcel Energy will have the capability to use the computerized billing for current and back bills.

### Step 4:

One check will be issued for all the vendor's customers for whom he is receiving payments, and a "Remittance Advice" will break down the amounts that are to be credited to each customer's account. At the same time, the vendor will receive from the State Office a new "Request for Payment" showing all LIHEAP-approved customers on file up to the date the report is printed. In this way, newly approved applicants will be added to the "Request for Payment" so the vendor can submit bills for new LIHEAP customers.

Each vendor will also receive with the check an electronically produced printout of bills submitted which were rejected by the computer for payment. This ["Rejection List"](#) will tell the vendor why the bills were rejected. There will continue to be some rejected bills which cannot be identified by this electronic system, and these will be handled manually by the State Office staff. The manually generated rejection notices will NOT be mailed with the check, however, but will be mailed separately within a week following the computer run.

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If the vendor does not receive all the payments requested, he should be advised to wait for the rejection notice before calling in to the State Office.

Step 4 will be repeated until the end of the program. As individual customers have their cases closed, their names will no longer appear on updated "Request for Payment" reports. Only the names of customers who have designated the vendor as the primary vendor for on-going bills will appear on the "Request for Payment." If miscellaneous payments only are authorized to go to this vendor for a particular customer, that customer's name does not appear in the "Request for Payment." If a non-authorized vendor submits a bill for a customer, that bill will be rejected.

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### **"Request for Payment" Printout 415-35-10-05 (Revised 12/1/03 ML #2895)**

[View Archives](#)

The following is a very general statement of the billing process. For details and to answer specific questions from vendors, refer to the "Billing Instructions" section of the Vendor's Billing Manual Chapter 416-01.

#### **1. Information Given on the Report**

In the upper left-hand corner will be printed the vendor's name, address, telephone number, and the vendor identification number. The vendor ID number is a seven-digit number.

At the top center of the report is given the name of the report and the date on which the report was printed.

In the upper right-hand corner will be printed the instructions to the vendor for completing the billing section.

The information for each customer is listed in alphabetical order of the customer's last name. It includes the name and billing number of the customer. If the customer account number was included on the "Household Data" screen, it will be included on the report. (Customer account numbers for MDU, Xcel Energy, Ottertail, and Ferrellgas are submitted on their web billing.) The customer's co-payment percentage, the LIHEAP benefit percentage, and the authorization period are given on the report.

#### **2. Completing the Billing Section**

To the right of the customer's billing number are blanks for the vendor to use to write in the amount of unpaid bills. The vendor MUST complete the date of delivery, write in the code for the type of fuel provided, the amount of product (gallons, KWH, etc.) and enter

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the cost of the delivery. Vendors of fuel oil, propane, etc., will be asked to submit the invoice number of the delivery ticket. This will NOT apply to utility companies who do not use delivery tickets. Vendors will also be asked whether they have billed the "cash" price, by entering a Y (yes) or N (no). This also will not apply to utilities. The vendor may submit one bill on each line, and there are two lines provided for each customer, so he may bill for up to two deliveries for each customer. The vendor may NOT combine more than one delivery on each line. (**See 415-35-10-15** for how to bill more than two deliveries.)

The date of delivery must be completed with a total of six digits as follows: 01-01-95. The date of delivery must be the date the fuel was provided to the household, or if it is a metered fuel such as electricity or natural gas, the date of delivery must be the date the meter is read. The computer will not accept a delivery date if it has been submitted previously.

The computer will go through a series of edits to determine if a bill is a "duplicate" that should be rejected. If the delivery date is the same as a bill already paid, the system will check for a different invoice number or a different fuel type. If so, the bill will be accepted for payment. This computer capability at the time of vendor billing should greatly reduce the number of miscellaneous payments county staff must handle.

The code for the type of fuel must be WRITTEN IN . . . ONE type of fuel for each delivery date. If a customer changes type of fuel within the authorization period and the dealer is the same, you will need to enter unpaid bills as miscellaneous payments for the previous fuel type. However, if a customer uses two types of fuel, and you have authorized both on the computer, both deliveries can be on the same form when the vendor is the same for both (**EXCEPTION: All payments for secondary electric heat are entered by the county through a miscellaneous payment**).

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<u>Customer Billing #</u>	<u>Delivery Date</u>	<u>Type</u>	<u>Invoice</u>	<u>Quantity Delivered</u>	<u>Cost</u>	<u>Cash Disc</u>
100108234	10-11-10	03	1434	300	\$250.63	Y
100108234	11-09-10	01	1435	275.25	\$275.40	Y

The codes translate as follows:

01. . . . . Oil	05. . . . . Wood
02. . . . . Natural Gas	06. . . . . Coal
03. . . . . Propane	07. . . . . Other
04. . . . . Electricity	08. . . . . Tank Rent
	16. . . . . Hook Up

The cost of the fuel must be that for a single delivery of fuel only. The vendor may enter the exact amount of the delivery including the

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cents. He may also add in any normal delivery charges, but not finance charges. Deposits may NOT be included.

If he chooses, the vendor may hold the "Request for Payment" until all customers listed have a bill to be submitted, although most vendors will likely want to submit bills for those customers owing money at least once per month, if not more often. Those customers who do not owe a bill at the time the report is completed may simply be left blank. Their names will appear again on the next updated "Request for Payment."

### **3. Mailing the Report and Vender Signature**

Instructions for mailing the "Request for Payment" are printed on the left side at the bottom of the list of names on the last page of the report if the list of approved customers is more than one page long.

The vendor agreement is printed on the right side at the bottom of the list of names on the last page of the report.

The vendor **MUST** sign and date the "Request for Payment" before it will be processed.

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### **Billing for Approved Customers not on the "Request for Payment" 415-35-10-10**

**(Revised 10/00 ML #2629)**

[View Archives](#)

A ["Request for Payment"](#) printed near the beginning of the month will not show the names of customers newly approved later in the month, even though the vendor may have his copy of the "Notice of Action," which identifies them as approved LIHEAP customers.

These new customers will appear on the next "Request for Payment" once he mails in the current list he is holding. There is less chance of error if the vendor can wait to submit a billing for these new customers until he receives an updated "Request for Payment" which includes their name. However, a blank form will be provided to the vendor each time a new "Request for Payment" is sent to him, so he may write in the names of these new customers and submit a bill for them. If he chooses to do this, he must write in the customer's name, with the last name appearing first. He must also write in the customer's billing number, which will be printed on the "Notice of Action." Completing the rest of the billing section and the signature is identical to billing for those customers whose names appear on the printed "Request for Payment."

Some vendors who have only a very few LIHEAP customers may find that at some point during the middle of the season, all the LIHEAP customers cases are closed or their authorization period has expired so that their names no longer appear on the "Request for Payment" list. This vendor will NOT automatically receive a new "Request for Payment" list if a new customer is approved later.

Therefore, the vendor should save one of the blank "Request for Payment" forms and can use this to write in the name of any new customer added later. When he sends in this write-in, the automatic process of sending an updated "Request for Payment" will begin again and continue each time he requests a payment until all his cases are closed once more.



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### **Billing for More Than Two Deliveries 415-35-10-15**

**(Revised 10/00 ML #2629)**

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Vendors must NOT try to write in more than two deliveries in the spaces provided beside each customer's name on the printout.

Instead, the vendor may use the "blank" page for additional deliveries. He must write in the customer's name and billing number and complete the billing section for delivery date, type of fuel, and cost.

If the vendor has more than four deliveries to submit at once, he may simply repeat the above process. (NOTE: The name and billing number must be repeated for each set of two deliveries.)

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### Renter Payments 415-35-15

(Revised 10/00 ML #2629)

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Renters whose heating costs are included as an undesignated portion of their rent payment will receive LIHEAP payments directly. Payments will generally be made once per month, on the third Tuesday, and will continue until the county social service board closes the case on the computer, the authorization period expires, or a "lump sum" renter case is closed by the computer (status 10). The authorization period (see [415-30-25-05](#)) will be entered into the computer system on the "Household Data" screen, along with a Payment type code of "03." The monthly renter benefit will be computer calculated. 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 amount is \$5.00 or more. 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.

Renter payments can generally be set up until 5 p.m. (Central Time) on the day of the regular monthly run. However, if a payment is missed, the computer does NOT go back to pick it up. You need to issue a "catch-up" renter payment as described in [415-35-20-20-15](#).

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### Miscellaneous On-Line Payment Procedures 415-35-20 (Revised 10/00 ML #2629)

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Miscellaneous payments authorized by the county social service office are sent directly through the State Office computer for payment. There is no "authorization" for the applicant or vendor to sign.

Miscellaneous payments may be made for any eligible household provided eligibility existed during the month in which the heating cost was incurred. Although the household's ineligible months are stored in the computer information system, there are not any edit checks built in to be sure bills submitted for miscellaneous payments do not fall within those ineligible months. It is the responsibility of the county social service worker to monitor this.

Anything which can be billed under heating assistance benefits as described in [415-20-05-05](#) may be paid by miscellaneous payments.

The following formula may be used to assist in calculating a Miscellaneous Payment:

Delivery Date    Cost of Delivery X LIHEAP % = LIHEAP MISC. PAYMENT

\_\_\_\_\_ \$ \_\_\_\_\_ x \_\_\_\_\_ % =  
\$ \_\_\_\_\_

If a correction must be made to a payment already processed, the following formula may be used to assist in calculating the underpayment:

Correct LIHEAP -            LIHEAP Payment =            UNDERPAYMENT

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Delivery Date

Payment

Issued

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_ = \$ \_\_\_\_\_

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### **Miscellaneous Payments - Documentation in Case File 415-35-20-10**

**(Revised 10/00 ML #2629)**

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Any miscellaneous payments must be supported in the case file by case narrative and by retaining copies of the fuel bills.

Any heating costs paid by miscellaneous payments must be verified.

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### **Miscellaneous Payments to a Vendor 415-35-20-15**

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### Miscellaneous Payments - To a Designated Primary Vendor 415-35-20-15-05

(Revised 10/00 ML #2629)

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1. Generally, miscellaneous payments to the primary vendor will be for payment of an unpaid back bill if the back bill did not fall within a month of "continuous eligibility" as described in [415-30-15-10-05](#).

Example: A household applies in February and was determined eligible from February 1 through May 31. Heating costs were also incurred between October and January, but eligibility existed only for October, December and January. The December and January bills can be billed by the primary vendor on the computer printout "Request for Payment." The October bill will be paid on the "Miscellaneous and Emergency Payment" screen.

2. Miscellaneous payments may be necessary to the primary vendor if a bill has been only partially paid for any reason. Since the delivery date has already been used, the computer will not accept another bill from the vendor for the same delivery date, with the same invoice number and type of fuel.
3. Miscellaneous payments may be necessary to a primary vendor if the energy bill is in the name of someone other than the applicant's. The county needs to exercise caution, since the bill may be in another name due to previous unpaid bills. The applicant must understand that the payment to the vendor will be listed under his name.

If this will cause a problem, the payment may need to be sent to the applicant. (**See 415-35-20-20-05** or [415-35-20-20-20](#).)



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### **Miscellaneous Payments to a Non-Participating Vendor 415-35-20-15-10**

**(Revised 10/00 ML #2629)**

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Occasionally a vendor may not wish to participate with LIHEAP in the billing process. In this case, all payments would have to be made as miscellaneous payments.

The County Social Service Board will have the household or the vendor supply the county office with a copy of each unpaid delivery ticket as proof of delivery, and will submit the bill on the "Miscellaneous or Emergency Payment" screen as an alternative to the vendor submitting the bill himself. The payment type on the "Household Data" screen will be coded 04 (Miscellaneous Only), and NO authorization period or vendor ID will be entered. The household's name will NOT be printed on any vendor's ["Request for Payment"](#) printout.

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### Miscellaneous Payments - To a Secondary Vendor 415-35-20-15-15

(Revised 10/1/19 ML #3557)

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A miscellaneous payment will always be used if a payment is to be made to a secondary vendor (See EXCEPTION below). This might occur if the household switched vendors during the heating season, or if the household uses more than one type of fuel to heat the home (secondary fuel), or pays a coal company and coal hauler separately. (Use service code for coal when paying a hauler.)

**EXCEPTION:** If the designated primary vendor also supplies the household's secondary heating fuel AND the secondary fuel type is NOT electricity, the primary vendor can bill for the secondary heating fuel directly to the state via the "Request for Payment" as he would any other delivery made within the authorization period. The secondary fuel type must be coded on the Household Data Record.

All payments for secondary **electric heat** must be issued by the county via miscellaneous payment.

Miscellaneous payments to the secondary vendor are entered on Option F, "Miscellaneous or Emergency" screen. The primary vendor will use the computer printout, "Request for Payment" to make direct billings to the state. The code for Payment type (01) and the vendor ID of the primary vendor will be entered the same on the computer as already outlined in [415-35-10](#).

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### **Miscellaneous Payments to the Household 415-35-20-20**

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### **Miscellaneous - Reimbursements to the Household 415-35-20-20-05**

**(Revised 10/00 ML #2629)**

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All reimbursements to households for PAID heating costs will be made as miscellaneous payments. They may be reimbursed for their expenditure(s) by providing proof of payment and a copy of the bill to the county social service office.

The county worker should not enter a reimbursement to the household unless the total is at least \$5.00 or more. If the reimbursement is less than \$5.00, this amount should not be paid to the household unless there would be an additional miscellaneous payment that would bring the total to at least \$5.00 and these amounts were entered so they would all process at the next checkwrite. The checkwrite would then generate a check for the combined total of at least \$5.00 or more.

If a vendor will not be directly billing LIHEAP, the "Household Data" screen will be completed showing Code 04 (Miscellaneous Only) for payment type, and NO authorization period or vendor ID. The household's name will NOT be printed on any vendor's "Request for Payment" printout.

Option F, "Miscellaneous or Emergency" screen will be used to enter the reimbursement.

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### **Miscellaneous - Reimbursements for Monthly Payment Plans 415-35-20-20-10**

**(Revised 10/00 ML #2629)**

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Households are encouraged to enter into "even monthly payment plan" agreements with their supplier.

Whenever the household chooses to have these payments carried as a credit with the supplier, the current energy costs are considered "unpaid" and may be billed to LIHEAP by the supplier.

#### **Example:**

A household eligible from October through May, applies in December and has been paying even monthly payments to the supplier of \$50/month. The household chooses to have these payments held by the supplier as credit. The authorization period will begin October 1, and the supplier will be allowed to bill actual heating costs from October - May to LIHEAP or until the authorization period expires.

Whenever the household chooses to have his monthly payments considered as "paid" fuel costs, the supplier will not be authorized to bill for these months, and the household may request reimbursement. The reimbursements will be determined as follows:

1. Determine the total amount of monthly payments the household has paid since October.
2. Determine the actual cost of each fuel delivery made during an eligible month
3. Reimburse the household for the LIHEAP Share Percentage of the actual cost of each delivery up to the total of monthly payments the customer has made since October.

#### **Example:**

A household, eligible from October through May, applies in December and has been making even monthly payments to the supplier of

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\$50/month. The LIHEAP Share Percentage is determined to be 60%. The authorization period will begin January 1 and continue through May 31. The total of monthly payments made since October is \$150. The reimbursements will be calculated as:

<u>Actual Cost x 60% = LIHEAP Share</u>		<u>Reimbursement (up to \$150)</u>
Oct.	\$ 45 x 60% = \$ 27	\$27
Nov.	\$ 70 x 60% = \$ 42	\$42
Dec.	<u>\$150</u> x 60% = <u>\$ 90</u>	<u>\$81</u>
Totals	\$265                  \$159	\$150

The household will be reimbursed 60% of each bill as long as the total does not exceed the \$150 they have actually paid in to their payment plan. In this example, the total would exceed \$150, so the December reimbursement will be \$9.00 less than 60% of the actual cost. The \$9.00 not paid by the household in their payment plan that is covered by the 60% LIHEAP Share, would be paid directly to the vendor.

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### **Miscellaneous - Renter "Catch-Up" Payments 415-35-20-20-15**

**(Revised 10/00 ML #2629)**

[View Archives](#)

"Catch-up" payments for missed renter payments can be made as a miscellaneous payment to the household. The reason code is 'H'. The service code should be the code for the type of heating fuel, and the delivery date is the third Tuesday of the eligible month for which the automatic payment was missed.

Again, use Option F, "Miscellaneous or Emergency" screen.

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### **Miscellaneous - To Household When Bill Not in Applicant's Name 415-35-20-20-20**

**(Revised 10/00 ML #2629)**

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Occasionally, the applicant will be responsible for the heating bill, but for some reason the bill is not in the applicant's name and sending a payment to the heating vendor would cause a problem for the applicant or the vendor will not accept a payment with a different name than what is on the account.

The applicant may pay the bill himself and be reimbursed as described in [415-35-20-20-05](#).

However, if the applicant does not have funds to pay the bill, a miscellaneous payment can be generated to the applicant but sent to the county office by entering "c/o XXXX CSSB, XXX Street, Box XX" on the address line of Option F, "Miscellaneous or Emergency" screen.

The purpose of using this alternate address is to allow the applicant to endorse the check so the county can generate its own check to the vendor to be applied to the current account number.

This method should be used only as a last resort.



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### **Premium Payments - On-Line Payment Procedures 415-35-25**

**(Revised 10/00 ML #2629)**

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The household is NOT required to be eligible for the Emergency Assistance Program. These benefits are designed to meet special needs as described in [415-20-05-10](#).

The county office enters Premium Payments on the computer using Option F, "Miscellaneous or Emergency" screen.

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### **Furnace/Chimney Cleaning and Service Efficiency Maintenance 415-35-25-05**

**(Revised 10/00 ML #2629)**

[View Archives](#)

Payments for furnace/chimney cleaning and/or efficiency maintenance service (see [415-20-05-10-05](#)) will be made as premium payments, entered by the county staff on the computer using Reason Code N, and service code 14 (Prevention/Safety). The county must retain a copy of the invoice in the case file.

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### **Emergency Payment - On-Line Payment Procedures 415-35-30**

**(Revised 10/00 ML #2629)**

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Emergency payments are entered on Option F, "Miscellaneous or Emergency" screen.

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### Emergency Payment - Approved Application on File 415-35-30-05

(Revised 10/00 ML #2629)

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In most cases the household already will have a heating assistance application on file and the household data will be in the computer file. Unless something in the basic household data has changed, it is not necessary to make any changes to the computer's file. The following steps should be followed to make emergency payments:

- Step 1:        The "Notice of Action" for Emergency Assistance must be completed.
- Step 2:        The Reason Code for payments for emergency fuel services will be either 'I' for an emergency payment to a vendor or 'J' for an emergency payment to the customer.

If the payment is for an old bill incurred prior to October 1 of the current fiscal year, you must request the State Office to generate the payment.  
**See 415-35-35-10.**

If it is a portion of the customer's co-payment which is being authorized, the service code should indicate the type of fuel (oil, propane, etc.) which is being purchased.

NOTE: 'Reconnect fees' are NOT the same as 'deposits.' Reconnect fees are generally small non-refundable fees to cover the company's cost of service hook-up. A deposit will be refunded if the customer keeps his bills current and is usually much larger, perhaps as much as an amount equivalent to two months bills. If a reconnect fee is assessed, it is considered an incidental cost (**see 415-20-05-05**) and therefore may be included in an

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emergency payment. If it is separately identified, use service code 16 for "hook up" fees.

Step 3: Supporting data, such as bills and documentation, must be retained in the county social service board files for any emergency payment authorized, including bills which are generated by the State Office as described in **Section 415-35-35**. Do NOT send copies of bills to the State Office.

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### **Third Party Payments 415-35-40**

**(Revised 10/00 ML #2629)**

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In unusual circumstances, the State LIHEAP Administrator may authorize third party payments. This is to be used only when other payment methods are inadequate and may include but are not limited to:

1. A landlord refuses to have the tenant's name on the vendor's account;
2. A relative or other person has paid an eligible bill on behalf of a LIHEAP recipient and cannot be reimbursed by normal payment procedures; or
3. Other circumstances as deemed appropriate by the State LIHEAP Administrator.

Third party payments are entered on-line by using Option F "Miscellaneous or Emergency" screen.

The third party payments require a special vendor ID number with a prefix code of "05" which must be assigned by the State Office.

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### **Special Handling Payments 415-35-35**

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### **Duplicate Dates 415-35-35-05**

**(Revised 10/00 ML #2629)**

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The computer is programmed to reject any bill which has the same delivery date as a payment already made. Any time a bill has the same delivery date as a previously made payment, special handling will be required regardless of whether it is an emergency, premium, miscellaneous, or vendor-submitted payment.

Occasionally a vendor will receive only a partial payment for an invoice. This most often occurs when the vendor has submitted a bill incorrectly. The vendor will not be able to bill for the balance of the partially paid delivery himself.

The delivery date must NOT be changed. A special handling payment can be issued by the county worker using the correct date. To process a duplicate date, the county worker can enter the bill on Option F, "Miscellaneous, Emergency, Premium Payments" screen.

The computer is programmed to perform a series of edits to determine if a payment entered on the Option F screen is a duplicate. If the payment appears to be a duplicate, the county worker has the option to "ignore" it, so it does not get paid, or to approve payment. If the payment is approved, the system will automatically assign a Memo number in place of the delivery date. The actual delivery date is retained in the payment trailer under the heading "reference date."

Choosing to "ignore" one payment of several entered on the same payment screen will not disrupt payment of the other approved bills.

Please note that entering the "special handling" bill under the correct fiscal year becomes an issue especially during each fall when Emergency Assistance applications are taken either at the end of the previous fiscal year or at the beginning of the current fiscal year.



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The correct fiscal year is determined by the date the Emergency Assistance application is taken:

- If taken before October 1, enter it under the previous fiscal year.
- If taken after October 1, enter it under the current fiscal year. (**See 415-35-35-10**)

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### **Emergency Payments for Old Bills 415-35-35-10**

**(Revised 10/1/05 ML #2988)**

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When an Emergency Assistance application is taken after October 1, but the bills were incurred prior to October 1 of the current fiscal year, the Payments Screen (Option F on the Menu) will not accept these bills. You will need to request the State Office to enter these bills. The easiest method is to send them by email, but the request can also be mailed. The State Office needs the same information that is normally entered on the Option F Payment screen.

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### **Emergency Payment – Denied Application on File 415-35-30-10**

**(Revised 10/00 ML #2629)**

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If the heating assistance application already on file was a denial, and the household now qualifies for heating assistance, the computer file must be changed to status 01 ("approved"), and any information omitted from the original file must now be added to the household data record. If the household applies before May 31, it may qualify for heating assistance as well as emergency fuel assistance.

If the household is to be approved ONLY for emergency services, the payment type must be coded "05," and the authorization period is left blank. No vendor ID# is entered.

The remainder of the payment process is the same as Steps 1-3 described in [415-35-30-05](#).

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### **Emergency Payment - No Application on File 415-35-30-15**

**(Revised 10/00 ML #2629)**

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If there is no application on file for the current heating season, an application must be taken before emergency services can be approved ([415-50-10-05](#)). If the household applies before May 31, it may qualify for heating assistance as well as emergency fuel assistance. In this case, the "Household Data" will be added as it would be for any other approved case, and the payment process for the emergency payments will be as described in Steps 1-3 of [415-35-30-05](#).

However, some applications can be approved ONLY for emergency services because of eligibility factors or because the application was received after the deadline for heating assistance (May 31). In this case, the Status will be coded 01 ("approved"). The payment type, authorization period, and vendor ID# will be entered the same as described in [415-35-30-10](#). The remainder of the payment process is the same as described in Steps 1-3 of [415-35-30-05](#).

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### **Changes 415-40**

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### **Definitions (Changes) 415-40-01** **(Revised 10/00 ML #2629)**

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There are several references in this chapter to "effective date of changes." When the response to a change causes an adjustment to the benefit level, the "effective date of the change" will be the LIHEAP Share Effective Date, since that is the date which determines the benefit level paid on any specific bill.

When the response to a change causes the case to be closed, the "effective date of the change" will be the Closing Date. Entering a date in this field is required with a closing status code (04-07). That is, if a case is closed because the household moved, (status 05), the computer will refuse to pay any vendor submitted bill that has a delivery date after the date entered as the "Closing Date."

When any other status code is entered, the Action Date simply reflects the date the action was taken.

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### Household Reporting Requirements 415-40-05

(Revised 10/1/17 ML #3512)

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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, 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.**

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### **County Social Service Response to Change/Deadlines 415-40-10**

**(Revised 10/00 ML #2629)**

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The eligibility worker has 10 days to review the reported change and to recompute the benefit if necessary, and enter the new information on the Household Data Record. The "Notice of Action" must be sent within 10 days from the date the household reported and verified the change.

The effective date of the change (LIHEAP Share Effective Date or Action Date) will vary depending on the reason for the change and if the change was reported within 10 days.

If the worker is unable to recalculate the change within 10 days, and the household co-payment percentage decreased, the worker will need to make [miscellaneous payments](#) for fuel that was delivered between the time the change was reported and the LIHEAP Share Effective Date. If the household's co-payment percentage increased, an attempt must be made to collect any overpayment that occurs due to the worker failing to process the changes on time.

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### **Change in Household Members - Effective Date 415-40-10-05**

**(Revised 10/00 ML #2629)**

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If the change in household members is reported within 10 days and the eligibility worker processed the information within 10 days, the "effective date of the change" shall be 5 days from the date the change is entered in the computer system and the notice is sent.

If the household fails to report within 10 days, the eligibility worker has 10 days from the date the change is reported to re-compute the case. The "effective date of the change" will be 5 days from the date the change is entered into the computer system and the notice was sent. The eligibility worker must review the possibility of an overpayment in this case and an attempt must be made to collect any overpayment that occurs due to the household's failure to report the change on time.

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### **Changes Affecting Eligibility 415-40-10-05-05**

**(Revised 10/1/17 ML #3512)**

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If a household has been previously determined ineligible because of excess income and later reports a decrease in income which would make them eligible, a new application shall be taken and eligibility shall be determined.

If a household which has been previously determined ineligible due to a household member's income reports that the household member has left the household, a [new application](#) shall be taken and eligibility shall be determined. The eligibility worker may need to request verification that the household member has actually left the household.

Likewise, if a household which has been previously determined eligible and is receiving LIHEAP benefits reports an additional household member which would make the household ineligible, the case shall be closed, effective 5 days from the date the change is recomputed and entered into the computer system and notice sent. This change would have to be reported within 10 days. If these changes are not reported on time, the possibility of overpayments will need to be reviewed.

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### Moves or Changes in Heating Source-Effective Dates 415-40-15

(Revised 10/1/18 ML #3533)

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If a move or a change in heating source is reported within 10 days, the "effective date of the change" will be the date of the move or the date the heating source changed.

If the move or a change in heating source is not reported within 10 days, an "effective date of change" will need to be negotiated with the household, past and present suppliers, and the eligibility worker.

#### Example:

Re-computation - Renter/Heat Paid Moves to Vendor Pay

This change to the LIHEAP Share Percentage will be effective the date of the move, unless the household fails to report within 10 days. If the household fails to report on time, the eligibility worker will need to determine the date the household became responsible for the heat. This should be the LIHEAP Share Effective Date, but if [renter/heat benefits](#) were paid after the date of the move, the eligibility worker will need to determine the possibility of [overpayments](#) or of negotiating a different effective date.

A final meter read is allowed if the read is within close proximity of the date of the change and the read is within the heating season. (October-May)

#### Example:

Client passed away 4/16; final read 4/23

Client moved 5/12; final read 5/19

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### **Moves or Changes in Heating Source Affecting Eligibility 415-40-15-05**

**(Revised 12/1/03 ML #2895)**

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If the household had previously been determined ineligible, and reports a move or change in heat source which would make them eligible, a [new application](#) shall be taken and eligibility determined.

Likewise, if a household which has been previously determined eligible and is receiving LIHEAP benefits reports a move or change in heating source which would make the household ineligible, the case shall be closed effective the date of the move or change in heating source. The possibility of [overpayment](#) will need to be reviewed if benefits were paid after the date of the move or change in heat source.

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### Changes Affecting Bills Already Paid or Incurred 415-40-20

(Revised 10/00 ML #2629)

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Benefits already provided under the program do NOT have to be refunded as long as the change was reported on time. The excess benefits were paid for bills incurred before the effective date of the change.

If a bill is incurred before the effective date of the change and remains unpaid at the time of recalculation, the bill will be paid at the previous benefit level. The computer will determine benefit payments based on the LIHEAP Share Effective Date.

If the household fails to report on time and the change resulted in an increased household co-payment percentage, the household will be responsible for any overpayment that may have resulted. Any fuel that was delivered prior to the recalculation but after the date the household should have reported will be paid by LIHEAP based upon the amount of the LIHEAP benefits stated on the previous Notice of Action because the vendor has acted in good faith. The overpayment will be determined by the eligibility worker based on the 10 days to report, 10 days to process, and effective date of 5 days from date entered. If the unreported or late reported change exceeds the 25 day time frame, an overpayment will have resulted.

If the household fails to report on time and the change resulted in an increased LIHEAP Share Percentage, the LIHEAP Share Effective Date for the new benefit level will be 5 days from the date the change is entered into the computer system.

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### **Benefits Levels - Adjustments 415-40-25**

**(Revised 10/1/17 ML #3512)**

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If the change in the family's circumstance only affects the estimated cost of heating but not the income, the re-computation of the benefits can begin on page two of [SFN 530](#) "Eligibility and Benefit Worksheet."

If the change in circumstance affects the income of the household, you must re-compute both pages of SFN 530. NOTE: Be sure to include any allowable deductions in the calculations (lines 1-4).

NOTE: When mandatory changes are reported, income should be reviewed. A change in income may result in an adjustment to the LIHEAP share percentage (see 415-40-05).



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### **Transferring a Case to a Different County 415-40-30 (Revised 10/1/2021 ML #3625)**

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If the county social service office learns that a family is moving, the move is treated as a case change.

Although it is the responsibility of the household to notify the vendor that they will be moving, the original eligibility worker will want to confirm that the vendor has been notified in order to avoid complications at a late date for the new county. The possibility of overpayments will exist if the household failed to notify the original county or the vendor of the move and [renter benefits](#) were paid or fuel was delivered after the date of the move.

If an overpayment exists or may exist, it will be the responsibility of the new county to [pursue the overpayment](#).

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### **Transfers - Processing 415-40-30-05**

**(Revised 10/1/2021 ML #3625)**

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If the household wants to continue participation in LIHEAP after moving to a different county, eligibility and benefits must be re-determined.

Any information which has changed or is new must be treated as a case change.

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### **Transfers - Unreported Moves 415-40-30-10**

**(Revised 10/1/2021 ML #3625)**

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Many families will move without notifying the original county. If this county subsequently learns the forwarding address of the household, the procedure shall be the same as that already outlined.

Again, it is very important that the county immediately contact the original vendor to be sure all eligible bills have been paid, and if not, to obtain a copy of the bill and enter it as a [miscellaneous payment](#).

The LIHEAP Share Effective Date may need to be negotiated if the household failed to notify the original vendor.

## **Change in Head of Household 415-40-40**

**(Revised 12/1/03 ML #2895)**

[View Archives](#)

Occasionally, due to death or divorce, a family may acquire a different head of household than what is already entered on the computer. Depending upon the circumstances it may be necessary to make adjustments to the computer file.

### **1. Head of Household Dies**

- a. If the remaining family members do not plan to change the name on the supplier's account, it is not necessary to create a new computer file until the next fiscal year. The existing file should be adjusted to reflect change in number of persons, income and benefits.
- b. If the family wants to change the name on the supplier's account, the case for the original head of household should be closed, a new application taken, and a new case set up on the computer using the social security number of the new head of household. Benefits will be calculated using only the income of the new household and authorized from the month of application to the end of the season.

### **2. Head of Household Leaves**

If there is the potential of two households requiring LIHEAP, as in a divorce situation, it will be necessary to take a new application for the new head of household and proceed as described in 1 b above.

If the original head of household continues to be eligible for LIHEAP also, the household characteristics must be corrected appropriately on his computer file, and benefits changed to reflect any change in living circumstances (such as change of residence) and/or income.

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If the original head of household does not require LIHEAP, close his case after making appropriate changes in household characteristics on the computer file.

Case closing effective dates should be timed to ensure the supplier can collect payments due him, without overlapping months of authorization for the two households.

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### Computer Output 415-45

(Revised 10/00 ML #2629)

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Entering the household data on the "Add Household Data" screen is the **first step** in the automated payment system. No other reports will be generated for any recipient until this information is successfully entered into the system.

If the application can be acted upon at the time it is received, all the case data can be entered immediately for an approved/denied/withdrawn case.

A computerized referral to the appropriate Community Action Agency is generated during the next scheduled payment run for any newly approved households when the LIHEAP application has been signed.

If the application must be held due to lack of information or processing time, it must be entered on the computer as a "pending" case. An "on-line" screen produces a list of "pending" cases by worker ID and includes the processing deadline date (45 days).

The **second step** is the generation of the computerized Notice of Action to the client and appropriate vendors. These Notices are printed daily. (See 417-05.)

The **third step** is the generation by the computer of the first "Request for Payment" printout described in detail in [415-35-10](#) and [415-35-10-05](#).

The **fourth step** is initiated when the vendor mails in a completed "Request for Payment." Weekly payment 'runs' are made to create checks for payments approved during the preceding week. Four reports are generated when a check is written to the vendor. The Remittance Advice breaks down for the vendor the amount of money included in his check for each recipient. The updated "Request for Payment" gives him a new list of

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his eligible customers and serves as a new billing form. The [payment rejection list](#) tells the vendor which bills were not paid and why they were rejected. The county voucher gives each county a list of clients for whom a payment has been made.

The **fourth step** is repeated until all cases have either been closed or the heating season ends.

The **fifth step** is a "Record of Payments" Notice to the recipient generated by the computer.

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### Pending Cases 415-45-01

(Revised 10/00 ML #2629)

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New cases which cannot be acted upon immediately at receipt must be added to the computer record using Option A, ("Adding Household Data"). The worker may enter as much information as is available at the time, but must include at a minimum, the social security number, worker ID, county number, applicant name, address, city, state, zip, and the date of application (the date the signed application is received in the county office). When the information is complete and action can be taken on the application, new information can be added to the computer case file in the same manner as information is "changed" (Option B, "Changing Household Data") on existing case files.

In order to prevent accidental payments to cases which are still "pending," the payment system rejects any bills if the status code is "pending". However, since workers may want to be adding information to the computer case file as it is obtained, but still need to maintain "pending" status to verify some pertinent data, the computer will allow the worker to have all data elements completed on Option B, including payment data, and still maintain the "pending" status code. If a benefit is entered while the status code is still "pending," a warning message will appear at the top of the screen. This warning is NOT an 'error' message. The computer will allow you to have a "pending" status on the case if you have filled in the benefit field. The warning is there to alert workers who may have completed the case but have just forgotten to change the status code from "pending" to "approved".

Applications which have been entered as "pending" will appear on Option P by fiscal year and worker ID until action has been taken. The list of "pending" cases will also alert the worker to the date on which the case must be completed (45 days). If desired, the worker may specify a partial list of "pending" cases by entering a "due date". The cases listed will be only those with "due dates" on or preceding the date specified.



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Letters may also be written to the applicant through the Notice system (Option Z) once the case file is entered as "pending." This allows the county worker to notify the applicant in a timely basis about missing information needed to process the application.

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### **Pending Reapplications 415-45-01-01** **(Revised 10/00 ML #2629)**

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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."

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### Remittance Advice 415-45-05

(Revised 10/00 ML #2629)

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The Remittance Advice gives the vendor's identification number in the upper right hand corner. This is a seven digit number. Next is the vendor's name and mailing address. Following this is the list of payments or adjustments made for each customer, alphabetized by last name. It includes the customer's billing number, the customer account number (if one was entered on the computer file), the invoice number (if any), the delivery date, LIHEAP Share Percentage, and the amount paid for each customer. If the vendor is receiving a payment for two deliveries for one customer, the customer's name will appear twice, once for each delivery date. A total dollar amount will be given for all payments.

The Remittance Advice may be separated into three sections: Payments, [Premium](#) and [Emergency Payments](#), and Energy Share Payments. Each section will have the payment and/or adjustments listed alphabetically. If a reason code is on a payment line, this indicates why an adjustment was made. A translation of those codes is outlined in section [45-15](#).

The Payments section will include vendor-billed or County generated payments. Also included in this section will be County generated adjustments to correct prior LIHEAP paid bills. This section will have a total dollar amount for all these payments.

The Premium and Emergency Payments section will include County generated payments or adjustments to the vendor for premium services or payments made under Emergency Assistance eligibility for a customer. The payment line will indicate if the service was Premium or Emergency. This section will have a total dollar amount for all these payments.

If a vendor receives payment for Energy Share bills, the section for Energy Share Payments will be on the Remittance Advice to identify customers with payments made under this eligibility. A memo number is assigned by the State LIHEAP office in place of a delivery date to track these special

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payments. This section will have a total dollar amount for all these payments.

The total amount from each section will be combined and there will be a grand total at the bottom of the Remittance Advice. This grand total should match the amount of the vendor's check.

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### **Payment Rejection List (State Office Use Only) 415-45-10 (Revised 10/00 ML #2629)**

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The Payment Rejection List will be arranged in the same manner as the Remittance Advice. However, the "amount of payment" will be the amount of the bill submitted, and the reason for the rejection will be on the line below the customer's name.

The List will NOT tell the vendor whether or not he should resubmit the bill. The general instructions we will provide for vendors will include a description of the rejection messages so they will usually be able to accurately interpret the message. If not, the vendors will be asked to contact the local county social service board FIRST if they feel there is an error. The county office should be able to resolve most problems from information in the case file. If the problem is not apparent, the county social service board can contact the State Office for assistance.

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### Rejection Messages, Probable Problems, Resolution 415-45-10-05

(Revised 10/00 ML #2629)

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1. 'Case Not Open': This message will be generated whenever the status in the computer, is denied or withdrawn;

If the status of the case should be one of these codes, the bill should NOT be resubmitted, because it has been correctly refused.

If the status is incorrect, it should be changed and the vendor instructed to resubmit the bill.

2. 'Case Not Open as of (Mo/Da/Yr)': This message will be generated whenever the status in the computer, is one of the closed codes (Status Codes 04-07). The date given is the same as the "Closing Date" on the computer household data file. This tells the vendor that only fuel delivered on or before this date can be paid. Any bills for fuel delivered after this date should not be resubmitted, unless the computer's information is incorrect and will be changed.
3. 'Delivery Date Not Within [Authorization Period](#)': If the delivery date of the bill submitted by the vendor does not fall within the authorization dates on the computer file, the bill will reject and should NOT be resubmitted.

If the county social service board has recently revised the authorization period, it may be that a month was inadvertently omitted which should be included. If so, the county must correct the authorization period, and the vendor may either resubmit the bill or the county may need to pay the bill as a "Miscellaneous Payment." (See [415-35-20-15-05](#) #1)

4. 'Payment Made Previously for This Delivery Date': The computer will reject any bills which have the same billing dates and information as a bill which has already been paid, whether the bill was submitted by the vendor or by the county as a "[Miscellaneous](#), [Emergency](#), or [Premium](#) Payment."

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In some cases, the vendor may have received only a partial payment for a delivery. The vendor should NOT resubmit the balance of that bill and must provide the billing information to the county office to have the bill resubmitted for payment.

If there were two fuel deliveries or a combination of a fuel delivery and service provided on the same date, the vendor may resubmit and there should be separate invoice numbers or fuel codes so the computer can recognize two different payments on the same billing date.

5. 'You are Not the Authorized Supplier': If a vendor other than the one designated by the county on the computer file tries to submit a bill, it will be rejected, and he should not resubmit the bill. If he supplies a fuel which is a secondary heat source and the household wishes to have him paid, a "[Miscellaneous Payment](#)" should be used.

If the vendor has recently been changed for this household, either the old vendor or the new may have a bill rejected depending upon whether the change has been entered in the computer. If it is a bill from the old vendor, use a "[Miscellaneous Payment](#)" to pay it, and he should NOT resubmit the bill. If it is a bill from the new vendor, he should resubmit the bill.

6. 'Master Record Not Found' or 'Case Not On File': This message tells the supplier our computer could not find a match for the billing number he submitted. If the number he used matches the number on the "Notice of Action," he should notify the county office. If the case has not been entered on the computer yet, the supplier can be told when this will be done so he can resubmit the bill. If the supplier used an incorrect number, he can resubmit the bill immediately with the correct number.

This message gives the supplier only the billing number which went through the computer, the invoice number of the bill and the amount of the bill. It cannot print out the customer's name.

7. 'Type of Fuel Billed Not Authorized for Payment': This message tells the supplier that his bill was coded for a type of fuel that was not authorized. He should first check to be sure he used the correct code for the fuel he delivered. If so, and this code does not match the authorized fuel code, he is instructed to contact the county social

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service office. The county will need to determine if the computer was coded incorrectly or if something else is wrong. Once the discrepancy is resolved, the supplier can rebill the delivery, if the delivery can correctly be billed to LIHEAP.

8. 'Pending Case - Cannot Pay': This message tells the supplier that the case is not yet approved for payment. This situation is unlikely to occur unless the county has forgotten to remove the "pending" status code when approval information was added to the computer case record. The bill can be resubmitted once the computer file is corrected.



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### County Voucher Printout 415-45-15

(Revised 12/1/03 ML #2895)

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The county voucher lists alphabetically by last name the customers on whose behalf payments were made. If two deliveries were billed for one customer, the payments will be listed separately in the order they went through the computer. This may or may not be chronological by delivery date. The customer's billing number, the vendor's name and identification number, the delivery date, amount of the payment, the reason code (if any), the memo number (if any), and the LIHEAP Percentage Share for this customer will be listed. If an [emergency](#) or [premium](#) payment has been made, it will NOT be added in to the total paid-to-date. At the bottom of the list of customers, the total of all payments made on that check run will be given.

Adjustments to incorrect payments (such as refunds) made by the State Office will be listed. If the amount of the adjustment is a negative, that amount will be deducted from the total of payments made.

A	Premium Adjustment (State Only)	H	Miscellaneous -- Recipient
B	Heating Adjustment (State Only)	I	Emergency -- Vendor
C	Emergency Adjustment (State Only)	J	Emergency -- Recipient
G	Miscellaneous -- Vendor	N	Premium

The State Office receives a copy of the county voucher on on-line viewing/RDARS in the event there are any problems with payments.

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### **Notices to Client 415-45-20**

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### **Record of Payments 415-45-20-05**

**(Revised 10/00 ML #2629)**

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The Record of Payments notice to the client is generated by the computer whenever a case is closed either by the county or automatically by the computer. IT DOES NOT TAKE THE PLACE OF THE NOTICE OF ACTION THE COUNTY IS TO SEND TO THE FAMILY WHEN THE CLOSING IS NOT DONE AUTOMATICALLY BY THE COMPUTER (closing codes 04-07).

The Record of Payments notice will tell the customer what payments LIHEAP has made. It will identify the amount of the payment, who the payment was paid to, the fuel type or service, the date paid, and the date of the bill.

If an [emergency](#) or [premium](#) payment is listed, a message explaining the emergency and premium payments will be printed.

If the payment is a correction, the "paid for" field will appear with "adjustment." If the correction is a refund or cancellation, the negative sign will be printed beside the amount paid.

The notice instructs the recipient to compare the payments on the notice with the household's records to assure correctness and to contact the county social service office if there are any questions.

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### **Weatherization Referral 415-45-25**

**(Revised 10/00 ML #2629)**

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A computerized referral will be generated for the appropriate Community Action Agency whenever the client has signed an application.

The referral tells the Community Action Agency the name, phone, social security number, and address of the client; the county the client lives in; whether the application was approved, denied, or withdrawn and the date action was taken; the target group, building type, fuel type; the estimated cost of heat; number of people in household, the ownership of the residence, income, and payment type.

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### **Random Sample 415-45-30**

**(Revised 10/00 ML #2629)**

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Periodically the State Office requests the computer to generate a list of payments made to a random sample of LIHEAP recipients. The recipient is asked to contact the State Office if they feel any of the payments listed are in error.

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### **Emergency Home Energy Assistance 415-50**

**(Revised 10/1/17 ML #3512)**

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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, 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.

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

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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.



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### Emergency Response Procedures 415-50-02

(Revised 10/1/18 ML #3533)

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The county social service office must establish emergency procedures that will ensure a timely response to all requests for emergency (crisis) assistance. (See [415-05-05](#) for definitions of Energy Crisis and Life-threatening Energy Crisis)

These procedures will permit needed home visits, counseling, referrals, communication with suppliers, etc.

“Timely response” means:

1. providing some form of assistance that will resolve the energy crisis not later than 48 hours after a household applies for emergency assistance if the household is eligible to receive such benefits
2. providing some form of assistance that will resolve the energy crisis not later than 18 hours after a household applies for emergency assistance if the household is eligible to receive such benefits and is in a **life-threatening situation**

A timely response to a crisis does not necessarily mean that the vendor must be paid within the designated time-frame. However, some form of intervention that resolves or prevents the crisis must occur, such as contacting the fuel vendor to prevent or delay a disconnection until eligibility for emergency assistance can be determined or arranging for temporary shelter for household.

**The case file must include clear documentation of a timely response to all requests for emergency (crisis) assistance.**

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The availability of emergency assistance must be included in all [outreach activities](#) and public announcements regarding the Low Income Home Energy Assistance Program.

A 24-hour, continuously available telephone number must be publicized for requesting emergency assistance or reporting an energy crisis.

## **Crisis Prevention 415-50-02-05**

**(Revised 10/00 ML #2629)**

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The county social service office is encouraged to identify a potential crisis situation and to initiate and maintain contact to prevent the crisis, whenever possible. Early intervention has the best chance for success. If contacted before a serious payment delinquency occurs, most vendors are willing to establish payment plans within the means of the household. Regulated utilities are required by the Public Service Commission to arrange deferred payment plans if the customer makes a contact prior to actual shut-off. Once service has been disconnected, however, they are allowed to require full payment of all past due and current usage, reconnection fees, and deposits.

Although many households do not inquire about Emergency Assistance until they are without fuel or a shut-off is imminent, it is possible to identify some "high risk" households at the time the Heating Assistance application is taken. These may include households who have a very low and/or decreasing income, who have a past history of poor financial management and/or dependence on Emergency Assistance, who buy fuel from a vendor operating strictly on a cash-on-delivery basis, etc.

The purpose of a "preventive service" interview is:

1. To identify factors which may potentially cause a crisis;
2. To encourage and assist the household to develop and honor realistic payment agreements with the vendor;
3. To inform the household about Emergency Assistance and to encourage them NOT to delay application until shut-off is imminent;
4. To discuss potential payment problems, deferred payment options, or other appropriate financial management measures;
5. To arrange for financial management counseling, if appropriate; and
6. To encourage and/or arrange referrals designed to resolve underlying causes of economic crises. Because the resolution of the crisis, and factors causing the crisis, is an important goal, the services required to identify and resolve the household problems leading to or causing

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the energy crisis, such as a social evaluation, budget counseling, skill training, and other services may be provided by county social service staff, purchased on an individual household basis as needed or by agreement with a State or community based resource.

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### **Emergency Services Available 415-50-05**

**(Revised 10/00 ML #2629)**

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ONLY the amount needed to pay actual bills at the time of the emergency should be authorized.

The county office may authorize, without State Office approval, additional payments up to the seasonal maximum allowed for each emergency service should another crisis occur and the household is again eligible for Emergency Assistance.

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### Supplemental Fuel 415-50-05-05

(Revised 10/1/17 ML #3512)

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An eligible household may receive up to \$500.00 per season for heating costs (including re-connection charges) if the household is financially unable to contribute all or part of their co-payment percentage to the purchase of the fuel. (For exceptions, [see 415-50-15](#)).

**A shut off or disconnect notice is NOT required to be eligible for Emergency Assistance.** In fact, requiring a shut off may discourage or delay the household from attempting to negotiate reasonable payment plans with the vendor, because of a mistaken belief the only way to receive even partial assistance from LIHEAP is to wait until a disconnect is threatened. By this time, the unpaid bill is much older, larger, and less manageable than it would have been if addressed when the customer first realized the difficulty of paying all the co-payment percentage.

The evaluation of the household income on the Emergency Assistance application will determine whether the household is financially able to pay any portion of the co-payment percentage.

The eligibility worker should assist the household to arrange a payment plan with the vendor for any portion of the heating costs which household is able to pay. Any portion of the heating costs which the applicant is unable to pay is eligible to be considered for Emergency Assistance.

Options for Emergency/Assistance Benefits:

**Long Term crisis.** . . These are households whose financial crisis and need for assistance is expected to continue for some time, and whose reduced income places them in a lower poverty level percentage. A benefit computation would alleviate or avert a crisis such as a shut off.

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1. Establish Emergency Assistance eligibility with the Emergency Assistance application, [SFN 62](#).
2. Enter Emergency Assistance Application on to emergency screen of the LIHEAP system.
3. Emergency LS % Recalculation...Enter the new, reduced income into the Household Data Change screen to prompt the computer to recalculate the LIHEAP Share Percentage.
4. Pay Emergency Assistance if necessary to get the household current with the supplier.
5. Send a Change Notice of Action to assure the designated vendor begins billing LIHEAP again.
6. Retain the Emergency Assistance application to document the reason for a LIHEAP Share Percentage.

**Short Term Crisis...**These are households who do not expect their financial shortfall to continue.

1. Establish Emergency Assistance eligibility with the Emergency Assistance application, Form 62.
2. Enter Emergency Assistance Application on to emergency screen of the LIHEAP system.
3. Pay only those bills needed to resolve the current crisis, and send corresponding Emergency Notices of Action.

**Deny...**These households do not meet the requirements for Emergency Assistance eligibility. Send Emergency Notice of Action for a denial.

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### Minor Repairs 415-50-05-10

(Revised 10/1/2021 ML #3625)

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Minor energy related home repairs (cannot be an addition to the property) to a home or heating plant cannot be purchased through the basic LIHEAP heating assistance program. Therefore, emergency fuel assistance can be made available to an individual homeowner, or an eligible renter with verifiable responsibility for such costs, up to \$400.00 per season (for exceptions, **see 415-50-15**), to replace damaged windows and doors or other home repairs, or to make minor repairs to the household's **heating plant or chimney** (other than normal maintenance -- see [415-20-05-10-05](#)), but only if these services cannot be provided through Weatherization Services administered by the Community Action Program. See [415-50-05-15](#) for furnace replacement policy.

Emergency Furnace repairs:

The State Administrator may choose to delegate performance of services to the Division of Community Services that oversees local Community Action Agencies.

Community Action Agencies will do repairs when the heating system:

1. is not functional; or
2. poses a threat to the household's health and safety.

An electric rate reduction device may be installed as part of a minor repair that is completed by the Community Action Agency.

County Social Service Boards refer households who are eligible to the local Community Action Agency. Every household who is eligible for LIHEAP and is an individual homeowner or an eligible renter with verifiable responsibility for maintenance of their furnace may be eligible for Emergency furnace repair. Households may also take the approval letters from LIHEAP to the Community Action Agency.



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

1. Insure that the furnace is not functional or poses a threat to the household's health and safety.
2. Have the household fill out an application for emergency assistance
3. Determine whether the household is eligible (income eligibility)
4. Contact a vendor to repair the furnace (two bids are not needed for furnace repair)
5. When the furnace has been repaired it should be determined that the household is satisfied with the repair and the vendor's costs are reasonable. Furnace breakdowns on a weekend may be reimbursed if an eligible household reports to the county immediately on Monday. Households should contact the office in a timely manner to have emergency furnace repair bills paid or reimbursed. Prudent judgment will enter into the decision of whether or not to make a payment.

Example: A very elderly person living alone may not realize that the county needs to be contacted about a furnace repair that has been completed during the week.

6. Bills should be paid in the LIHEAP system by the county if steps 1 – 5 are completed.

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### **Furnace Replacement 415-50-05-15**

**(Revised 10/1/20 ML #3588)**

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Emergency Assistance may be made available for a LIHEAP eligible individual home owner or an eligible renter with verifiable responsibility for maintenance of their furnace.

LIHEAP can only replace furnaces that:

1. are unsafe,
2. are not operating,
3. and/or cannot be repaired, and
4. wouldn't be cost-effective to repair.

Requests for furnace replacement must first be carefully reviewed by the county social service staff using the guidelines in this manual section. County staff should only pay for furnace replacement if Community Action Agency staff are not available to replace the furnace. If the county staff concludes the request is not eligible under these guidelines, the request should be denied, and referral to the State LIHEAP Administrator is NOT necessary. If the county staff recommends approval of the request, the "Emergency Assistance Application," with all the supporting data, must be referred to the State LIHEAP Administrator for approval through the LIHEAP Emergency System.

If the State Administrator delegates the performance to Division of Community Services, eligible LIHEAP clients will be referred to a local Community Action Agency (CAA) for furnace replacement. No "Emergency Assistance" application is needed if the client is a current client of LIHEAP. Notification to the CAA can come from the County Social Service Board or the client. An approval letter is made available to client if he would like to contact the CAA himself.

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When eligibility is determined (by CAA) for a household, the clients will be required to share in the cost of the furnace replacement as follows:

Household Adjusted Income	Household Poverty Level Share %	Client Cost Share
41–60% of median income	3%	30% of cost
21–40% of median income	2%	15% of cost
0–20% of median income	1%	-0-

Clients in the 2% and 3% poverty level ranges will have their share of furnace costs capped at \$500. A waiver may be granted for clients who are unable to raise their share of the furnace replacement costs.

The client's share may come from other sources, but not LIHEAP or General Assistance funds. CAAs will assist clients in identifying and applying for other sources of federal, state, or private funds.

Temporary shelter, when necessary, will be the responsibility of the CAA.

Of course emergency situations will still occur that must be resolved before we can carefully negotiate a payment plan. We may need to make an immediate payment commitment to the supplier. But, the household must fully understand these guidelines. They should at least appear to be eligible, and you should be confident they will assume their responsibilities if some other payment plan is more appropriate. Or, to gain the necessary time, you may need to authorize payment of temporary alternative living arrangements for the household ([See 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 with a non-functioning 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.

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If Community Action Agencies (CAAs) do not have money for furnace replacements, take the following steps:

1. Household fills out emergency assistance application if they are presently on the fuel assistance program. If the household is not on fuel assistance, you will need to get a regular application and an emergency application.
2. Determine eligibility for regular LIHEAP and for emergency assistance. Remember that for emergency assistance you only look at the income for the current month.
3. If the household is eligible for emergency assistance and is requesting assistance with furnace replacement then you need to:
  - a. Ask the household to contact two vendors to bid on the cost of the furnace and putting the furnace in. Vendors, if possible, should be close to the house that needs a furnace. The costs are lower when vendors are in the same community. You can ask the household if they have any ideas for vendors.
  - b. Provide household temporary shelter if needed.
  - c. Send a copy of the two bids to the state LIHEAP Administrator or Policy Analyst and a bid will be selected.
  - d. Let vendor know that he was the one selected and work closely with him to insure that the furnace is put in quickly.
  - e. Make payment (after the bill is received with detail on it) once the vendor has completed the furnace replacement, the furnace is working well and the household is satisfied. Use payment codes 13 and I to pay the vendor.

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### Consumer Goods 415-50-05-20

(Revised 10/1/08 ML #3151)

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An emergency may occur in which an eligible household needs to purchase or rent additional temporary or supplemental heating or cooling devices, or needs temporary shelter outside their home. Up to \$100.00 (for exceptions, **see 415-50-15**) per season may be authorized for this purpose. Consumer goods such as blankets or warm clothing should not be authorized as normally these are available through other community resources.

If funds are available, the State Administrator may choose to replace or repair water heaters that:

1. are not operating,
2. and/or cannot be repaired.

This service may be provided through Community Action Agencies or County Social Service offices, as circumstances dictate.

Households share of water heater replacement will be no more than \$500.

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### **Electric Utilities 415-50-05-25**

**(Revised 10/1/17 ML #3512)**

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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, 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, and will provide all information needed to make the approved payment 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.

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### Ineligible Energy Costs 415-50-05-30

(Revised 10/1/04 ML #2936)

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The energy-related costs identified in this section are NOT ELIGIBLE for payment under the LIHEAP Emergency Assistance Program.

1. Any energy costs not incurred in the current living unit.
2. Costs not incurred as a residential expense. If the residential costs and business or other non-residential costs are combined, they must be reasonably separated and justified. If it is impossible to separate the costs, Emergency Assistance will be limited to 25% of the total cost or \$200, whichever is less. When the cost in question is for electricity, the residential portion will be established first as described, then the presumed heating cost of 75% will be applied. For example, if the total combined bill is \$800, \$200 will be the presumed residential cost (25%). Of this \$200, 75% or \$150 will be the presumed heating cost. The first \$600 is business cost, and the last \$50 is residential utility cost and is not eligible for LIHEAP payment.
3. Other utilities such as water, sewer, garbage, and telephone are not eligible. Also, ineligible are non-heating costs for natural gas or propane for stoves, hot water heaters, etc. when these fuels are not also used by the household for heating.
4. Deposits are not eligible. (**See 415-50-20.**)
5. Arrearages defined as unpaid home energy costs, incurred more than 90 days prior to the date of request for Emergency Assistance are not eligible. If the arrearage is for a metered fuel bill, consider the costs billed for not more than the three most current monthly meter readings. For alternatives, **see 415-50-10-20.**
6. Current costs that will not maintain or restore home energy services due to shut-offs occurring as a result of unpaid arrearages are not eligible.



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### **Eligibility for Emergency Fuel Assistance 415-50-10**

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### **Application 415-50-10-05**

**(Revised 10/1/05 ML #2988)**

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Requests for emergency assistance will be accepted from October 1 through September 30. Requests may be received in writing, by telephone, or on [SFN 62](#), "Application for Emergency Assistance," and/or personal contact, but a narrative or other written record must be maintained.

An additional application on SFN 529 is not required for those households that need emergency assistance if the household had submitted an application for heating assistance. Otherwise, a new application for heating assistance must be processed to first certify that the applicant's income and resources meet LIHEAP Heating Assistance requirements at the time of the Emergency Assistance request.

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### Eligibility Guidelines 415-50-10-10

(Revised 10/1/19 ML #3557)

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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.

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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

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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 support and/or alimony actually paid.
- Paid medical bills--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.
- 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

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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.

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

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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.

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### Emergency Payments on Old Bills 415-50-10-20

(Revised 10/00 ML #2629)

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LIHEAP Emergency Assistance may not be used to pay off the entire amount of old bills or arrearages as described in [415-50-05-30](#), #5.

However, LIHEAP staff is encouraged to facilitate the development of realistic deferred payment plans for these arrearages. As a "facilitator," you may, with the client's permission, use information from the client's Emergency Assistance records to help the client and vendor arrive at a realistic deferred payment plan. Some clients will not be able to contribute much toward the arrearage at the time of the emergency, and this would not be "realistic" for the vendor.

LIHEAP Emergency Assistance may be used to help a client pay part or all of one or more of the deferred payments, until the client's financial circumstances enable him to take full responsibility for his deferred payments. To qualify for this assistance, the client must be eligible for Emergency Assistance as described in [415-50-10-10](#). In addition, the following factors must be considered:

1. Amount owed and date incurred.
2. The household effort and ability to pay these costs at the time they were incurred.
3. The household's effort and cooperation to secure payment from an absent household member if that person was responsible for these costs when they were incurred.
4. The household effort to negotiate and honor a previous reasonable payment plan with the supplier.
5. The energy supplier's collection efforts, and cooperation in extending credit and offering a reasonable payment plan.
6. A reasonable expectation that such payment will resolve or alleviate the household's payment problem.



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NOTE: Please see Section [415-35-30-05](#), STEP 2, for an explanation of how to submit these bills.

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### **Exception to Limitation for Emergency Services 415-50-15**

**(Revised 12/03 ML #2895)**

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Whenever an eligible household has an emergency fuel assistance need that exceeds the county maximum, the state approval should be requested. Very few requests for exceptions are expected inasmuch as community negotiations and individual household plans should usually restrict emergency assistance to the specified limits.

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### **Deposits 415-50-20**

**(Revised 11/02 ML #2829)**

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Utility companies may require a cash deposit from a customer before providing electrical or natural gas service. The purpose of an advance deposit is to protect the utility company against unpaid bills. If unused after a specified period of time, deposits are generally returned to the customer, or the customer is given a credit to be applied on future costs.

If a customer will be receiving LIHEAP for upcoming heating bills, it is preferable that the vendor and the customer arrange for the customer to pay the required deposit himself, on an installment basis if necessary, during the time period that LIHEAP is paying his heating bills. The amount of the installments can be set so the deposit is on record by the time the LIHEAP heating season ends. This keeps the customer involved.

Emergency Assistance funds CANNOT be used to pay deposits.

The customer will be responsible to pay any required deposits, or the supplier may waive the deposit for a LIHEAP eligible customer based on LIHEAP assurance of payment of a specified amount or throughout a specified period of time, that is sufficient to maintain service and to permit the household to accumulate the required deposit.

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### **Notification of Action Taken on Emergency Assistance 415-50-25**

**(Revised 11/02 ML #2829)**

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An "Emergency Assistance/Notice of Action" must be sent to the applicant to notify him of his approval/denial for Emergency Assistance.

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### Emergency Assistance - Appeal Process 415-50-30 (Revised 10/1/14 ML #3407)

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

If the household still believes the decision is wrong for some reason, they are entitled to request a hearing before the North Dakota Department of Human Services.

Contact the county social service office for instructions on how to request a hearing. The household's request for a hearing must be received within 30 days of the date of the notice of action. The household can have an attorney, relative, friend or other person assist them at the hearing.

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

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

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

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### **Fraud & Recovery Procedures 415-55**

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### **Erroneous Payments 415-55-01**

**(Added 10/1/20 ML #3588)**

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Erroneous Heating Assistance or Emergency Assistance payments may be underpayments or overpayments and may occur for a variety of causes such as fraud, misrepresentation, failure to report changes, fuel supplier, administrative errors, etc. The electronic data processing system has the capability to adjust the co-payment percentages, make supplemental payments, or credit refunds to the household's case file and fuel supplier file.

All reasonable and practical steps must be taken on all errors to prevent further overpayments, waste, or abuse.

1. Underpayments will be reported and adjusted as soon after discovery and verification as possible.
2. Overpayments resulting from either an administrative error or a recipient error are subject to recovery. The error must also be corrected to prevent further overpayments from occurring.
3. Suspected vendor-related overpayments will be refunded to the Department of Human Services immediately after discovery and verification.
4. Overpayment to a vendor or household, due to suspected fraud, will be referred to the county attorney for possible legal action and, if accepted and prosecuted, recovered as prescribed by legal authorities.

See [415-55-10-05](#), Fraud and [415-55-10-05-05](#), Suspected Fraud Guidelines for questions regarding determining a suspicion of fraud.



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### **Fraud and Recovery Procedures 415-55**

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### **Underpayment Adjustments 415-55-05**

**(Revised 10/00 ML #2629)**

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Underpayments must be discovered and resolved as early as possible by adjusting the household benefits, reimbursement to the household, and/or an additional payment to the household's fuel supplier.

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### **Recovery of Overpayments 415-55-10** **(Revised 10/00 ML #2629)**

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The county social service board staff will first determine if the overpayment is a result of suspected fraud or administrative/client error. Then follow the appropriate procedure described in [55-10-05](#) or [55-10-10](#).

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### **Fraud 415-55-10-05**

**(Revised 10/00 ML #2629)**

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In instances in which there is suspicion that an applicant committed fraud for the purpose of obtaining assistance to which he is not entitled, the county social service office is obligated to refer the matter to the states attorney. However, the county social service office, in its investigation of possible fraudulent actions, must respect the legal rights of the applicant by giving the person notice of the unresolved questions, offering the person the opportunity to reply, advising the person of his right to a fair hearing (if proposed county action will result in the suspension, reduction, discontinuance, or termination of LIHEAP benefits), and of the need to refer the matter to the states attorney. Copies of referrals to the states attorney shall be sent to the State Administrator of LIHEAP.

1. Overpayments resulting from proven fraud will be recovered in accordance with the official court order.
2. If fraud cannot be proven, or the charges are dismissed by court order, or the County State Attorney declines to prosecute, the overpayment will be recovered in accordance with [55-10-10](#).

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### **Suspected Fraud Guidelines 415-55-10-05-05** **(Revised 10/00 ML #2629)**

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1. Evidence of willful withholding of information about income, resources, or circumstances affecting the applicant's benefits.
2. Evidence that intentional false statements or misrepresentation of the facts were provided by the applicant.
3. The extent that such factors as advanced age, physical and mental limitations, language difficulties, lack of program understanding, et cetera, contributed to the above.
4. The extent of the objective factual evidence available and the extent that it can be substantiated, if necessary, in court.

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

(Revised 10/1/16 ML #3478)

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1. To recover an overpayment, immediately notify the household by letter of the cause and amount of the overpayment; clearly request a full repayment or a response to the letter to schedule an interview to discuss repayment options (include the office telephone number and address); advise the clients of their right to be represented at the interview. This may be all that is needed to resolve the overpayment. If a response is not received in a reasonable period of time, one or two follow-up letters may be necessary. If so, include all of the above information in each, plus a response deadline date. Copies of all letters are to be sent to the State Administrator of LIHEAP.
2. Unless a full and immediate repayment is received, an interview with the household may be necessary to complete a repayment agreement. An agency witness during the interview may be desirable. The client may be represented by an attorney, friend, relative or other individual of his choice. The repayment options, in order of preference, are:
  - a. Full and immediate repayment.
  - b. Full but delayed repayment. Six months from the date the error was discovered is a reasonable deadline. \*See Time Limits.
  - c. Installment Payments. Administrative cost effectiveness and efficiency decreases in direct proportion to the number of payments required. \*See Time Limits.
  - d. Any combination of the above options. \*See Time Limits.

#### **\* Time Limits**

Refunds of overpayments, regardless of the repayment option selected, should be received by the State Office before the end of the federal fiscal year that follows the year in which the payment was made. Hardship exceptions should be requested as described in [415-55-15](#).

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

### **Example:**

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

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

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

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

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

Whenever the repayment is not received through the above procedures, the County States Attorney may be willing to represent the county in a civil action in county court or small claims court. If so, the request should be transmitted in writing with a copy to the State Administrator of LIHEAP.

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

See [415-55-10-05](#) and [415-55-10-05-05](#) if county social service board staff determines that the overpayment is a result of suspected fraud.

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### **Discontinuation of Collection Efforts 415-55-15**

**(Revised 10/00 ML #2629)**

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The county social service office may recommend, in writing, that the State Administrator of LIHEAP approve temporary suspension or permanent discontinuation of collection efforts and/or payments. The justification for this action may include, but is not limited to:

1. The overpayment, or realistic installment payments, are small and collection costs are too great to be cost effective.
2. Full or partial repayment would be an extreme or undue hardship for the household at this time.
3. The client did not respond, rejected an interview, refused to execute a repayment agreement, or defaulted on the agreement, and further collection efforts cannot be justified.

Whenever payments or collection efforts are suspended or discontinued, the household must be notified in writing. The letter to the client must include any special conditions, reasons, time limits, or if the household is expected to resume payment whenever the household is able to do so.

Circumstances of the case may warrant a periodic review of the decision to discontinue collection efforts, especially if conditions may be expected to change which would make collection at a later date feasible. If the county social service office becomes aware that circumstances have changed favorably, the household should be notified in writing that collection efforts will resume.



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### **Transmittal of Recoveries 415-55-20**

**(Revised 10/00 ML #2629)**

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The county social service office will receive all recoveries and transmit them to the State Department of Human Services with a cover letter identifying the client by name and social security number and identifying the fiscal year to which the payment is to be credited. All checks must be made payable to the North Dakota Department of Human Services and transmitted to the North Dakota Department of Human Services, Low Income Home Energy Assistance Program, State Capitol Building, Bismarck, North Dakota 58505.

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### **Underpayment Adjustments and Recover of Overpayment from Recovery Vendors 415-55-25**

**(Revised 10/00 ML #2629)**

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The State Office must be notified as soon as an error resulting in an overpayment or underpayment to a vendor is discovered. Such errors can usually be corrected through communication with the vendor and future payment adjustments. If not, the coordinated action of State and County offices will be developed as needed for each separate occurrence to resolve any conflicts appropriately.

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### **Documentation in Case File 415-55-30**

**(Revised 10/00 ML #2629)**

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The county social service office case file will include all correspondence and a narrative description of the overpayment and recovery process.

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### Cooling Assistance Program 415-60

(Revised 10/1/20 ML #3588)

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

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

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

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

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

Those who have not been on heating assistance but are income eligible will have a free form letter sent to the Community Action Agency. The free-

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form letter, sent by the County Social Service Board, will state that they are income eligible and are, therefore, eligible for a cooling device but are not eligible for heating assistance benefits.

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

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

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

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### **Forms Appendix 415-65**

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### **SFN 529, Application 415-65-05**

**(Revised 10/1/19 ML #3557)**

[View Archives](#)

This form is available through the Department of Human Services and may also be obtained electronically via [E-Forms](#) (1136kb pdf).

For Office Use Only

Date Received:

Enter the date a completed and signed application is received in the county social service office. This is the date which will later be entered on the computer "Household Data" screen as 'Date of Application.'

Case Number:

The use of a case number for LIHEAP is NOT mandatory. However, if no case number is used, the two-digit county identification number MUST still be entered on the computer "Household Data" screen. The case number must include at the beginning the two-digit identification number of the county.

Head of Household:

Name:

Enter the name of the head of the household.

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Social Security #:	Enter the Social Security number of the head of the household. If the applicant has no social security number, leave it blank and request that a "dummy" number be assigned by the State Office and the county informed.
Phone, Address, County:	Enter for the home to be heated.
Length of Residence:	Self explanatory. This is to help the county identify households who may have applied previously or in another county.
Race, Ethnicity, Sex, Age:	Complete for the head of the household ONLY. This section is for reporting purposes only. If an applicant refuses to complete it, he cannot be required to do so. There will be special codes to handle unavailable information on the computer "Household Data" screen.
Disability	This question is also for reporting and administrative purposes only and cannot be required if the applicant objects to answering it. The definition of handicapped or disabled is included in the definitions section of this manual. ( <a href="#">See 05-05</a> )
Household Members:	The head of the household should NOT be listed again in this section. All other members of the household should be listed. Again, information regarding age



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cannot be required, but it is important to obtain this information if the applicant is willing because it is necessary to identify the age of the oldest member of the household for reporting and other administrative purposes. Obtaining the social security number is not mandatory unless it is needed to assist in the income verification process.

Do you currently receive or have you recently applied For (Check X, if yes)  
Medical Assistance, General Assistance, SNAP, Child Care Assistance Housing Assistance, TANF.

Disability:

This question is also for reporting and administrative purposes only and cannot be required if the applicant objects to answering it. The definition of handicapped or disabled is included in the definitions section of this manual. (See [05-05](#))

Income:

Check "yes" or "no" to each type of income, enter the amount of income, and indicate whether it is received weekly, monthly, quarterly, or annually.

It is not necessary to identify which members of the household have income; however, the income from all members of the household must be included in this section.

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### Expenses

Medical: Check "yes" or "no" to any medical expenses incurred since the previous June 1. Proof of the expenses must be provided. See [25-05-05-05](#) for the complete list of allowable expenses.

Child Care Check "yes" or "no" enter the amount, and indicate how often (weekly, monthly, etc.) it is paid. NOTE: child care eligible for deduction must be related to work, education, or training.

Child/Spousal Support: Check "yes" or "no" to child/spousal support paid and provide the amount.

Housing Be sure one of these is checked, as it is needed to determine the amount of benefits.

Type of Home: Be sure one of these is checked, as it is needed to determine the amount of benefits.

# of Bedrooms: This is to include the number of rooms in the living unit which are designed to be sleeping areas. Indicate the number of bedrooms on each floor. If, however, the apartment does not have a separate

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sleeping room such as in some "efficiency" apartments which have only a "hide-a-bed" in the main living area, the home would count one bedroom. The number of bedrooms establishes the size of the dwelling for purposes of finding the average cost of heating from the cost/consumption tables.

Own/Rent:

Check whether the household rents or owns its living unit.

Include Heat:

Check whether the rent payment includes the cost of heating. If the rent payment DOES include the cost of heat, the ONLY information completed in Part VI will be the type of fuel, which is needed to compute benefits. The applicant in these cases receives a DIRECT payment rather than a payment through a vendor.

Rental Assistance:

If the renter DOES receive rental assistance, it will be necessary to evaluate as described in [20-10-30](#) whether this household is eligible for the purposes of this program.

Amount of Rent:

Indicate amount of rent tenant pays per month.

Landlord's Name:

Provide landlord's name, address, phone.

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Heating:

Type of Heat (Primary and Secondary):

The type of heat should be that which the applicant expects to be using the balance of the heating season.

If more than one type of fuel is used, label which type is the "primary" source of heat. If a primary source cannot be identified, benefits will be established using the type of heat which is the more costly. Both primary and secondary heat sources will be identified on the computer "Household Data" screen.

Non-residential:

Non-residential Besides providing heat for your house, does this source provide fuel and/or power for any other buildings, machinery, vehicles, or any other uses, yes or no.

Shut-Off Notice/Need Fuel (Primary Hearing):

These two questions are to assist the county social service board in determining when an application must be processed under the emergency procedures outlined in [15-05-20](#).

Utility Vendor:

Name of Vendor that supplies non-heating utilities (lights).

Supplier name, address:

This should be the name and city of the

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supplier for the heat or utility source specified.

Name on Bill:

Enter the name of the household member whose name is indicated on the heating or utility supplier's account.

Account #:

This should be obtained if at all possible whenever the supplier uses customer account numbers. It is mandatory for Xcel Energy, MDU, Ottertail, and Ferrellgas.

The applicant must provide copies of ALL heating bills, paid or unpaid, incurred since October 1 of the current fiscal year, for which a Miscellaneous payment will be made. (See [35-20-10.](#))

### Back Months' Eligibility and Reimbursements:

Reimbursements:

Asks the applicant if he/she has paid for any fuel delivered since October 1. The county should review the applicant's responses to determine if reimbursements may be appropriate.

Weatherization and Other Services

Weatherization and Other Services to: If

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Weatherization: you are determined eligible your signature on this application will permit the Community Action Agency in your area to contact you with information about weatherization services that can save you money on energy costs. There is no cost to you, and you are under no obligation. Community Action Agencies also offer other services which may be of help to you. The Self Reliance Program can help you with budget counseling and other needs. Energy Share can help with non-heat utility bills in emergency situations. Ask your county worker for more information.

Would you like to request that your furnace be cleaned? Q Yes Q No  
If YES, please specify the vendor you would prefer \_\_\_\_\_

Would you like to have your chimney cleaned? ☐ Yes ☐ No  
If YES, please specify the vendor you would prefer \_\_\_\_\_

Applications received June 1 – September 30:

If application is completed after May 31, indicate what you are applying for.

Responsibilities, Right to Appeal, and Nondiscrimination Policy:

The county social service office representative should briefly give the applicant a verbal explanation of his responsibilities, rights to appeal and should draw his attention to the written statement of his rights to appeal which

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will be mailed with his "Notice of Action."

Certification and  
Authorization to  
Release Information:

The county social service office should draw the attention of the applicant to the certification statement whenever there is a face-to-face or telephone contact. When the application is received in the mail, and there is any indication that the applicant may not understand the full implication of his responsibilities as stated in the certification statement, the county worker should contact the applicant and discuss the applicant responsibilities with him.

**This does not include confidential protected health information.** This statement was added because this release does not cover medical information that LIHEAP must request. SFN 1059 must be used to receive medical information.

Signature:

The application must be signed by a member of the household before the application can be approved.

Worker Signature (if no  
signature on SFN 530):

This must be signed by worker after determining eligibility for case if SFN 530 was not signed.

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### **SFN 530, Eligibility and Benefit Worksheet 415-65-10**

**(Revised 10/1/17 ML #3512)**

[View Archives](#)

This form is only available electronically via [E-Forms](#).

It is not necessary to complete Form 530 "Eligibility and Benefit Worksheet" for each month of the LIHEAP heating season prior to the month of application. However, it is necessary to establish and verify the income available to the household during those months if a reimbursement or back bill incurred in an earlier month is to be paid by LIHEAP.

The income eligibility information must be entered on the Form 530 for the month of application as in the following example for a family of four (be sure to subtract deductions before deciding eligibility):

Prior months eligibility (wage stubs on file):

October: Earnings of \$1600/mo. x 12 x 73% = \$14,016 - \$1,200  
= \$12,816 - ineligible

November: Earnings of \$1500/mo. x 12 x 73% = \$13,140 -  
\$1,200 = \$11,940 - eligible



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### **SFN 530, Identification 415-65-10-05**

**(Revised 10/1/17 ML #3512)**

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1. Identification Information
2. New Application: Enter the month of application.

Re-computation: Enter the month of re-computation.

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

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### **SFN 530, Part I, Income Deductions 415-65-10-10** **(Revised 10/1/17 ML #3512)**

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In Section A, enter the name of the medical vendor and the verified annual amount of the medical bill or cost for each medical expense allowed. Indicate how each was verified (statement from vendor, viewed bill, cancelled check, receipt, et cetera).

Enter the total of all verified allowable medical expenses on line 1.

In section B, enter the amount of any verified, paid alimony or child support. If it is documented that the alimony/support is being paid on a regular basis, it may be annualized and the applicant given a full year's deduction even though the entire amount has not actually been paid yet. Enter annualized total on line 2.

Enter the annualized amount of child care deduction in section C, line 3.

Enter any other deductions ([415-25-05-05](#)) in Section D and total on line 4.

Combine all deductions on line E.

NOTE: The annual deductions must be deducted from the annual gross income each time the benefit level is recomputed due to a change in the income status.

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

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### **SFN 530, Part II, Income Received 415-65-10-15** **(Revised 10/1/17 ML #3512)**

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#### Computing Annualized Income:

For each source of income the household receives during the month of application or re-computation, enter the source of income, how it was verified, and the amount/unit (month, week, year). Multiply the amount/unit times the correct annualizing figure as described in [415-25-05-15](#). This annualized income is then multiplied by 73%, ONLY IF IT IS EARNED INCOME, to arrive at the annualized amount for that source of income.

Note (\*) that a deduction for a worker living away from home is made only from his earnings and is deducted after the 27% earned income deduction has been calculated.

Once each source of income has been annualized, all are totaled on line 5.

Use the "Notes" space to show the income received in months prior to the month of application.

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

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### **SFN 530, Part III, Summary 415-65-10-20**

**(Revised 10/1/17 ML #3512)**

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Enter the total annual income from line 5 and subtract the total deductions from line E to arrive at the Adjusted Annual Income on line 6. This is the amount which will be used to compute the household heating share and benefits.

Enter the number of persons in the household, the Maximum Income from the income eligibility guidelines in [415-25-05-10](#). Check any ineligible months determined for this household.

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

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### **SFN 530, Part IV, Heating Benefit Level 415-65-10-25 (Revised 10/1/17 ML #3512)**

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Line 7: Enter the smaller of 7a or 7b.

Line 7a: Enter the Estimated Cost of Heating from the Heating Matrix.

Line 7b: Compute this line ONLY if this is a renter/heat paid case. Enter the amount of the monthly rent payment, multiply times 12, then multiply this annualized rent times 25%.

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

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### **SFN 530, Part V, Authorization Dates 415-65-10-30 (Revised 10/1/17 ML #3512)**

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The Authorization Date must begin with the first month of continuous eligibility through the last date a vendor can bill or renter/heat checks will be paid by computer. These dates are transferred to the computer "Household Data" screen. (Note that the authorization period is NOT needed if the type of payment will be either Miscellaneous Only or Emergency Only).

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

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### **SFN 530, Part VI, Effective Date 415-65-10-35 (Revised 10/1/17 ML #3512)**

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This must be the date the LIHEAP Share Percentage is effective and determines the benefit level paid on a specific bill. For a case opening, this would be the first day of the first month a vendor bill or renter check can be paid.

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

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### **SFN 530, Computerized Calculations 415-65-10-40**

**(Revised 10/1/17 ML #3512)**

[View Archives](#)

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

Lines 8-13 are calculations the computer will automatically compute based on the amounts from Lines 1-7 which the eligibility worker entered on the "Household Data" computer screen.

Line 8: The estimated Household annual heating share is calculated based on the Poverty level Percentage (415-30-05) times the adjusted household income from Line 6.

Line 9: The estimated annual LIHEAP share is calculated using the cost of heat, Line 7, minus the household heat share from Line 8.

Line 10: Enter either the LIHEAP percentage from Line 10a or the adjusted percentage from Line 10b if the household has electric heat only. The computer will round up to the nearest 5% but no higher than 95%. If the percentage calculation is between 0-5%, a lump sum payment of \$50 will automatically be generated and the case will go to a status 10. If the percentage calculates between 6-10%, the percentage will



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round to 10%. (See 415-30-05)

Line 10a: The annual LIHEAP Share from Line 9 is divided by the Cost of Heat from Line 7 and rounded up to the nearest 5%.

Line 10b: If the household has electric heat only (does not apply to electric renter/heat paid), Line 10a is multiplied times 75% to determine a single percentage of the total residential bill which is the LIHEAP share of the heating portion of the total bill. This figure is rounded up to the nearest 5%.

Line 11: The customer co-payment is 100% minus Line 10 and then rounded to the nearest 5%.

Line 12: For Renter/Heat Paid cases, the Cost of Heating from Line 7 is multiplied times the LIHEAP Share percentage from Line 10 to determine the Estimated Annual LIHEAP Cost for the renter.

Line 13: Line 12 is divided by 8 months (length of the heating season) to determine the monthly renter payment and is rounded off to the nearest dollar. If line 13 is less than \$5 a month, the household will receive at least \$50 lump sum for the heating season regardless of what the monthly benefit would have been. If the Renter/Heat Paid household's heat share

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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.

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### **SFN 1540, Income Averaging/Annualizing Worksheet 415-65-15**

**(Revised 10/1/17 ML #3512)**

[View Archives](#)

This form is optional and may be used to help document frequent income changes.

The averaging worksheet is used to annualize fluctuating income sources as described in 415-25-05-15, Annualizing Income.

The annualizing worksheet is used to determine income eligibility for months prior to the month of application.

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

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### **SFN 1540, Annualizing Worksheet 415-65-15-05 (Revised 10/1/12 ML #3343)**

[View Archives](#)

The annualizing worksheet is on the back side of SFN 1540. Each month of the heating season has a space on the form to enter and annualize each source of income received, indicate how it was verified, and enter the amount/unit monthly, weekly, etc.) received. Multiply the amount/unit times the appropriate annualizing figure as described in 415-25-05-15.

This annualized income is then multiplied by 73%, ONLY IF IT IS EARNED INCOME, to arrive at the annualized amount for that source of income. Once each source of income for the month has been annualized, total them and enter the result as the total for that month.

Repeat this process for each month prior to the month of application backwards to October.

Note: Total deductions from Line E, SFN 530, must be subtracted from each month's annualized income before eligibility for the month can be established.

This form is available through the Department of Human Services and may also be obtained electronically via E-Forms.

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### **SFN 1681, Near Zero Income Worksheet 415-65-20 (Revised 10/1/17 ML #3512)**

[View Archives](#)

SFN 1681 is an optional form which may be used in place of or as a supplement to case narrative required on 415-05-35(e) when a household reports zero or near zero income. The "Near Zero Income Worksheet" may be completed by the applicant, county staff, or both.

Another potential use of Form 1681 is to provide an interviewing tool to:

- Identify unmet needs and potential service and/or economic assistance referrals.
- Identify discrepancies in income/expense reporting.
- Document a realistic appraisal of budgeting needs which may encourage an applicant to follow through on referrals.

Instructions are printed on the back of the form.

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

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### **SFN 11, Emergency Assistance Action Plan 415-65-25 (Revised 12/1/03 ML #2895)**

[View Archives](#)

The "Emergency Assistance Action Plan" is a form which may be used to assist the emergency assistance applicant and county LIHEAP eligibility worker to address problems that contributed to an energy crisis. It is designed to be used in combination with financial assistance from the Emergency Assistance Program of either LIHEAP or Energy Share of North Dakota with those applicants who are capable of making changes to improve their economic situation.

The first section explains the purpose of the Emergency Assistance Program. Space is provided for the worker to explain what emergency assistance has been approved.

The worker is to CIRCLE either "LIHEAP" or "Energy Share" to indicate which agency is completing the form.

#### Problem Statement

This section should be used to identify problems the worker and customer agree have contributed to the crisis. Examples might be lack of education/training for a higher paying job, lack of transportation for job search, problems with developing and following a budget, shelter costs are too high for income available, etc.

#### Action Plan

This section is used to identify possible referrals or other actions the customer can take to begin resolving the problems identified. For example, someone whose shelter costs are too high might be referred for weatherization services or to Low Income Housing. Use the "Comments" block to explain any details about the Action Plan. For example, the plan might include an application for Low Income Housing, but if there is a long waiting list, a referral to weatherization services can be made for the current residence as well as a referral to the energy supplier to negotiate a

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year around monthly payment plan. The worker can write in the phone numbers and/or addresses of the referred agencies or the appointment dates if the worker helps set up the first appointment.

The Action Plan will be most effective for the cooperative customer who wants to make improvements. However, it may also be used with the more reluctant customer who may not have given much thought to the reasons for his repeated crises.

When a customer is uncooperative or has few skills, it is especially important to set small goals. If he/she is overwhelmed by too much at once, he/she is more likely to do nothing.

The "Action Plan" cannot be used as a referral form, because it may contain more information than the referred agency needs, especially if multiple problems are identified. The actual referrals to agencies identified in the Action Plan should be made by separate letters. The Release of Information may be completed by the worker by filling in the agency name (CIRCLE either Energy Share or County Social Services, as appropriate) and the customer name.

### Signature

The customer and worker both sign and date the "Action Plan."

### Distribution

The customer receives the original copy and the yellow copy goes to the agency case file.

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

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### **SFN 62, Emergency Assistance Application/Assessment 415-65-30**

**(Revised 10/1/18 ML #3533)**

[View Archives](#)

SFN 62 is to be used by LIHEAP and for referral to Energy Share of North Dakota. If the customer needs assistance from Energy Share, the LIHEAP worker should make a copy of the form and send it to Energy Share.

There are two sections of the form: 1) Application and 2) Agency Use Only. The "APPLICATION" section is to be completed by the household. The "Agency Use Only" section is completed by the worker.

The worker should check for completeness. Incomplete applications are not acceptable. The worker should assist the household to complete the application. No uncompleted applications or unsigned applications will be entered into the LIHEAP system.

### **"APPLICATION"**

#### **Identification**

The name and social security number should be the same as the head of household used for the Heating Assistance Program.

County: Enter the county of residence.

Address: Enter the mailing address.

Phone: Enter a number at which the family can be reached.

Ages: Enter the ages of all the household members. The head of household should be entered first.



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### **Emergency Assistance Needed**

The household will fill in the services that are needed.

### **Name Of Company That Fuel Is Purchased From**

Who do they receive fuel from.

### **Name On Account, Account Number**

Household should list whose name is on the account and an account number if there is one. If there is not account number, "none" should be written.

### **Dollar Amount Of Emergency Assistance You Are Applying For**

LIHEAP needs to know exactly how much the household needs to take care of the emergency only.

### **How Much Have You Paid On Your Energy Bills In The Last 6 Months?**

Household needs to tell LIHEAP this because it may be a determining factor whether they receive emergency assistance or not.

### **List The Reasons You Are Applying For Emergency Assistance**

Allow the household to explain what happened that caused the emergency. This perception of the causes can be a starting point for later discussion regarding an "Action Plan" (SFN 11), if appropriate.

### **Household's Efforts To Resolve Crisis (Next Two Lines)**

Have the household describe what he/she has done to handle the crisis, especially any contacts with the supplier.

### **Plan**

Household should describe in his/her own words what can be done to prevent future crisis. This will be helpful later in developing an "Action Plan" (SFN 11).

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### **List Net Income Of Each Household Member For The Month Of Emergency Application**

Household should list income information for all household members for the current month, including who received the income and its source and employer. This should be net, "take home" pay.

### **List Assets of Each Household Member**

Request information regarding checking, savings and other account balances.

### **Expenditures For The Month Of Application**

Expenses should be only those for the current month and should not include any arrearages so you have an accurate picture of usual, on-going expenses. Payments required on arrearages can be noted as "other mandatory expenses."

If the household receives housing assistance or SNAP, only the amount the applicant pays "out-of-pocket" should be listed.

See [Eligibility Guidelines 415-50-10-10](#) to determine the allowable expenses for one month.

**Note:** Verifications are only needed if information is questionable.

### **Signature**

Have a household member sign and date the application.

### **"AGENCY USE ONLY"**

**Local Action:** Check whether approved or denied and describe what is to be paid.

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If the assistance requested would require State Office approval, the county worker must first decide whether the county recommends approval. If the county does not recommend approval, the State Office does not need to be contacted. If the county recommends approval, the emergency application needs to be completed on the LIHEAP System so the State Office can view, to approve or not approve.

If the application is denied the worker should:

1. Send the household a denial notice.
2. Inform the person of their right to appeal
3. Keep the application with the case file and narrate on the LIHEAP system why the application was denied.

### **Signature Of LIHEAP Representative**

Worker should sign the date the action is taken.

### **Emergency Assistance Payments**

Payments should be no more than **90 days from the date of the emergency assistance application.**

Pmt Date	Reason Code	Heat Type	Usage	Invoice No.	Amt Requested	Amt

Use the above guide (SFN 62) to help you monitor the payments that you paid for the household. If another county worker assists the household then they will know the emergency assistance history.

Questions to ask about the household

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1. Does this bring household current? Current costs that will not maintain or restore home energy services due to shut-offs occurring as a result of unpaid arrearages are not eligible. [Ineligible Energy Costs 415-50-05-30](#)
2. Referred for Self Reliance? If the household is having difficulty making ends meet do they need help to reduce their monthly costs or do they need employment etc.?
3. Referred for Energy Share? Do they also need assistance with their non-heat costs? The referral should be sent to the nearest Community Action Agency. [Electric Utilities 415-50-05-25](#)
4. SFN 11 Completed? SFN 11, "Action Plan" completed? Check "yes" or "no". NOTE that completion of SFN 11 is mandatory if the worker is making any referrals or recommendations for action on the part of the household. If your assessment is that no action is needed or feasible at this time, check "no" and do not complete SFN 11. Although we would like to see all households independent, it is important to recognize which people have reached the highest level of independence possible for them. Likewise, there may be justifiable reasons the household cannot work on problem areas such as inaccessibility of services, mental or physical illness, etc. Note the reason an Action Plan is not appropriate at the time of the Emergency application.
5. List Other Agencies Referred To? What other agencies can they be referred to? If you are going to refer them to Self Reliance make some suggestions to Self Reliance about problem areas.

### **"ASSESSMENT"**

Assessments are to be completed on the LIHEAP System under Emergency Assistance. There is a screen on the system where you can type your assessment.

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08/23/2005                      DEPARTMENT OF HUMAN SERVICES                      SS4-614-M3  
LIHEAP EMERGENCY ASSISTANCE APPLICATION

NAME:    SSN:    APPL DATE:  
INITIAL CONTACT DATE:                      TYPE OF CONTACT:                      RESPONSE DATE:  
TYPE OF ASSISTANCE REQUIRED:                      TOTAL BILL:    (FUEL TYPE)  
ENERGY SHARE    REPAIRS    FUEL  
FURNACE REPLACEMENT    WATER HEATER    OTHER  
AMOUNT PAID ON ENERGY BILLS LAST 6 MONTHS:    VENDOR#:  
INCOME THIS MONTH:    EXPENSES THIS MONTH:    ASSETS:

HTNG ASSIST:    EMERG ASSIST:    ENERGY SHARE:  
HH PAID:    DATES:    DATES:  
OTHER ASSIST:    PREMIUM ASSIST:

PREVIOUS PLAN (Y/N)    IF Y, FOLLOW THRU? (Y/N)    IF N, WHY NOT?  
PLAN DONE NOW (Y/N)    IF Y, ELEMENTS?    IF N, WHY NOT?

COUNTY ACTION:                      APPROVED                      DENIED                      RECOMMEND STATE APPROVAL:  
WORKER ID:    DATE:    AMOUNT PAID:  
STATE ACTION:                      APPROVED                      DENIED                      REQUEST MORE INFORMATION  
STATE ADMIN.    DATE:

PR3 RETURN TO MENU ENTER NARRATIVE (Assessment)

When you write an assessment consider the following factors to determine eligibility:

- **Income-** Determine eligibility by using the net income in the month of application. Do not average 3 months.
- **Expenses-** Look at the expenses the household claims to have for the current month.
- **Assets-** Although not considered for regular heating assistance, available personal resources (assets) may be considered in evaluating the unique circumstances of the household at the time of emergency application in order to decide whether emergency assistance is needed and is an appropriate resolution of the crisis..

Include your assessment of all financial data including credit and **payment record**.

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Include your assessment of the household's efforts to arrange payments with the supplier or secure assistance from other sources. Identify any factors that contribute to the emergency or the household's ability/inability to improve circumstances, and to your decision to approve/deny the application.

If appropriate add information about making household current with vendor, referral to Self Reliance, referral to Energy Share, completion of the SFN 11, and other agencies the household is being referred to.

### **Evaluation and Plan**

Summarize your recommendations for referrals or other action plan, and evaluate the household's motivation and outlook for self-sufficiency

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### **SFN 1059, Authorization for Release of Information 415-65-40**

**(Revised 12/1/03 ML #2895)**

[View Archives](#)

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

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### **Statewide Benefit Matrix Appendix 415-65-50 (Revised 10/1/13 ML #3380)**

[View Archives](#)

The Statewide Benefit Matrix is available in hard copy.



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

**(Revised 10/1/17 ML #3512)**

[View Archives](#)

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

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

**(Revised 10/1/17 ML #3512)**

[View Archives](#)

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