TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:20-1-10 through 20-1-14; and 20-1-17.

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

OAC 340:20-1-10 is amended to add: (1) requirements that the applicant must provide proof of identity and all household members must furnish a Social Security number (SSN) to be eligible for the Low Income Home Energy Assistance Program (LIHEAP); (2) clarifying information regarding calculation of the benefit amount for LIHEAP; and (3) a new appendix.

OAC 340:20-1-11 is amended to add Family Support Assistance Payment Program payments as an income disregard.

OAC 340:20-1-12 and 340:20-1-17 are amended to update form names.

OAC 340:20-1-13 is amended to add: (1) identity and SSNs for all household members as two new eligibility criteria that must be verified; (2) an updated policy cite to reference income procedures; and (3) clarifying information.

OAC 340:20-1-14 is amended to add information pertaining to: (1) denial actions; (2) time frames to process applications and request additional information; (3) households pre-authorized for LIHEAP including when payments are not made; (4) a form update; and (5) clarifying information.
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.

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340:20-1-10. Program factors

Revised 6-1-11

(a) **Home energy.** Home energy means a household's source of energy used to heat or cool a residential dwelling.

(b) **Primary energy source.**

(1) The primary energy source during winter months is fuel used to heat the home.

(2) The primary energy source during summer months is fuel used to cool the home.

(3) During the Energy Crisis Assistance Program (ECAP) application period, the household may choose heating or cooling as the primary energy.

(c) **Household.** Household means 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.** Subsidized household means a household that receives assistance through a utility allowance to cover all or part of their energy cost, and/or receives assistance in paying their rent or house payment on a regular basis.

(1) Assistance may 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, rent or house payment, or allows them to live rent free.

(2) 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

(3) Eligible subsidized households with out-of-pocket utility expenses receive the same 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 households whose primary energy source has been temporarily discontinued.

(f) **Non-vulnerability.** Non-vulnerable households are those that do not bear any of the expense of home energy.
Examples of non-vulnerable living arrangements include:

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

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

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

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

Eligible households. All eligible households must meet criteria in (1) through (4) or the worker must deny the application.

1. Households must be vulnerable by being totally or partially responsible for the cost of home energy. 
2. Households must 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.

3. Households must include at least one citizen or legal alien per OAC 340:20-1-8 and may include an illegal alien.

4. The person making the application must provide proof of identity per OAC 340:20-1-13(4).

5. Each household member must provide his or her Social Security number (SSN) per OAC 340:20-1-13(3) and 340:65-3-1(f). When the household does not provide a SSN for a household member, the worker counts that person’s income but does not include him or her in household size.

Benefit amount. Funding for LIHEAP is contingent on the receipt of federal funds and authorized amounts vary from year-to-year. Benefit amounts are estimated and reserved for winter heating, summer cooling, and ECAP on a yearly basis after the amount of available funding is known. OKDHS Appendix C-7-A, Estimated LIHEAP Benefit Level For All Households, provides estimated benefit amounts for each program. Adjustments, as needed, may be made to this estimated benefit amount throughout the fiscal year because of changes in available funding or anticipated need. The household
benefit amount is based upon the household’s size, income, and primary energy source. The benefit amount does not change during the program year due to changes in household composition, income, or primary energy source.

INSTRUCTIONS TO STAFF 340:20-1-10

Revised 6-1-11

1. The worker may need to contact the campus housing office(s) to determine whether rental rates are 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) When the worker discovers after payment has been made 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 6-1-11

(a) Income. All gross earned and unearned income, except for those income sources shown in (b) of this Section, received by the household is considered in determining financial eligibility. 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 received on an annual basis is prorated over 12 months to determine 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 divides the net self-employment income by the number of months to be averaged per 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.

(A) 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.

(B) Disregard per capita payments, for example, headrights of Osage tribe, income from mineral leases, or other tribal business ventures, as long as they meet the distribution requirements as stated in this paragraph.

(C) Consider as income interest or income derived from the principal or produced by purchases made with the funds after distribution;

(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;

(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; and

(29) Family Support Assistance Payment Program payments paid to persons by the OKDHS Developmental Disabilities Services Division (DDSD).
(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 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. Applications

Revised 6-1-11

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 Program (LIHEAP) – 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.

(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.

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

INSTRUCTIONS TO STAFF 340-20-1-12
Revised 6-1-11

1. The original or imaged copy of the computer-generated Application for Low Income Home Energy Assistance, or Form 08LH002E, Low Income Energy Assistance Program (LIHEAP) – 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 6-1-11

Prior to approving a household for the Low Income Home Energy Assistance Program (LIHEAP), program factors in (1) through (4) must be verified. When the applicant does not provide the verification at the time of application, the worker gives the applicant ten calendar days to provide it.

(1) **Income and resources eligibility.** The worker verifies income using the procedures per OAC 340:20-1-11.

   (A) 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.

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

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

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

   (B) 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.

   (C) 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 considered partially vulnerable and eligible for LIHEAP, if they meet other eligibility criteria.

(3) **Social Security numbers (SSN).** A household must provide a SSN for each household member when applying for LIHEAP including winter heating, energy crisis, and summer cooling. Household members for whom a SSN is not available must be referred to the appropriate Social Security Administration (SSA) office for SSN enumeration per OAC 340:65-3-1.

(4) **Identity.** The identity of the person making application must be verified. Identity
may be verified through readily available documentary evidence, or if evidence is unavailable, through a collateral contact. Any documents which reasonably establish the applicant's identity must be accepted and no requirement for a specific type of document, such as a birth certificate, may be imposed. Examples of acceptable documentary evidence that the applicant may provide include, but are not limited to:

(A) a driver license;

(B) a work or school identification (ID);

(C) an ID for health benefits, other assistance, or social service program;

(D) a voter registration card;

(E) wage stubs; or

(F) a birth certificate.

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.

Revised 6-1-11

Contingent upon the receipt of federal funding, one payment is made during the federal fiscal year to or on behalf of households included in paragraph (1) of this Section unless a situation arises that causes two payments to be made. Two or more payments may be made when there is a delay in federal funding or the release of contingency funds by the President.

(1) Approvals. Maximum household benefit levels are determined by the primary energy source, household size, and household income. Generally, one direct payment is made to designated energy suppliers on behalf of approved households. Payments are made on a weekly basis. The amount of the payment is the original household benefit level as adjusted, if necessary, based upon the total encumbrance for assistance in relation to federal funds available for payments.

(2) Direct payments. The same payment schedule in paragraph (1) of this Section applies to unsubsidized renters and roomers with utilities included in their rent, and for households whose energy source is wood, coal, heating oil, or kerosene, except when payments are made directly to approved households.

(3) Closures. The worker authorizes closure of cases in which the household is no longer eligible. Closure is not authorized before the worker has contacted the designated energy supplier and determined that the household has no outstanding debt with the supplier. If there is an outstanding debt, the case is not closed. The case automatically closes after the household’s program benefit level has been paid.

(4) Denials. The worker denies any application that is incomplete. Reasons an application is considered incomplete include submitting an unsigned application or failing to verify program factors per OAC 340:20-1-10. Prior to application denial, the worker must allow the applicant ten calendar days to provide needed verification.

(5) Timeliness. Applications are considered timely processed when approved or denied within ten calendar days of:

(A) the date of application when all verification is provided at the time of application; or

(B) giving or mailing Form 08AD092E, Client Contact and Information Request, to the applicant requesting needed verification.
(6) **Households pre-authorized for the Low Income Home Energy Program (LIHEAP).** Selected households may be pre-authorized for winter heating or summer cooling when the household continues to meet pre-authorization requirements per OAC 340:20-1-19 and 340:20-1-20. Households are mailed a pre-authorization notice prior to the application period. The notice advises the household:

(A) of the utility supplier and account number the Oklahoma Department of Human Services (OKDHS) plans to pay based on the prior year's certification; and

(B) OKDHS will not pay a different utility supplier based on this pre-authorization.

(7) **Computer-generated notices.** Computer-generated notices are mailed to the applicant or recipient showing actions taken.

(A) LIHEAP-37-A, Notice of Eligibility/Authorization, is mailed to the applicant.

(B) LIHEAP-37-C, Notice of Eligibility, is mailed to the recipient. This notice is mailed for authorization of each roomer or renter when fuel is included as a part of the shelter payment, and for households whose fuel source is wood, coal, kerosene, or oil.

(C) LIHEAP-37-D, Notice of Payment, is mailed to the recipient as notification that payment has been made to the energy supplier on his or her behalf.

(D) LIHEAP-37-E, Notice of Denial, is mailed to the applicant when an application has been denied.

(E) LIHEAP-37-F, Notice of Closure, is mailed to the recipient when the worker closes an authorization.

(F) PSNEN37K, Utility Account Verification and Pre-Approval Notice, is mailed to clients who were pre-authorized for LIHEAP winter heating or summer cooling.

(G) LIHEAP-37-M, Energy Crisis Assistance Program Notice of Payment, is mailed to the recipient as notification that payment was made to the supplier on his or her behalf.

(8) **Worker-generated notices.** The worker mails or issues Form 08LH003E, Notice of Eligibility for Energy Assistance, to the energy provider or to the recipient for delivery to the energy provider unless the provider is specifically exempted by the Family Support Services Division. The notice is issued by the worker whenever the
household meets eligibility requirements for crisis assistance.
340:20-1-17. Energy crisis assistance

Revised 6-1-11

(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. 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. 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. 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.** 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 Program (LIHEAP) – 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 per OAC 340:20-1-11.

(B) Household service was 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) The worker must ascertain why the energy bill has not been paid. There must be a precipitating factor that caused the household to choose between paying the energy bill and another vital household need. ■ 3 Acceptable 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.  

(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 6-1-11

1. Verification of crisis situations is recorded in the case record. All Low Income Home Energy Assistance Program (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 Oklahoma Department of Human Services (OKDHS) Appendix C-7-A, Estimated LIHEAP Benefit Level For All Households;

   (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 an acceptable reason for a household not paying the utility bill. The Family Support Services Division (FSSD) Low Income Home Energy Assistance Program (LIHEAP) Section is available for consultation when HSC staff need assistance in determining whether the reason given is acceptable.

4. The worker advises the client and the energy supplier this is the only payment OKDHS will make for this household for heating assistance.
5. **Examples of when it is acceptable to authorize** payment directly to the eligible household **include when there is no local supplier of the household’s primary energy source or the household uses a supplier that does not accept payment from OKDHS. In the rare instances where this occurs, the worker approves payment to the household by entering the client’s name and Social Security number as that of the vendor.**