
POLICY TRANSMITTAL NO. 10-14	DATE: MAY 17, 2010
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:20-1, Table of Contents; 20-1-1, 20-1-3; 20-1-10 through 20-1-13; 20-1-17; and 20-1-19 through 20-1-20.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

OAC 340:20-1-1 is amended to update language to current terminology.

OAC 340:20-1-3 is amended to: (1) clarify the different programs within the Low Income Home Energy Assistance Program (LIHEAP); and (2) remove specific information about winter heating in order to move it to its own Section.

OAC 340:20-1-10 is amended to: (1) remove outdated language regarding the uncertainty of running a summer cooling or Energy Crisis Assistance Program (ECAP) as funds for these programs are now budgeted each year; and (2) clarify that the benefit level for the different LIHEAP programs is based on the availability of funding.

OAC 340:20-1-11 is amended to: (1) explain how income is calculated to determine eligibility; (2) add clarifying information about how to consider educational assistance; (3) remove work related expenses and the Medicare Buy-In as income disregards as these are deductions; (4) add income deductions to follow Supplemental Nutrition Assistance Program (SNAP) rules; (5) add language regarding how to compute self-employment income to follow SNAP rules; and (6) update language to current terminology.

OAC 340:20-1-12 is amended to: (1) clarify which application form is used for LIHEAP depending on whether the household currently receives certain other benefits or those who do not for the various programs under LIHEAP; (2) explain how pre-authorized households are handled; (3) give time frames for when applications are automatically mailed to certain households; (4) update language to current terminology; (5) remove outdated language; and (6) add clarifying information.

OAC 340:20-1-13 Instructions to Staff (ITS) are revised to clarify verification time frames.

OAC 340:20-1-17 is amended to: (1) clarify when the ECAP program is available; (2) remove outdated language about garnishment of income; (3) clarify that households may receive up to the maximum benefit allowed for ECAP rather than a one time payment; and (4) remove information about the cooling program as it is being moved to its own Section.

OAC 340:20-1-19 is issued to: (1) create a separate Section for the winter heating portion of LIHEAP that has been moved from another Section to provide greater clarity; and (2) add information about which households are preauthorized for winter heating.

OAC 340:20-1-20 is issued to: (1) create a separate Section for the summer cooling portion of LIHEAP that has been moved from other Sections to provide greater clarity; and (2) add information about households who can now be pre-authorized for summer cooling.

Original signed on 4-16-10

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WF # 09-27 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

INSERT

340:20-1, Table of Contents

340:20-1, Table of Contents, 1 page only, revised 6-1-10

340:20-1-1

340:20-1-1, 1 page only, revised 6-1-10

340:20-1-3

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340:20-1-17

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340:20-1-19, pages 1-2, issued 6-1-10

340:20-1-20, 1 page only, issued 6-1-10

SUBCHAPTER 1. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Section

- 340:20-1-1. Purpose
- 340:20-1-2. Legal base
- 340:20-1-3. Scope
- 340:20-1-4. Coordination with Native American energy programs
- 340:20-1-5. Coordination with Family Support programs
- 340:20-1-6. Coordination with utility suppliers
- 340:20-1-7. Outreach
- 340:20-1-8. Citizenship and alien status
- 340:20-1-9. Priorities
- 340:20-1-10. Program factors
- 340:20-1-11. Income and liquid resources
- 340:20-1-12. Applications
- 340:20-1-13. Verification
- 340:20-1-14. Actions, method of payment, and notifications
- 340:20-1-15. Other procedures
- 340:20-1-16. Energy crisis assistance **[REVOKED]**
- 340:20-1-17. Energy crisis assistance
- 340:20-1-18. Expedited services during regular heating assistance program
[REVOKED]
- 340:20-1-19. Winter heating
- 340:20-1-20. Summer cooling

340:20-1-1. PurposeRevised 6-1-10

The purpose of this Chapter is to outline the rules governing the Oklahoma Department of Human Services (OKDHS) Low Income Home Energy Assistance Program (LIHEAP). The intent of the program is to provide assistance to eligible households to meet the costs of home energy that are excessive in relation to household income. As administered by OKDHS, those households most affected by these costs are the elderly, disabled, homebound, young children, low-income families, migrants, and those who are isolated from service programs by geographical conditions or language barriers.

340:20-1-3. Scope

Revised 6-1-10

(a) The operation of the Low Income Home Energy Assistance Program (LIHEAP) is contingent upon the receipt of federal funds. Delay in federal funding can cause changes in planned time frames for the program.

(b) LIHEAP consists of four components:

(1) heating assistance, which is the benefits paid to vendors and clients beginning in December each year as approved;

(2) Energy Crisis Assistance Program (ECAP) beginning in March each year and any time there is a medical crisis;

(3) summer cooling assistance beginning in July each year; and

(4) weatherization assistance, which is administered year round by the Oklahoma Department of Commerce with LIHEAP funds allocated to them by OKDHS. Various local Community Action Agencies provide actual weatherization services.

340:20-1-10. Program factorsRevised 6-1-10

(a) **Home energy.** Home energy refers to a household's source of energy used for heating or cooling in a residential dwelling.

(b) **Primary energy source.**

(1) The primary energy source during winter months is the fuel used by the household for heating.

(2) The primary energy source during the summer months is the fuel used by the household for cooling.

(3) The household may choose the primary energy source during the Energy Crisis Assistance Program (ECAP) application period between heating and cooling programs.

(c) **Household.** The term household refers to any person or group of persons who are living together as one economic unit and for whom residential energy is customarily purchased in common, or who make undesignated payments for energy in the form of rent. There is one authorization for heating or cooling assistance per household.

(d) **Subsidized household.** A subsidized household is a household that receives assistance through a utility allowance to cover all or part of their energy cost, and/or which receives assistance in paying their rent or house payment on a regular basis. The assistance can be from a government agency, such as a local housing authority, or a private person, usually a relative, who helps a person or family pay their utility bills, the rent or house payment, or allows them to live rent free. Eligible subsidized households with out-of-pocket utility expenses receive the same heating assistance benefit as unsubsidized households.

(e) **Vulnerability.** A household is vulnerable if it is responsible, either totally or partially, for the cost of home energy. A vulnerable household includes a household whose source of home energy has been temporarily discontinued.

(1) **Apartment rental rates.** If apartment rental rates in college or university-owned apartment complexes are deliberately set lower than other apartments in the community in order to help the student, the household is considered a subsidized household. ■ 1

(2) **Non-vulnerability.** Non-vulnerable households are those that do not bear any of the expense of home energy.

(A) Examples of non-vulnerable living arrangements include:

(i) congregate or domiciliary facilities, such as nursing facilities and college or university dormitory, fraternity, or sorority housing;

(ii) households whose primary energy source is totally paid by someone other than a household member; and

(iii) subsidized households whose heating costs are included in their rent.

(B) Some subsidized households may be assessed an energy surcharge during the operation of the Low Income Home Energy Assistance Program (LIHEAP). These households might be eligible for heating assistance if they can document assessment of the surcharge.

(f) **Eligible households.** All households must:

(1) be vulnerable by being totally or partially responsible for the cost of home energy;
■ 2

(2) not exceed the income and resource standards as shown on Oklahoma Department of Human Services (OKDHS) Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size; and

(3) include at least one citizen or legal alien as defined in OAC 340:20-1-8 and may include an illegal alien.

(g) **Benefit amount.** The household benefit amount is based upon the household's size, income, and type of fuel. The benefit amount is not changed during the program year due to changes in household composition, income, or fuel type. It is adjusted after the end of the heating application period if the total number of households finally approved for heating assistance in relation to the total federal funding available for heating assistance payments requires an adjustment. ■ 3 There is no difference in the benefit levels between subsidized and unsubsidized households. The benefit level for heating, cooling, and ECAP is determined based on the availability of funding. Workers are notified of the benefit level for each program at the start of the application period for that program.

INSTRUCTIONS TO STAFF 340:20-1-10

Revised 6-1-09

- 1. The worker may need to contact the campus housing office(s) to determine whether rental rates have been set lower for college or university-owned apartments.**
- 2. Subsidized households whose heating costs are included in their rent are not vulnerable unless assessed a surcharge. Refer to OAC 340:20-1-10(e)(2).**
- 3. (a) If the worker discovers that an incorrect benefit level was approved prior to the benefit being issued, the worker must contact the Supplemental Nutrition Assistance Program (SNAP)/Low Income Home Energy Assistance Program (LIHEAP) Section in Family Support Services Division (FSSD) to provide the corrected information. The worker may contact the FSSD SNAP/LIHEAP Section by:
 - (1) e-mail at LIHEAP2@okdhs.org;**
 - (2) telephone; or**
 - (3) memo.****
- (b) After a payment has been made, if the worker discovers that the household received a higher benefit level than it was eligible to receive, the worker must write a memo explaining the reason for the overpayment, and submit it to the SNAP/LIHEAP Section.**

340:20-1-11. Income and liquid resources

Revised 6-1-10

(a) **Income.** All gross earned and unearned income received by the household is considered in determining financial eligibility except for those income sources shown in (b) of this Section. Eligible households must meet the income standard less the earned income deduction as shown on Oklahoma Department of Human Services (OKDHS) Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size.

(1) Income that is received on an annual basis is prorated over 12 months to arrive at the average monthly income.

(2) If the income is not received on a regular monthly basis, refer to OAC 340:10-3-31.

(3) Total income is rounded to the nearest dollar.

(4) When a person's income is reduced due to recoupment of an overpayment or garnishment, the gross amount before the recoupment or garnishment is considered.

(5) Countable income is computed as outlined in (A) through (D) of this paragraph.

(A) For each employed household member, subtract the earned income deduction as shown on OKDHS Appendix C-7. If the employed household member is self-employed, business expenses are allowed as described at (a)(6) of this Section.

(B) Add the unearned income of all household members.

(C) Subtract all applicable deductions as shown in (c) of this Section.

(D) The remaining amount is the amount considered available to the household members eligible for the Low Income Home Energy Assistance Program (LIHEAP).

(6) When a household member is self-employed, the net income as shown on the tax return is used as the income for this person.

(A) When the household did not file an income tax return on its self-employment

income for the most recent year, the worker uses (i) through (iii) to determine the net monthly self-employment income.

(i) The gross self-employment income, including capital gains, is computed using the client's self-employment business records.

(ii) If the client declares they incurred business expenses, the worker then subtracts 50% of the gross self-employment income as business expenses. If the household did not incur business expenses, a business expense deduction is not given.

(iii) The worker then divides the net self-employment income by the number of months to be averaged as described in OAC 340:50-7-30.

(B) The monthly net self-employment income is added to all other earned income received by the household.

(7) When an undocumented alien is part of an eligible household, the countable portion of his or her income is computed as outlined in (A) through (E) of this paragraph.

(A) For each employed household member, subtract the earned income deduction as shown on OKDHS Appendix C-7.

(B) Add the unearned income of the undocumented alien.

(C) Subtract the need standard on OKDHS Appendix C-1, Schedule of Maximum Income, Resource, and Payment Standards Schedule IX, for the appropriate number of persons. Persons counted for the need standard are the undocumented alien and his or her undocumented alien dependents who:

(i) are claimable for federal personal income taxes;

(ii) live in the same household; and

(iii) are not included in determining the LIHEAP benefit level because they are undocumented aliens.

(D) Subtract all applicable deductions as shown in (c) of this Section.

(E) The remaining amount is the amount considered available to the household members eligible for LIHEAP.

(b) **Income disregards.** In determining income, disregard:

(1) the food benefit amount under the Food and Nutrition Act of 2008;

(2) any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

(3) educational assistance including grants, work study, scholarships, fellowships, educational loans on which payment is deferred, veteran's education benefits, and the like are exempt if receipt is contingent upon the student regularly attending school and the money received is intended to offset the costs of education and expenses as identified by the institution, school, program, or other grantor. ■ 1 If the money is not intended to be a reimbursement and is a gain to the client, it is considered income. ■ 2 The student's classification, whether graduate or undergraduate, is not a factor;

(4) loans, regardless of use, if a bona fide debt or obligation to pay can be established.

(A) Criteria to establish a loan as bona fide includes an acknowledgment of obligation to repay or evidence that the loan is from a person or financial institution in the loan business.

(B) If the loan is from a person(s) not in the loan business, the borrower's acknowledgment of obligation to repay, with or without interest, is required to indicate that the loan is bona fide;

(5) Indian payments including judgment funds or funds held in trust and distributed per capita by the Secretary of the Interior Bureau of Indian Affairs (BIA) or distributed by the tribe subject to approval by the Secretary of the Interior. Also, disregard any interest or investment income accrued on such funds while held in trust or any purchases made with judgment funds, trust funds, interest, or investment income accrued on such funds. Any per capita payments, for example, headrights of Osage tribe, income from mineral leases, or other tribal business ventures, are disregarded as long as they meet the distribution requirements as stated in this paragraph. Any interest or income derived from the principal or produced by purchases made with the funds after distribution is considered as any other income;

(6) special allowance for school expenses made available upon petition in writing from trust funds of the student;

(7) benefits from State and Community Programs on Aging [Title III]. Income from

the Older American Community Service Employment Act [Title V], including American Association of Retired Persons (AARP) and Green Thumb organizations as well as employment positions allocated at the discretion of the Governor of Oklahoma, is counted as earned income;

(8) unearned income received by a child receiving Temporary Assistance for Needy Families (TANF), such as a needs based payment, cash assistance, compensation in lieu of wages, or allowance, from a program funded by the Workforce Investment Act (WIA) including Job Corps income, and WIA earned income received as wages, not to exceed six months in any calendar year;

(9) payments for supportive services or reimbursement for out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE);

(10) payments to volunteers under the Domestic Volunteer Service Act of 1973, Volunteers in Service to America (VISTA), unless the gross amount of VISTA payments equals or exceeds the state or federal minimum wage, whichever is greater;

(11) the value of supplemental food assistance received under the Child Nutrition Act or the special food service program for children under the National School Lunch Act;

(12) any portion of payments, made under the Alaska Native Claims Settlement Act to an Alaska native, which are exempt from taxation under the Settlement Act;

(13) Experimental Housing Allowance Program (EHAP) payments made under Annual Contributions Contracts entered into prior to January 1, 1975, under Section 23 of the U.S. Housing Act of 1937, as amended;

(14) earnings of a minor dependent child who is a full-time student;

(15) rental or housing subsidies by governmental agencies, for example, United States Department of Housing and Urban Development (HUD), received in-kind or in cash for rent, mortgage payments, or utilities;

(16) reimbursements from an employer for out-of-pocket expenditures and allowances for travel or training to the extent the funds are used for expenses directly related to such travel or training. Uniform allowances are disregarded if the uniform is uniquely identified with company name or logo;

(17) advance payments of Earned Income Tax Credit (EITC) or refunds of EITC as a result of filing a federal income tax return;

(18) refunds of state EITC as a result of filing a state income tax return;

(19) payments made from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the IN RE Agent Orange Product Liability Litigation, M.D.L. No. 381 (E.D.N.Y.) are not considered as income or as a resource in determining eligibility for or the amount of the benefit;

(20) payments received for Emergency Assistance to Needy Families with Children;

(21) payments made by others on the household's behalf;

(22) in-kind benefits received by an employee from an employer in lieu of wages or in conjunction with wages;

(23) payments made under the Radiation Exposure Compensation Act (P.L. 101-426) enacted October 15, 1990;

(24) federal major disaster and emergency assistance provided under the Disaster Relief Act of 1974, and comparable disaster assistance provided by states, local governments, and disaster assistance organizations;

(25) interests of individual Native Americans in trust or restricted lands;

(26) income up to \$2,000 per year received by individual Native Americans, which is derived from leases or other uses of individually-owned trust or restricted lands. Any remaining disbursements from the trust or the restricted lands are considered as income;

(27) payments made to persons because of their status as victims of Nazi persecution; and

(28) monetary allowances as described in Section 1823(c) of Title 38 of the United States Code (USC) provided to certain persons who are children of Vietnam War veterans.

(c) Income deductions. Certain deductible expenses from income may be applied when applicable, such as:

(1) out-of-pocket non-reimbursed medical expenses paid by persons age 60 and older or persons considered disabled per OAC 340:50-5-4 and OAC

340:50-7-31(b)(3):

(2) legally binding child support 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; and

(3) the earned income deduction as shown on OKDHS Appendix C-7 for each employed household member. In addition, if a household member is self-employed, see (a)(6) of this Section for self-employment deductions.

(d) **Resources.** Liquid resources, such as cash on hand, checking or savings accounts, certificates of deposits, stocks or bonds, cannot exceed the allowable resource level as shown on OKDHS Appendix C-7. The applicant's statement is accepted as verification unless the information received is inconsistent or questionable.

INSTRUCTIONS TO STAFF 340:20-1-11

Issued 6-1-10

1. Exempt student income includes:

(1) any money from Title IV of the Higher Education Act including federal or state work study;

(2) educational assistance funded through the Veterans Administration (VA) such as the Montgomery GI Bill;

(3) grants;

(4) scholarships;

(5) subsidized and unsubsidized Stafford loans;

(6) federal PLUS loans;

(7) TRIO grants;

(8) Robert C. Byrd Honors Scholarship Program;

(9) Bureau of Indian Affairs (BIA) student assistance;

(10) money from the Carl D. Perkins Vocational Education Act; and

(11) Workforce Investment Act (WIA).

2. Student income that is not exempt includes:

(1) money that is paid directly to the student and not sent through the bursar's account other than funds listed in Instructions to Staff #1 of these Instructions;

(2) institutional work study; or

(3) money intended as an incentive for school attendance or grades rather than the school expenses.

340:20-1-12. ApplicationsRevised 6-1-10

Households apply for the Low Income Home Energy Assistance Program (LIHEAP) using computer-generated Application for Low Income Home Energy Assistance or Form 08LH002E, Application for Low Income Home Energy Assistance – Walk-In Application, with the exception of households that have been pre-authorized.

(1) The computer-generated application is automatically mailed in November of each year for winter heating and June of each year for summer cooling to households receiving Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF), and State Supplemental Payment (SSP) at the time of the mailing. The household must complete, sign, and return the application prior to approval or denial. ■ 1

(2) Households making an initial application for LIHEAP who are not receiving another benefit, require an "N" number. Households requiring an "N" number must apply for LIHEAP through their local human services center (HSC) using Form 08LH002E. ■ 1

(3) Households applying for the Energy Crisis Assistance Program (ECAP), must complete, sign, and return Form 08LH002E regardless of whether the household is receiving other benefits.

(4) Certain households may be pre-authorized for the LIHEAP winter heating or summer cooling programs without filing an application. Prior to pre-authorizing benefits, the system checks the household's eligibility using pre-authorization guidelines at OAC 340:20-1-19 and 340:20-1-20.

(5) A new application is not necessary when a worker is notified of a change of "service" address. The worker updates the address and vendor information on the case.

(6) In order to ensure that payments are made to the correct energy supplier for gas and electricity, the household must provide the account name and number for the appropriate utility bill. For households using gas or electricity, it is necessary to see the household's most recent paid or unpaid bill or to obtain verification from the utility supplier. ■ 2

INSTRUCTIONS TO STAFF 340-20-1-12

Revised 6-1-10

- 1. The original or imaged copy of the computer-generated Application for Low Income Home Energy Assistance, or Form 08LH002E, Low Income Energy Assistance – Walk-In Application, is filed in the case record and a copy is given to the applicant upon request.**
- 2. A copy of the bill is filed or imaged in the case record, or verification from the energy supplier is recorded in the case record.**

340:20-1-13. Verification

Revised 6-1-08

(a) **Income and resources eligibility.** Income is verified for the Low Income Home Energy Assistance Program (LIHEAP) using the same procedures as for Temporary Assistance for Needy Families (TANF) at OAC 340:10-3.

(1) If all members of the household are included in TANF, State Supplemental Payment, or food benefits, verification of income and resources is established by that case record.

(2) All other applications have eligibility determination based on current month's income and resources of the total household. ■ 1

(b) **Vulnerability determination.** To determine vulnerability, a household must show that it is subject to the expense of home energy.

(1) A household which pays energy costs directly to suppliers establishes vulnerability by billing information on the utility statement.

(2) A household whose energy cost is included in the shelter payment must provide proof it is subject to the expense of home energy. Proof may include a statement from the landlord or a rent receipt designating inclusion of fuel cost. ■ 2

(3) Subsidized households whose heating costs are included in their rent but are assessed an energy surcharge must provide documentation of the assessed surcharge. These households are then considered partially vulnerable and are eligible for LIHEAP, if they meet other eligibility criteria.

INSTRUCTIONS TO STAFF 340:20-1-13

Revised 6-1-10

1. **When verification is needed, the worker issues Form 08AD092E, Client Contact and Information Request, giving the household ten calendar days to provide necessary documentation. The ten calendar days is allowed regardless of when staff are instructed to stop taking applications. When verification is provided within the ten day period and the household is eligible for benefits, the worker approves the application.** Income determination may be made by:

- (1) case record;**
 - (2) SDX;**
 - (3) award letters; and**
 - (4) similar data.**
- 2. If the required verification is already included in the case record, the worker uses that verification to determine vulnerability.**

340:20-1-17. Energy crisis assistanceRevised 6-1-10

(a) **Energy crisis assistance.** Energy crisis situations are handled year round on a case-by-case basis for households with a 72-hour cut-off notice and a verified life-threatening medical situation. Clients in a crisis situation must make application by contacting the local human services center (HSC). Family Support Services Division (FSSD) Low Income Home Energy Assistance (LIHEAP) Section staff approves applications for life threatening situations outside the normal application period for Energy Crisis Assistance Program (ECAP) and when the heating or cooling program cannot be used to pay the bill. ■ 1

(1) If a household is approved for assistance to resolve the crisis situation, the application is processed within 48 hours from the time the HSC receives the application. ■ 2

(2) When the crisis situation is verified by a designated authority as life-threatening and the household qualifies for assistance, the application must be processed so that assistance is provided to resolve the crisis situation within 18 hours following receipt of the application. ■ 2 Authority for designating a crisis situation as life-threatening is limited to a:

- (A) physician;
- (B) public health official;
- (C) licensed practitioner of the healing arts; or
- (D) HSC county director.

(b) **Energy Crisis Assistance Program (ECAP).** Based upon previous years' program experience, reasonable funds are reserved until March 15 of each year for ECAP. All ECAP applications must be made on Form 08LH002E, Low Income Home Energy Assistance – Walk-In Application.

(1) **Eligibility criteria.**

(A) Households with an energy crisis must not exceed the income and liquid resource standards on Oklahoma Department of Human Services (OKDHS) Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size. Income and resource criteria for ECAP are

the same as for heating and cooling assistance found in OAC 340:20-1-11.

(B) The household must have had service discontinued or terminated by the seasonal primary energy supplier, or received:

- (i) notice of a scheduled cut-off within 72 hours;
- (ii) notice of a refusal to provide additional energy needs by the supplier when supply of fuel will be depleted within 72 hours or less; or
- (iii) information regarding fee for a new connection.

(C) For a household to be eligible for ECAP, some precipitating factor must exist which caused the household's inability to pay their energy bill. The worker must ascertain why the energy bill has not been paid. ■ 3 Factors preventing payment of the energy bill include, but are not limited to, situations causing the household to make a choice between paying the energy bill and:

- (i) purchasing sufficient food for the household;
- (ii) paying for emergency situations such as medical expenses or disaster recovery; or
- (iii) providing clothing for children in the household.

(D) The worker must verify that the energy crisis need cannot be met by available income and liquid resources, even if income and liquid resources are equal to or below the standard.

(E) If the energy supplier refuses to establish or restore service for the amount of the ECAP payment, combined with whatever other resource is available or can be developed, the ECAP payment cannot be authorized.

(F) In instances where the maximum amount of ECAP and other available emergency programs do not meet the crisis, the case must be documented as having a feasible plan for maintaining or restoring service before an ECAP payment can be authorized.

(2) Administrative procedures.

(A) The authorized benefit for ECAP is limited to the amount necessary to connect, restore, or maintain energy service to the household up to the established maximum for the program year. ■ 4

(B) OKDHS makes payments for crisis assistance directly to energy suppliers with rare exceptions. ■ 5

(C) The authorized benefit cannot include the cost of propane or butane tank delivery.

(D) Payment may only be authorized for the seasonal primary source of energy, although it is possible for the primary energy source to change in some situations. If an interim period of ECAP assistance is implemented, the client may choose the primary energy source.

INSTRUCTIONS TO STAFF 340:20-1-17

Revised 6-1-08

- 1. Verification of crisis situations is recorded in the case record. All Low Income Home Energy Assistance (LIHEAP) forms are filed in chronological order in the LIHEAP section of the case record.**
- 2. Following verification of the crisis and determination of eligibility, the certifying worker:**
 - (1) contacts the fuel supplier as soon as possible to request delivery of fuel;**
 - (2) completes Form 08LH003E, Notice of Eligibility For Energy Crisis Assistance, listing the appropriate benefit amount from the Estimated Benefit Level Matrix;**
 - (3) e-mails or faxes the completed Form 08LH003E to the supplier; and**
 - (4) documents in detail the life-threatening decision in the case record.**
- 3. Human services center (HSC) staff must use discretion in determining what constitutes good cause for a household not paying the utility bill. Any practical reason is acceptable. The Family Support Services Division (FSSD) Low Income Home Energy Assistance Program (LIHEAP) Section is available for consultation when HSC staff need assistance regarding good cause.**
- 4. The worker advises the client and the energy supplier this is the only payment Oklahoma Department of Human Services (OKDHS) will make for this household for heating assistance.**

5. For example, if no reliable wood supplier is available, it is permissible to send the payment directly to the eligible household by entering the client's name and Social Security number as that of the vendor. Such situations occur infrequently. The worker must use judgment in determining whether the client is a more reliable payee than any supplier available.

340:20-1-19. Winter heating

Issued 6-1-10

(a) Selected households already approved for other benefits administered by the Family Support Services Division (FSSD) are normally pre-authorized during October of each year. Households pre-approved for the Low Income Home Energy Assistance Program (LIHEAP) are those who received a State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF), or Supplemental Nutrition Assistance Program (SNAP) benefits all 12 months of the previous year and met all the criteria shown in (1) through (3).

(1) The household received LIHEAP the previous year.

(2) The address remained the same.

(3) The income did not exceed eligibility guidelines for household size during the year.

(b) Households who do not meet preauthorization criteria must complete an application.

(c) The heating assistance part of the LIHEAP normally begins the first working day in December, and applications are taken until allocated funds are expended. ■ 1

(d) The same payment schedule is used for unsubsidized renters and roomers with utilities included in their rent and for households whose energy source is wood, coal, heating oil, or kerosene, except that payments are made directly to approved households.

(e) Primary sources of home energy include natural gas, electricity, propane, firewood, kerosene, coal, or butane.

(1) LIHEAP payments are made for utility expenses, deposits, and reconnect charges applicable to the household's primary source of home energy. If both the client and Oklahoma Department of Human Services (OKDHS) paid reconnect charges or deposits, the utility supplier must reimburse the client for those charges.

(2) When other utilities are included with the fuel bill and the amount for the primary source of home energy cannot be identified, or when the fuel vendor only accepts payment for the combined amount, the combined amount may be paid through LIHEAP.

(f) Payments are not made for blankets, emergency repair on the home, new or additional heating equipment, or heating appliances. Propane tank rental and delivery charges are not covered, if they are identifiable.

INSTRUCTIONS TO STAFF 340:20-1-19

Issued 6-1-10

1. (a) After certification, one payment is made directly to the designated supplier of the primary source of home heating on behalf of approved households responsible for their own utilities unless a situation arises which may necessitate two or more payments. Examples of situations that may necessitate two or more payments include a delay in federal funding, release of contingency funds by the President of the United States, and similar situations.

(b) Payments are made weekly for the duration of the program.

340:20-1-20. Summer cooling

Issued 6-1-10

(a) Selected households already approved for other benefits administered by the Family Support Services Division (FSSD) are normally pre-authorized during June of each year. Households pre-approved for the Low Income Home Energy Assistance Program (LIHEAP) are those who received a State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF), or Supplemental Nutrition Assistance Program (SNAP) benefits all 12 months of the previous year and met all the criteria shown in (1) through (3).

(1) The household received LIHEAP the previous year.

(2) The address remained the same.

(3) The household size remained the same.

(b) All other households must complete an application.

(c) The cooling assistance part of the Low Income Home Energy Assistance Program (LIHEAP) normally begins mid-July, and applications are taken until allocated funds are expended. ■ 1

(d) The same payment schedule is used for unsubsidized renters and roomers with utilities included in their rent except that payments are made directly to approved households.

INSTRUCTIONS TO STAFF 340:20-1-20

Issued 6-1-10

1. (a) After certification, one payment is made directly to the designated electricity supplier for the home on behalf of approved households responsible for their own utilities unless a situation arises which may necessitate two or more payments. Examples of situations that may necessitate two or more payments include a delay in federal funding, release of contingency funds by the President of the United States, and similar situations.

(b) Payments are made weekly for the duration of the program.