

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

Laura Brown, AFS, LIHEAP 405-521-4396
Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703
Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542

It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to *STO.LegalServices.Policy@okdhs.org. The proposed amendment is **permanent**.

SUBJECT: CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

Subchapter 1. Low Income Home Energy Assistance Program
340:20-1-9 through 340:20-1-14 [AMENDED]
340:20-1-17 [AMENDED]
340:20-1-19 through 340:20-1-20 [AMENDED]
(WF 21-20)

SUMMARY:

The proposed amendments to Chapter 20, Subchapter 1 amend the rules to: (1) change the phone number used to request assistance in submitting an online application; (2) add or update the main heating and cooling energy sources; (3) add a definition for a roomer or boarder and, when such a person may be considered a separate household or considered vulnerable; (4) add more examples of non-vulnerable living arrangements; (5) add the requirement to provide accurate utility information; (6) add appendices; (7) add more information regarding what factors the LIHEAP benefit amount is based upon for winter heating, summer cooling, and the Energy Crisis Assistance Program (ECAP); (8) add that a household must verify new or terminated income; (9) add any income excluded by another Adult and Family Services (AFS) program is excluded for LIHEAP; (10) update income exclusions and types of liquid resources; (11) clarify how the gross income standard and net income is used to determine eligibility and benefit amount and when income deductions are allowed; (12) clarify that a household may only be pre-authorized for one LIHEAP component per federal fiscal year; (13) remove duplicative information regarding how to apply for LIHEAP; (14) add how verification is requested; (15) add what is considered acceptable income verification; (16) update what information is included on the client pre-authorization notice; (17) add what actions must be taken to correct a preauthorization problem or the household must complete an application; (18) clarify what constitutes an incomplete application and the action taken when this occurs; (19) add the requirement to report a change in circumstances within 10-calendar days of the change occurring; (20) add how payment is made directly to households; (21) update and add computer-generated notice information; (22) remove the requirement that a cut-off order be within 72 hours; (23) update when the ECAP application period occurs; (24) add disaster

LIHEAP as a component of ECAP; (25) add when an additional ECAP benefit amount may be approved; (26) add how LIHEAP staff prioritize ECAP applications; (27) update when a household whose energy is supplied in a fuel tank has an energy crisis; (28) add when a household with a cash only, cash advance, or pre-paid account has an energy crisis; (29) allow LIHEAP funds to be used to pay utility charges from a previous utility account or that is in debt collection in domestic violence situations; (30) update the verification requirement regarding life-saving medical equipment; (31) remove incorrect payment schedule information; (32) add that the payment may be made directly to the household for generator fuel when this is the household's main energy source; (33) update list of expenses that cannot be paid using LIHEAP funds; (34) clarify how direct payments to households are made; (35) change how the payment is made for cooling equipment, require proof of purchase or repair of the equipment, and clarify that the household cannot also receive help paying its energy bill; (36) simplify and clarify language; (37) update terminology; and (38) add or update legal citations.

PERMANENT APPROVAL: Permanent rulemaking is requested.

LEGAL AUTHORITY: Director of Human Services, Section 162 of Title 56 of the Oklahoma Statutes, and Sections 8622 through 8624 of Title 42 of the United States Code.

RULE IMPACT STATEMENT

To: Programs administrator
Office of Intergovernmental Relations and Policy

From: Patrick Klein, Director
Adult and Family Services

Date: December 18, 2020

Re: **CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**
Subchapter 1. Low Income Home Energy Assistance Program
340:20-1-9 through 340:20-1-14 [AMENDED]
340:20-1-17 [AMENDED]
340:20-1-19 through 340:20-1-20 [AMENDED]
(WF 21-20)

Contact: Laura Brown, 405-521-4396

A. Brief description of the purpose of the proposed rule:

Purpose: The proposed amendments to Chapter 20, Subchapter 1 amend the rules to: (1) change the phone number used to request assistance in submitting an online application; (2) add or update the main heating and cooling energy sources; (3) add a definition for a roomer or boarder and, when such a person may be considered a separate household or considered vulnerable; (4) add more examples of non-vulnerable living arrangements; (5) add the requirement to provide accurate utility information; (6) add appendices; (7) add more information regarding what factors the LIHEAP benefit amount is based upon for winter heating, summer cooling, and the Energy Crisis Assistance Program (ECAP); (8) add that a household must verify new or terminated income; (9) add any income excluded by another Adult and Family Services (AFS) program is excluded for LIHEAP; (10) update income exclusions and types of liquid resources; (11) clarify how the gross income standard and net income is used to determine eligibility and benefit amount and when income deductions are allowed; (12) clarify that a household may only be pre-authorized for one LIHEAP component per federal fiscal year; (13) remove duplicative information regarding how to apply for LIHEAP; (14) add how verification is requested; (15) add what is considered acceptable income verification; (16) update what information is included on the client pre-authorization notice; (17) add what actions must be taken to correct a preauthorization problem or the household must complete an application; (18) clarify what constitutes an incomplete application and the action taken when this occurs; (19) add the requirement to report a change in circumstances within 10-calendar days of the change occurring; (20) add how payment is made directly to households; (21) update and add computer-generated notice information; (22) remove the requirement that a cut-off order be within 72 hours; (23) update when the ECAP application period occurs; (24) add disaster LIHEAP as a component of

ECAP; (25) add when an additional ECAP benefit amount may be approved; (26) add how LIHEAP staff prioritize ECAP applications; (27) update when a household whose energy is supplied in a fuel tank has an energy crisis; (28) add when a household with a cash only, cash advance, or pre-paid account has an energy crisis; (29) allow LIHEAP funds to be used to pay utility charges from a previous utility account or that is in debt collection in domestic violence situations; (30) update the verification requirement regarding life-saving medical equipment; (31) remove incorrect payment schedule information; (32) add that the payment may be made directly to the household for generator fuel when this is the household's main energy source; (33) update list of expenses that cannot be paid using LIHEAP funds; (34) clarify how direct payments to households are made; (35) change how the payment is made for cooling equipment, require proof of purchase or repair of the equipment, and clarify that the household cannot also receive help paying its energy bill; (36) simplify and clarify language; (37) update terminology; and (38) add or update legal citations.

Strategic Plan Impact.

The proposed amendments achieve Oklahoma Human Services (OKDHS) goals by continuously improving systems and processes and improving communication with OKDHS clients and staff.

Substantive changes.

Subchapter 1. Low Income Home Energy Assistance Program (LIHEAP)

Oklahoma Administrative Code (OAC) 340:20-1-9 is amended to change the phone number used to request assistance in submitting an online application.

OAC 340:20-1-10 is amended to: (1) add main heating and cooling energy sources; (2) add a definition for a roomer or boarder and, when such a person may be considered a separate household or considered vulnerable; (3) add more examples of non-vulnerable living arrangements; (4) add the requirement to provide accurate utility information; (5) add more information regarding what factors the LIHEAP benefit amount is based upon for winter heating, summer cooling, and ECAP; (6) add the name of an appendix and a rule citation; and (7) update terminology.

OAC 340:20-1-11 is amended to: (1) add that a household must verify new or terminated income; (2) add any income excluded by another AFS program is excluded for LIHEAP; (3) update income exclusions, types of liquid resources, and terminology; (4) clarify how the gross income standard and net income is used to determine eligibility and benefit amount and when income deductions are allowed; and (5) add rule and legal citations.

OAC 340:20-1-12 is amended to: (1) change the phone number used to request assistance in submitting an online application; (2) clarify that a household may only be pre-authorized for one LIHEAP component per federal fiscal year; and (3) remove duplicative information regarding how to apply for LIHEAP.

OAC 340:20-1-13 is amended to add: (1) that a household must verify new or terminated income; (2) how verification is requested; (3) what is considered acceptable income verification; (4) when a roomer or boarder may be considered

partially vulnerable; (5) the requirement to provide accurate utility information; and (6) add a rule citation.

OAC 340:20-1-14 is amended to: (1) update what information is included on the client pre-authorization notice; (2) add what actions must be taken to correct a preauthorization or the household must complete an application; (3) clarify what constitutes an incomplete application and the action taken when this occurs; (4) add the requirement to report a change in circumstances within 10-calendar days of the change occurring; (5) update and add computer-generated notice information; (6) add how the payment is made directly to households; and (7) update terminology.

OAC 340:20-1-17 is amended to: (1) remove the requirement that a cut-off order be within 72 hours; (2) update when the ECAP application period occurs; (3) add disaster LIHEAP as a component of ECAP; (4) add when an additional ECAP benefit amount may be approved; (5) change the phone number used to request assistance in submitting an online application; (6) update main heating and cooling energy sources; (7) add how LIHEAP staff prioritize ECAP applications; (8) update when a household whose energy is supplied in a fuel tank has an energy crisis; (9) add when a household with a cash only, cash advance, or pre-paid account has an energy crisis; (10) allow LIHEAP funds to be used to pay utility charges from a previous utility account or that is in debt collection in domestic violence situations; (11) add how payment is made directly to households; (12) update verification requirement regarding life-saving medical equipment; and (13) update terminology.

OAC 340:20-1-19 is amended to: (1) clarify that a household may only be pre-authorized for one LIHEAP component per federal fiscal year; (2) add an appendix; (3) remove incorrect payment schedule information; (4) add when a roomer or boarder may be considered a separate household; (5) add that the payment may be made directly to the household for generator fuel when this is the household's main heating source; (6) update the list of expenses that cannot be paid using LIHEAP funds; (7) allow LIHEAP funds to be used to pay utility charges from a previous utility account or that is in debt collection in domestic violence situations; (8) clarify how direct payments to households are made; (9) update terminology; and (10) add appendix and a rule citation.

OAC 340:20-1-20 is amended to: (1) clarify that a household may only be pre-authorized for one LIHEAP component per federal fiscal year; (2) add appendices; (3) remove incorrect payment schedule information; (4) add when a roomer or boarder may be considered a separate household; (5) add that the payment may be made directly to the household for generator fuel when this is the household's main cooling source; (6) change how payment is made for cooling equipment, require proof of purchase or repair of the equipment, and clarify that the household cannot also receive help paying its energy bill; (7) clarify how direct payments to households are made; (8) update terminology; and (9) add appendix and a rule citation.

Reasons.

The proposed amendments throughout the Subchapter are amended to: (1) clarify and simplify rules; (2) update rules to reflect current procedures, federal guidance, and to align with other AFS program rules; (3) add or update legal

citations; and (4) remove incorrect information to reduce confusion for AFS staff and the public, and make the rules less error prone for staff.

The proposed amendments: (1) add or update the main heating and cooling energy sources, including information about households that use generators instead of traditional utilities, (2) add disaster LIHEAP as a component of ECAP; and (3) allow LIHEAP funds to be used to pay utility charges from a previous utility account or for an account that is in debt collection in domestic violence situations to comply with LIHEAP performance measure requirements.

Repercussions. If the proposed amendments are not implemented, the rules will not reflect current procedures, federal guidance, and federal performance measure requirements. This may lead to applicant confusion and staff errors.

Legal authority. Director of Human Services, Section 162 of Title 56 of the Oklahoma Statutes, and Sections 8622 through 8624 of Title 42 of the United States Code.

Permanent rulemaking approval is requested.

- B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:** The classes of persons most likely to be affected by the proposed amendments are clients applying for LIHEAP and centralized LIHEAP staff. The affected classes of persons will bear no costs associated with implementation of the rules.
- C. A description of the classes of persons who will benefit from the proposed rule:** Future LIHEAP applicants will benefit from accurate determination that preserves limited LIHEAP funds for eligible families.
- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:** The proposed amendments do not have an economic impact on the affected entities. There are no fee changes associated with the proposed amendments.
- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** The probable cost to OKDHS includes the cost of printing and distributing the rules, which is estimated to be less than \$20. The proposed amendments will result in enhanced delivery of services for clients.

- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an economic impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the amendments.
- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** There are no less costly or non-regulatory methods or less intrusive methods.
- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** Most of the proposed amendments are not designed to reduce significant risks to the public. The proposed amendment to no longer require a 72-hour cutoff order to be eligible for ECAP may reduce health and safety risks by not requiring households with a longer cutoff notice period to reapply and possibly miss being eligible during the ECAP open enrollment period. The proposed amendment to allow ECAP funds to be used to pay utility charges from a previous utility account or for an account that is in debt collection in domestic violence situations, may reduce health and safety risks by helping domestic violence victims to relocate.
- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendment to no longer require a 72-hour cutoff order to be eligible for ECAP is not implemented, households with longer cutoff notice periods will continue to be required to reapply and may miss being eligible during the ECAP open enrollment period. If the proposed amendment to allow ECAP funds to be used to pay utility charges from a previous utility account or for an account that is in debt collection in domestic violence situations is not implemented, it may affect relocation efforts for some domestic violence victims.
- K. The date the rule impact statement was prepared and, if modified, the date modified:** Prepared May 29, 2020; modified December 18, 2020.

CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-9. Priorities ■ 1

Revised 9-17-18 9-15-21

Special consideration is given to facilitating the Low Income Home Energy Assistance Program (LIHEAP) application process on behalf of individuals who are 60 years of age and older, blind, or disabled, per Section 8624 of Title 42 of the United States Code. During the open enrollment period, applications may be completed online at www.okdhslive.org or by phone at 405-487-5483 calling an Oklahoma Human Services county office for assistance in submitting an online application. For individuals who lack transportation, are physically or mentally unable to come to the a county office, or have no access to a phone or the Internet access, Form 08LH002E, Low Income Home Energy Assistance Program (LIHEAP) Application, is mailed to the home. Applications LIHEAP applications may be completed by the spouse, natural guardian, legal guardian, or someone else on the applicant's behalf of ~~the applicant.~~

INSTRUCTIONS TO STAFF 340:20-1-9

Revised 9-17-18

1. **When the Low Income Home Energy Assistance Program is not available, applicants are referred to other organizations assisting low-income households with meeting energy needs. Such organizations include, but are not limited to:**
 - (A) local churches;
 - (B) Lend-a-Hand, Share-the-Warmth, or Light-A-Life programs administered through the Salvation Army;
 - (C) community or neighborhood organizations; and
 - (D) Community Action Agencies for weatherization.

340:20-1-10. Program factors

Revised 9-17-18 9-15-21

(a) **Home energy.** For the Low Income Home Energy Assistance Program (LIHEAP), home energy means a household's source of energy used to heat or cool a residential dwelling, per Section 8622(6) of Title 42 of the United States Code (42 U.S.C. § 8622(6)).

(b) **Primary Main energy source.**

(1) The primary main energy source used to heat the home is approved during the winter heating application period is fuel used to heat the home. The main energy source may be electricity, natural gas, propane, kerosene, firewood, coal, butane, or heating oil. When the household uses a generator to heat the home, the generator may use natural gas, propane, or gasoline.

(2) The primary main energy source used to cool the home is approved during the summer cooling application period is electricity to cool the home. In most instances, the main cooling source is electricity. When the household uses a generator to cool the home, the generator may use natural gas, propane, or gasoline.

(3) During an Energy Crisis Assistance Program (ECAP) application period, the household ~~may~~ must choose the heating or cooling as ~~the primary~~ energy source that resolves the energy crisis.

(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, per 42 U.S.C. § 8622(5).

(1) The income and resources of all household members is considered, per Oklahoma Administrative Code (OAC) 340:20-1-11 procedures, even when one or more household members is not eligible to be included in the benefit, per OAC 340:20-1-8 or (g)(5) of this Section.

(2) Refer to OAC 340:20-1-4 when one or more household members is a member of a tribe operating its own LIHEAP.

(3) A roomer is a person who rents a room in another person's house. A boarder is a person who lives in temporary housing, such as halfway house or group home, a commercial boarding house, or with another household who furnishes lodging and meals to the person in exchange for a reasonable monthly payment for board. When the household states there is a roomer or boarder living in the home, the person may be considered as a separate household only when:

(A) he or she is not related to the household; and

(B) there is a written lease or roommate agreement that contains a clause stating he or she is responsible for a specific portion of the utility bills.

~~(3)~~(4) There is one authorization per household for each heating and/or cooling application assistance period.

(d) **Vulnerability.** A household is vulnerable when it is totally or partially responsible for the cost of home energy. A ~~vulnerable household includes households~~ whose primary energy source is temporarily discontinued is also considered vulnerable. A roomer or boarder may be considered vulnerable when:

(1) he or she is not related to a household member with whom he or she lives; and

(2) there is a written lease or roommate agreement that contains a clause stating he or she is responsible for a specific portion of the utility bills.

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

(1) congregate or domiciliary facilities, such as a nursing facility, assisted living or long term care facility when utilities are paid through a corporate or business account, college or university dormitory, or fraternity or sorority housing;

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

(3) subsidized households whose heating and/or or cooling costs are included in the rent. Subsidized households assessed an energy surcharge during the operation of LIHEAP may be eligible for assistance when they provide verification of the surcharge. Acceptable surcharge verification may be established by an itemized statement from the landlord, a legally-binding lease agreement showing the surcharge, or a rent receipt designating that the fuel cost is separate from the total shelter payment.

(f) **Subsidized household.** Subsidized households are households that receive a utility allowance to cover all or part of their energy cost; ~~and/or~~ or receive assistance in paying

their rent or house payment on a regular basis. Subsidized households are not vulnerable when an agency or person pays the entire utility bill every month, even when the utility bill is in the name of a household member or the payment is a loan.

(1) Assistance may be from a government agency, such as a local housing authority, or a private person, usually a relative or friend, who helps the household pay their utility bills, rent or house payment, or allows the household to live rent free.

(2) When apartment rental rates in college or university-owned apartment complexes are set lower than other apartments in the community 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.

(g) **Eligible households household criteria.** All eligible households must verify that they meet criteria in (1) through (5) of this subsection, per OAC 340:20-1-13, or the application is denied.

(1) Households must be totally or partially responsible for the cost of home energy and provide accurate utility information. ■ 2

(2) Households must not exceed the gross income and resource standards, per Oklahoma Department of Human Services (~~DHS~~) (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 eligible alien, per OAC 340:20-1-8. An undocumented or ineligible alien may be present in the home, but is not included in household size when determining the household's financial eligibility or the benefit amount. The undocumented or ineligible alien's income is considered, per OAC 340:20-1-11(a)(4).

(4) ~~The person making the application~~ applicant must provide proof of his or her identity, per OAC 340:20-1-13(4).

(5) Each household member included in household size for income and benefit determination 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 person's income is counted but ~~the person he or she~~ is not included in household size when determining the household's financial eligibility, per ~~DHS~~ OKDHS Appendix C-7 or benefit amount, per OKDHS Appendix C-7-A, Estimated Low Income Home Energy Assistance Program (LIHEAP) Benefit Level for all Households.

(h) **Benefit amount.** LIHEAP funding 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 funding amount for the federal fiscal year is known. ~~DHS~~ OKDHS Appendix C-7-A provides estimated benefit amounts for each program component. Adjustments may be made to the estimated benefit amount during the fiscal year because of changes in available funding or anticipated need. ■ 3 The household benefit amount for:

(1) winter heating is based upon ~~the household's~~ household size, net income, and primary energy source, and if the household pays the energy supplier or the utility cost is included in the rent payment;

(2) summer cooling is based upon household size and net income; and

(3) ECAP is based on the amount needed to resolve the energy crisis up to the maximum amount shown, per OKDHS Appendix C-7-A. ■-3

INSTRUCTIONS TO STAFF 340:20-1-10

Revised ~~9-17-18~~9-15-21

1. **Centralized Low Income Home Energy Assistance Program (LIHEAP) staff may need to contact the campus housing office(s) to determine if rental rates are set lower for college or university-owned apartments.**
2. **Subsidized households and roomers or boarders whose heating or cooling costs are included in their rent are not vulnerable unless assessed a surcharge per Oklahoma Administrative Code (OAC) 340:20-1-10(d)(2) and (e)(3).**
3. (a) **When centralized LIHEAP staff discovers that an incorrect benefit amount was approved prior to benefit issuance, he or she must contact Adult and Family Services (AFS) LIHEAP program field representative staff to provide the corrected information by:**
 - (1) email to LIHEAP2@okdhs.org;
 - (2) phone; or
 - (3) memo.
- (b) **When centralized LIHEAP staff discovers the household received a higher benefit amount than it was eligible to receive after payment was made, he or she must write a memo explaining the reason for the overpayment and submit it to AFS LIHEAP program field representative staff.**

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

Revised ~~9-17-18~~9-15-21

(a) **Income.** All gross earned and unearned income received by the household, except for income exclusions per (b) of this Section, is considered in determining financial eligibility, per Section 8624 of Title 42 of the United States Code (42 U.S.C. § 8624). ~~When the household receives income~~ Income received more than once per month from the same source, income is converted to a monthly amount and rounded to the nearest dollar. ■ 1 When a household member's income is reduced due to recoupment of an overpayment or garnishment, the gross amount before the recoupment or garnishment is considered.

(1) **Gross income standard.** The income of eligible households must not exceed the gross income standard, per Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size.

(A) When the household includes one or more ineligible aliens, part of the ineligible alien(s)' income is considered in determining gross income for the other household members. Refer to (4) of this subsection to determine the countable portion of the ineligible alien(s)' income. The ineligible alien(s) is not considered in household size when determining the gross income standard for the other household members.

(B) When all household members and their income are included in Supplemental Nutrition Assistance Program (SNAP) food benefits, Temporary Assistance for Needy Families (TANF) or State Supplemental Payment (SSP) cash assistance, or Child Care Subsidy benefits, the gross income used to establish eligibility for

the other program is used to determine eligibility for Low Income Home Energy Assistance Program (LIHEAP) benefits unless the household reports new or terminated income. When the household reports income from a new source or does not report income currently considered for another benefit on the LIHEAP application, the household must verify the income from the new source or verify that previous income terminated, per (2) and (3) of this subsection.

(C) When some, but not all, household members are included in other benefits, the gross income of the household member(s) whose income was not verified must be determined for the application month, per (2) and (3) of this subsection.

~~(C)~~(D) When the household does not receive other benefits, the household's gross income for the application month is verified and calculated to determine income eligibility, per (2) and (3) of this subsection.

(2) **Earned income.** Earned income is income a household member receives in the form of wages, commission, self-employment, or training allowances, and for which he or she puts forth labor. When all household members' earned income is not established for another program and a household member works for an employer, gross earned income is calculated for the application month. When a household member is self-employed or a contract employee, the household member's income is averaged over 12 months to determine the average gross monthly income.

(A) When the household member receives an hourly wage, has not received all earned income for the month by the application date, and his or her income fluctuates, the last 30-calendar days of income is used to anticipate income for the pay periods not yet received. When the household member:

(i) receives an extra paycheck in the application month due to a third or fifth week and the income is ongoing, the last 30-calendar days of income is used to determine countable monthly income instead of counting the extra paycheck; or

(ii) started a new job and the amount of the first paycheck is not known, the earnings are not considered.

(B) When the household member's income does not fluctuate, income received during the month prior to the application month may be used.

(C) When the household member derives his or her annual income by contract or self-employment in a period of time shorter than one year or receives an annual salary, the income is divided over a 12-month period to determine countable monthly income.

(D) To arrive at the monthly gross earned income when the household member is self-employed and:

(i) filed an income tax return on the self-employment income for the most recent tax year, the gross self-employment income, including capital gains, shown on the income tax return is divided by 12, ~~or~~ When the business operated less than 12 months, the self-employment income is divided by the number of months the business was in operation when the business operated less than 12 months; or

(ii) did not file an income tax return for the most recent tax year, the gross self-employment income, including capital gains, shown on the household

member's business records is divided by 12 or the number of months the business was in operation when the business operated less than 12 months.

(3) **Unearned income.** Unearned income is income a household receives that is not in the form of wages, self-employment, or training allowances, and for which a person does not put forth labor. Unearned income received or expected to be received during the month of application is considered unless it is excluded per (b) of this Section.

(4) **Income calculation for an ineligible alien.** An ineligible alien is a person who does not meet the eligibility criteria described in Oklahoma Administrative Code (OAC) 340:20-1-8. When an ineligible alien is part of an eligible household, the earned and unearned gross income of the ineligible alien and his or her ineligible dependents is calculated in the same manner as it is for other household members. The countable portion of the ineligible alien's income is computed per (A) through (E) of this paragraph and added to household income for the eligible members before determining if the household meets the gross income standard per OKDHS Appendix C-7.

(A) Subtract the earned income deduction, per OKDHS Appendix C-7 for each employed ineligible alien.

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

(C) Subtract the need standard, per ~~DHS~~ OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards Schedule IX, for the ineligible alien and his or her ineligible alien dependents who:

(i) are claimable for federal personal income taxes;

(ii) live in the same household; and

(iii) are not included in the household size when determining the gross income standard or the LIHEAP benefit level for the eligible household members.

(D) Subtract all applicable deductions per (c) of this Section for the ineligible alien(s).

(E) The remaining amount is added to the countable income of the household members eligible for LIHEAP.

(b) **Income exclusions.** Exclude from countable income any income that is excluded by SNAP, TANF, SSP, or Child Care Subsidy rules that include, but may not be limited to:

(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;

(4) loans regardless of use when 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) When 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 the loan is bona fide;
- (5) Indian per capita payments distributed from judgment awards or trust funds made ~~pursuant to~~ per Section 2 of Public Law (P.L.) 98-64, (25 U.S.C. § 117b) and 25 U.S.C. § 1407.
- (A) Exclude 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) Exclude per capita payments, such as Osage tribe headrights, income from mineral leases, or other tribal business ventures, when they meet the distribution requirements stated in this paragraph. ■ 2
- (C) Consider as income, interest, or income derived from the principal or produced by purchases made with the funds after distribution.
- (D) The per capita exclusion applies per person rather than per family;
- (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 from Title III and Title V. Title III and Title V are under the Older Americans Act (OAA) of 1965, amended by P.L. 100-175 to become the OAA, as amended in 2000. Each state and various organizations receive Title V funds. ■ 3 These organizations include:
- (A) Experience Works;
- (B) National Council on Aging;
- (C) National Council of Senior Citizens;
- (D) American Association of Retired Persons (AARP);
- (E) United States (U.S.) Forest Service;
- (F) National Association for Spanish Speaking Elderly;
- (G) National Urban League;
- (H) National Council on Black Aging; and
- (I) National Council on Indian Aging;
- (8) allowances, stipends, earnings, compensation in lieu of wages, grants, and other payments made for participation in a Workforce Innovation and Opportunity Act (WIOA) of 2014, program or other federally-funded workforce training program to persons of all ages and student status with the exception of income paid to persons 19 years of age and older for on-the-job training. This income is treated as any other earned income; ■ 34
- (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, allowances, or earnings to persons participating in programs under Title Titles I and II of the National and Community Service Domestic Volunteer Services Act of 1973, Section 404 of P.L. 93-113 as amended (42 U.S.C. §§ 5044(f)(1) and 5058), such as University Year for Action (UYA), the Senior Companion Program, AmeriCorps Volunteers in Service to America (VISTA), and

~~other AmeriCorps Programs~~ Special Volunteer Programs, the Foster Grandparent Program, and the Retired and Senior Volunteer Program;

(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, Section 21(a) of P.L. 92-203, 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, such as the ~~United States~~ U.S. 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 excluded when the uniform is uniquely identified with the company name or logo. Any amount the employer adds to the employee's gross income as a benefit allowance to pay for a reimbursable expense, such as insurance or dependent care is excluded. When the monthly benefit allowance exceeds the monthly expense and the employer includes the excess in the employee's pay each month, the worker counts the excess benefit allowance as earned income;

(17) advance payments of Earned Income Tax Credit (EITC) received as part of a paycheck or EITC refunds as a result of filing a federal income tax return, per P.L. 100-435;

(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.);

(20) TANF Work support services payments, received for Emergency Assistance to Needy Families with Children such as flexible funds and participant allowances, per OAC 340:10-2-8;

(21) payments made by others a person or organization outside of the household directly to the household's creditors or to a person or organization providing a service on the household's behalf. When funds owed to the household are diverted to pay a third party for a household expense, they are counted as income;

(22) in-kind benefits that are not in the form of money directly payable to the household, including meals, clothing, housing, or 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) funds distributed by Federal Emergency Management Assistance (FEMA) due to a disaster or emergency and to persons directly affected by the event, per the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as

amended (42 U.S.C. § 5155(d)). This exclusion also applies to all federally-funded disaster assistance and comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the U.S. President of the United States;

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

(26) income up to \$2,000 per calendar year received by individual Native Americans that is derived from leases or other uses of an individually-owned trust or restricted lands. Any remaining disbursements from the trust or the restricted lands are considered as unearned income; ■ 45

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

(28) monetary allowances, per Section 1823(c) of Title 38 of the United States Code (U.S.C.) 38 U.S.C. § 1823(c) provided to certain persons who are children of Vietnam War veterans;

(29) Family Support Assistance Payment Program payments paid to persons by DHS OKDHS Developmental Disabilities Services; and

(30) money deposited into or withdrawn from a qualified Oklahoma Achieving a Better Life Experience (ABLE) Program account or an ABLE account in any other state owned by the designated beneficiary of the account and established to pay for qualified disability expenses (QDE) is excluded from income or resource consideration, per Sections 4001.1 through 4001.5 of Title 56 of the Oklahoma Statutes or a qualified ABLE Program account set up in any other state per and the ABLE Act of 2014, 26 U.S.C. § 529A, is excluded as income when the client;. A person may have only one ABLE account. ■-5

(A) provides The client must provide documents to verify the account meets exemption criteria before the funds are excluded;. Once the client verifies that the savings or trust account is a valid ABLE account, no further account information is required. ■ 6

(B)(A) verifies money deposited in the A contribution to an ABLE account does not exceed by another individual is excluded unless the contribution exceeds the annual federal gift tax exclusion amount, per 26 U.S.C. § 2503(b). Any money deposited in the account in the calendar year that is in excess of the annual federal gift tax exclusion amount is considered as a countable income resource in the amount deposited;. and

(C)(B) verifies withdrawals from the account were used to pay qualified disability expenses A distribution from an ABLE account that is retained after the month of receipt is excluded in any month when spent on a QDE. Money withdrawn for reasons other than to pay qualified disability expenses a QDE is considered as income a countable resource for the month of withdrawal.

(C) A QDE is any expense related to the blindness or disability of the individual and made for the benefit of the individual. QDE's include, but are not limited to:

(i) education;

(ii) housing;

(iii) transportation;

(iv) employment, training, and support;

- (v) assistive technology and personal support services;
 - (vi) health;
 - (vii) prevention and wellness;
 - (viii) financial management and administrative services;
 - (ix) legal fees;
 - (x) ABLE account oversight and monitoring;
 - (xi) funeral and burial; and
 - (xii) basic living;
- (31) income received by a member of the U.S. Armed Forces, per 37 U.S.C. Chapter 5 and Section 273.9(c)(20) of Title 7 of the Code of Federal Regulations that is:
- (A) received in addition to the service member's basic pay during combat deployment;
 - (B) received as a result of the service member's deployment or service in an area designated as a combat zone as determined pursuant to an Executive Order or P.L.; and
 - (C) not received by the service member prior to the service member's deployment to or service in a federally-designated combat zone;
- (32) payments, allowances, or earnings to persons participating in the AmeriCorps State and National program or the AmeriCorps National Civilian Community Corps authorized by the National and Community Service Act of 1990 (42 U.S.C. § 12637(d)) and other payments to volunteers authorized by the National and Community Service Trust Act of 1993, P. L. 103-82 (42 U.S.C. §§ 12571, et seq.) and administered by the Corporation for National and Community Service;
- (33) payments received under the Civil Liberties Act of 1988. These payments are made to persons of Japanese ancestry whose ancestors were detained in internment camps during World War II;
- (34) payments received by a Supplemental Security Income recipient necessary for the fulfillment of a Plan for Achieving Self-Support approved under Title XVI Section 1612(b)(4)(A)(iii) or 1612(b)(4)(B)(iv) of the Social Security Act;
- (35) money the household receives and uses for the care and maintenance of a third-party beneficiary who is not a household member;
- (36) income that is received too infrequently or irregularly to be reasonably anticipated when it is \$30 or less per quarter;
- (37) non-recurring lump sum payments including, but not limited to:
- (A) income tax refunds, rebates, or credits;
 - (B) retroactive lump sums from Social Security, SSI, public assistance, Railroad Retirement pensions benefits, or other payments;
 - (C) retroactive lump sum insurance settlements; or
 - (D) refunds of security deposits on rental property or utilities; and
- (38) up to \$2,000 in cash deposited and interest accrued in an individual development account operated under the Assets for Independence Act.
- (c) **Income deductions.** When applicable, ~~subtract deductible expenses~~ The household must meet the gross income standard for its household size, per OKDHS Appendix C-7 before allowing applicable income deductions, per (1) through (4)(5) of this paragraph from the gross income except for self-employment business expenses.

After allowing income deductions, the net income is used to determine the benefit amount, per (d) of this Section. Deductible expenses may include:

- (1) verified non-reimbursed medical expenses paid by persons 60 years of age or and older or persons considered disabled, per OAC 340:50-5-4; ■ 67
- (2) legally binding child support paid by a household member to, or for a non-household member when verified, including payments made to a third party on behalf of the non-household member;
- (3) the earned income deduction, per ~~DHS~~ OKDHS Appendix C-7 for each employed household member;
- (4) ~~In addition, when a household member is self-employed, deduct 50 percent of the household member's gross self-employment income for incurred business expenses. Self-employed business expenses are subtracted before determining if the household meets gross income standards, per OKDHS Appendix C-7. When the household member did not incur business expenses, he or she is not eligible for a business expense deduction. The household member is also eligible for the earned income deduction per (3) of this paragraph when he or she does not take out a salary from the business; and~~
(4)(5) child care copayment when the household receives Child Care Subsidy benefits through ~~DHS~~ OKDHS.

(d) **Benefit amount.** Refer to OKDHS Appendix C-7-A, Estimated Low Income Home Energy Assistance Program (LIHEAP) Benefit Level for all Households, to determine the LIHEAP benefit amount. The LIHEAP benefit amount is based on household size, excluding ineligible aliens, the household's net income after applicable deductions are subtracted per (c) of this Section, and the ~~primary~~ main energy source.

(e) **Resources.** Liquid resources, such as, but not limited to, cash on hand, checking or savings accounts, certificates of deposits, or stocks or bonds, bitcoin, or other cryptocurrency, cannot exceed the allowable resource level, per OKDHS Appendix C-7. The applicant's statement is accepted as verification unless the information is inconsistent or questionable.

INSTRUCTIONS TO STAFF 340:20-1-11

Revised 3-7-179-15-21

1. When income is received on a:

- (1) **daily basis**, there is consistency in the days worked each week, and a regularity of pay dates, it is converted to a weekly amount and multiplied by 4.3 to arrive at a monthly amount. When there is no consistency in the work offered or when pay is received, all income received in the calendar month is added together to arrive at a monthly amount. When more than one month of irregular income is available, the worker totals the income and divides it by the number of months used;
- (2) **weekly basis**, add together the most recent consecutive pay checks, divide by the number of pay checks used, and multiply the income by 4.3 to arrive at the monthly amount;
- (3) **biweekly basis**, add together the most recent consecutive pay checks, divide by the number of pay checks used, and multiply the income by 2.15 to arrive at the monthly amount; or

- (4) twice per month, add together the most recent consecutive pay checks, divide by the number of pay checks used, and multiply the income by 2 to arrive at the monthly amount.
2. Per capita payments or income from tribal business ventures, such as some of the tribal gaming payments, do not always have to meet the distribution requirements to be exempt. When it is not known if the payments meet the distribution requirements of Public Law 98-64, the tribe must be contacted to verify if the payment meets the requirements.
3. In Oklahoma, Title V funds for older Americans are administered by:
- (1) Oklahoma Human Services Aging Services through the Senior Community Service Employment Program (SCSEP). SCSEP is a community service and work-based job training program for older Americans. Services are provided by:
- (A) the Association of South Central Oklahoma Governments;
 (B) the Oklahoma Economic Development Authority; and
 (C) Grand Gateway Economic Development Association; and
- (2) National Grantee Easter Seals. Services are provided by the American Association of Retired Persons project sites in Oklahoma City, Tulsa, and McAlester.
34. (a) ~~There are numerous programs for which income~~ Income ~~is excluded for many federally-funded workforce training programs.~~ Some of the more common program examples include income received from Youthbuild, Summer Youth, Job Corps, and paid classroom training. ~~For less common examples, the worker must determine if the program is a federally-funded workforce training program.~~
- (b) Income, aid, services, or incentives received by households participating in programs funded by Health Profession Opportunity Grants (HPOG), per Section 5507 of the Affordable Care Act (ACA), are exempt. HPOG may be granted to state agencies, workforce investment boards, community-based organizations, or institutions of higher learning.
45. (a) The client must provide proof of total disbursements received for the previous calendar year to determine how much, if any, of the income counts. When the client received more than \$2,000, the amount over \$2,000 is divided by 12 to determine monthly countable income. For example, when total disbursements equaled \$2,100, the calculation is \$2,100 minus \$2,000 equals \$100. The \$100 is then divided by 12 to determine monthly countable income.
- (b) When other household members also receive disbursements, the first \$2000 is disregarded for each household member before any income is counted.
56. (a) The Oklahoma State Treasurer is responsible for certifying an achieving a better life experience (ABLE) account. Rules regarding an The program name is Oklahoma STABLE. The program is administered through a partnership with Ohio's STABLE Accounts. ABLE account include rules state:
- (1) only persons whose disability was established before 26 years of age can set up an ABLE Act accounts account and only one account is allowed per person;

(2) there is no limit to the number of persons who can contribute to the ABLE account; and

(3) upon the death of an ABLE Act participant, every dollar remaining in the account qualified disability expenses (QDE) and funeral expenses may be paid from the account. All remaining funds in the account must be paid to the state Medicaid agency to repay costs of care received by the participant during life up to the amount of Medicaid paid after establishment of the ABLE account.

(b) Once the client provides documents that verify the account is a valid ABLE account, no further account verification is required. At application and renewal, the worker asks the client must provide proof from the financial institution of the dates and amounts of money deposited into and withdrawn from the ABLE account in the last 12 months if the account is still open and if he or she believes the deposits in, and expenditures from the account, are in compliance with the terms and requirements of that particular 529 account. Any amount in excess of the annual federal gift tax exclusion amount is countable income. The current gift tax exclusion amount is \$14,000 per calendar year. The client must verify, preferably from the financial institution that any funds withdrawn were used for qualified disability expenses. Funds withdrawn and not used for qualified disability expenses are considered as income for the month of withdrawal. When the client answers yes, no further inquiry is needed.

(c) Qualified disability expenses means any expenses related to the eligible individual's blindness or disability and approved per Section 529A of Title 26 of the United States Code made for the benefit of an eligible individual, who is the designated beneficiary including, but not limited to, expenses for:

(1) education;

(2) housing;

(3) transportation;

(4) employment, training, and support;

(5) assistive technology and personal support services;

(6) health, prevention and wellness, financial management, and administrative expenses;

(7) legal fees;

(8) oversight and monitoring; and

(9) funeral and burial expenses.

67. Refer to Oklahoma Administrative Code 340:50-7-31 for a list of allowable medical expenses.

340:20-1-12. Applications

Revised ~~9-16-199-15-21~~

Households apply for the Low Income Home Energy Assistance Program (LIHEAP) by submitting an online application at www.okdhslive.org, ~~phoning~~ calling 405-487-5483 to apply an Oklahoma Human Services (OKDHS) county office to assist with submitting the online application, or requesting calling the phone number on the www.okdhslive.org website to request Form 08LH002E, Application for Low Income Home Energy

Assistance Program (LIHEAP) Application, be mailed, to be completed and returned them. When Form 08LH002E is mailed to the household with a postage paid envelope, the application must be completed and returned by email, faxed to the number on the form, or mailed to the return address in the postage paid envelope. ■ 1

(1) Households may be pre-authorized for the LIHEAP winter heating or summer cooling ~~programs are approved~~ component without filing an application, but must not be pre-authorized for both in the same federal fiscal year, October through September. Households pre-authorized for LIHEAP are households that received 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 criteria in (A) through (D) of this paragraph.

The household:

- (A) received LIHEAP winter heating or summer cooling the previous year;
- (B) address remains the same;
- (C) income did not change or exceed eligibility guidelines for household size during the year; and
- (D) members remain the same from the previous year.

(2) A computer-generated notice is normally mailed in November ~~of each year~~ for winter heating and in June for summer cooling each year to households not selected for preauthorization that receive SNAP benefits, TANF, and SSP at the time of the mailing. The notice informs the household ~~it may~~ how to apply online at www.okdhslive.org, phone 405-487-5483 to apply, or request Form 08LH002E, Low Income Home Energy Assistance Program (LIHEAP) Application, be mailed, to be completed and returned for LIHEAP.

(3) When an application is denied, the household may request a fair hearing when it does not agree with the decision or submit a new application to reapply.

(4) When a household moves after applying for LIHEAP, a new application is not necessary. However, the household must report the change of "service" address to ~~the an OKDHS county office or by phoning 405-487-5483~~ an OKDHS county office within 10-calendar days of moving.

(5) ~~To ensure payments are made to the correct energy supplier~~ When submitting an application, the household must provide the correct account name, account number, and energy supplier ~~when submitting an application~~ to ensure payments are made to the correct energy supplier. All households applying for the Energy Crisis Assistance Program must have a verified, active cut-off order, notice of refusal to provide additional fuel, or verification of the fee to establish or re-establish service from an energy supplier. ■ 1

INSTRUCTIONS TO STAFF 340-20-1-12

Revised ~~9-17-189-15-21~~

1. **(a) Applications and verification received in the an Oklahoma Human Services (OKDHS) county office must be scanned and/or imaged to the Oklahoma Department of Human Services Family Support Imaging 90L Inbox with the correct case number. Once the application is processed, centralized Low Income Home Energy Assistance Program (LIHEAP) staff sends the documentation to files.**

(b) When the OKDHS county worker proxies an application for the household, he or she inquires about all possible household members, double checks to ensure information provided about the energy supplier and account information is correctly entered on the application, uploads any verification provided to the 90L workflow, and enters any additional information provided by the household in Family Assistance/Client Services (FACS) case notes. Centralized LIHEAP staff is responsible for sending Form 08AD092E, Client Contact and Information Request, when verification is needed.

(c) When a client calls the OKDHS county office after submitting an online application to find out the application's status or if any other information is needed, county staff checks Disclmage to be sure a valid application was submitted, checks FACS case notes to see if centralized LIHEAP staff requested verification, and informs the client about the status of the application. When the client provides additional information, county staff updates FACS case notes and emails the new information to liheap2@okdhs.org.

340:20-1-13. Verification

Revised 9-17-189-15-21

Prior to approving a household for the Low Income Home Energy Assistance Program (LIHEAP), program factors in (1) through ~~(4)~~(5) of this Section must be verified. When the applicant does not ~~provide~~ submit the verification ~~at the time of~~ with the application, the ~~applicant~~ household is sent Form 08AD092E, Client Contact and Information Request, listing required verification, and is given 10-calendar days to provide it. When the household fails to provide all or part of the required verification, the application is denied. ■ 1

(1) **Income and resources eligibility.** Income and liquid resources are verified using the procedures, per Oklahoma Administrative Code (OAC) 340:20-1-11.

(A) When all household members are included in Temporary Assistance for Needy Families, State Supplemental Payment, Child Care Subsidy benefits, SoonerCare (Medicaid) for the aged, blind, or disabled, or Supplemental Nutrition Assistance Payment food benefits, the most recent income and resource verification included in the case record for each household member is used unless the household reports new or terminated income. Reported income sources that are different than those verified at the last benefit renewal must be verified and considered for the LIHEAP application.

(B) When some, but not all household members are included in other benefits, the household member(s) not included in other benefits must provide current verification of gross income and liquid resources.

(C) ~~All other applications have eligibility determination based on households must~~ verify the current month's income and liquid resources of the total for all household members.

(D) Acceptable income verification may include, but is not limited to:

(1) income verification available in an active case record;

(2) pay stubs or employer statements;

(3) the most recent federal income tax form or business records when self-employed;

(4) data exchange screens, per OAC 340:65-3-4;

(5) award letters; and

(6) court orders.

(2) **Vulnerability determination.** To determine vulnerability, a household must verify it is subject to home energy expenses. When a:

(A) household pays energy costs directly to suppliers, vulnerability is established by billing information on the utility statement;

(B) household's energy cost is included in the shelter payment and the household pays a surcharge for the utilities, vulnerability may be established by an itemized statement from the landlord, a legally-binding lease agreement showing the surcharge, or a rent receipt designating that the fuel cost is separate from the total shelter payment; ~~or~~ ■ 2

(C) subsidized household's heating ~~and/or~~ or cooling costs are included in the shelter payment, the household is considered partially vulnerable when the household is assessed an energy surcharge and provides documentation of the assessed surcharge; or

(D) roomer or boarder states he or she is responsible for a specific portion of the utility bills, he or she may be considered partially vulnerable when:

(i) the person or household with whom the roomer or boarder lives is not related to him or her; and

(ii) there is a written lease or roommate agreement that contains a clause stating he or she is responsible for a specific portion of utility bill.

(3) **Social Security numbers (SSN).** Each household member included in the benefit must provide a SSN or provide verification of a pending SSN application from the Social Security Administration (SSA) office for SSN enumeration, per OAC 340:65-3-1(f). Household members who do not provide a SSN are not included in household size when determining the household's financial eligibility and benefit amount, but their gross income and resources are considered.

(4) **Identity.** The identity of the person making application must be verified. Identity may be verified through readily available documentary evidence or when evidence is unavailable, through a collateral contact. Any documents that 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 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) pay checks; or

(F) a birth certificate.

(5) **Energy supplier information.** The household must designate its main heating or cooling source and provide the name of its energy supplier and utility information on the application or note that utilities are included in the household's rent.

Oklahoma Human Services pays the energy supplier instead of the household unless the energy supplier is a non-LIHEAP participant supplier.

INSTRUCTIONS TO STAFF 340:20-1-13

Revised ~~9-17-189-15-21~~

1. ~~When verification is needed, centralized Low Income Home Energy Assistance Program (LIHEAP) staff issues Form 08AD092E, Client Contact and Information Request, to request necessary documentation. Centralized Low Income Home Energy Assistance Program (LIHEAP) staff gives the applicant 10-calendar days to provide verification regardless of when staff are instructed to stop taking applications. When the applicant provides verification within the 10-calendar day period and the household is eligible for benefits, centralized LIHEAP staff approves the application. Acceptable income verification may include, but is not limited to:~~
 - ~~(1) income verification available in an active case record;~~
 - ~~(2) pay checks or employer statements;~~
 - ~~(3) the most recent federal income tax form or business records when self-employed;~~
 - ~~(4) data exchange screens per Oklahoma Administrative Code 340:65-3-4;~~
 - ~~(5) award letters; and~~
 - ~~(6) court orders.~~
2. When vulnerability verification is included in the case record and the household has not moved, staff does not request current verification.

340:20-1-14. Actions, method of payment, and notifications

Revised ~~9-15-179-15-21~~

Contingent upon the receipt of federal funding, submitted Low Income Home Energy Assistance Program (LIHEAP) applications are approved or denied, payments are issued, and households are notified of their eligibility during winter heating, summer cooling, and Energy Crisis Assistance Program (ECAP) application periods.

(1) **Households pre-authorized for LIHEAP.** Selected households may be pre-authorized for winter heating or summer cooling and sent a pre-authorization notice prior to an open application period.

(A) Households are pre-approved for LIHEAP per criteria in Oklahoma Administrative Code (OAC) 340:20-1-19 for winter heating and OAC 340:20-1-20 for summer cooling.

(B) The pre-authorization notice informs the household:

(i) of the utility supplier and the account name and number ~~the~~ Oklahoma Department of Human Services (~~DHS~~) (OKDHS) intends to pay based on the prior year's certification; and

(ii) ~~DHS does not pay a different utility supplier based on the pre-authorization.~~ to report correct information to OKDHS within 10-calendar days of the pre-authorization notice date, when the utility supplier or account name or number is different. When the household reports correct information after this date, the household must apply during the open enrollment period as pre-authorization information can no longer be corrected.

(C) When the household reports that the pre-authorization information on the notice is incorrect within 10-calendar days of the pre-authorization notice date, the household must provide correct information to determine if the household meets preauthorization criteria. ■ 1

(i) When the household reports that the utility supplier changed to a supplier that does not participate in LIHEAP, staff explains that OKDHS cannot pay the supplier based on pre-authorization information and encourages the household to file an application during the open enrollment period.

(ii) When the household reports a different account number with the same utility provider, staff asks for the address and the account name and number on the utility bill.

(I) When the address is the same as the OKDHS address of record and the account holder is a household member, pre-authorization information is updated.

(II) When the address is different, the household must provide a document that verifies the household lives at the new address, such as a lease agreement or other document showing a household member's name and the new address, within 10-calendar days of the date on the notice. ■ 2

(III) When the account number changed because the account name changed to another household member who is included in another Adult and Family Services (AFS) benefit using the same case number, the preauthorization information is updated.

(IV) When the account name is different and the person is not included as a household member in another AFS benefit using the same case number, the household must verify the account holder has a separate address or provide income or resource information for the account holder before preauthorization information is changed. When the person lives in the home, the pre-authorization is closed and the household must apply during the open enrollment period. ■ 3

~~(C)~~(D) Households are not pre-authorized for ECAP.

(2) **Changes that occur after application submission.** When changes occur in the household's circumstances prior to certification, such as, but not limited to, moving or income changes, the household must report the change within 10-calendar days of the change occurring. Once a change is reported, new utility information or income verification may need to be provided prior to the application being processed.

~~(2)~~(3) **Approvals.** Households may be approved for LIHEAP during each of the three-designated application periods per fiscal year.

(A) Certain households may be approved for ECAP outside of a designated application period when there is a life-threatening emergency, per OAC 340:20-1-17(g).

(B) Households are approved for LIHEAP when they:

(i) submit a signed and completed application during the designated application period, per OAC 340:20-1-12;

(ii) provide required verification, per OAC 340:20-1-13; and

(iii) meet program factors, per OAC 340:20-1-10.

~~(3)~~**(4) Denials.** ~~The employee denies applications~~ An application is denied when the household:

(A) ~~submitted~~ submits the application outside of a designated application period;
(B) ~~that are~~ submits an incomplete application. Reasons an application is considered incomplete include submitting an unsigned application or ~~failing to verify program factors per OAC 340:20-1-10~~ not providing utility information. When the household does not sign the application or fails to provide utility information, the application is immediately denied and the household must reapply;

~~(C)~~ fails to verify program factors, per OAC 340:20-1-10. Prior to application denial, the ~~employee household~~ household must ~~give~~ be given or ~~send the applicant sent~~ Form 08AD092E, Client Contact and Information Request, indicating what verification must be provided and ~~allow the applicant given~~ at least 10-calendar days to provide the needed verification; or

~~(C)(D)~~ when the household does not meet program factors, per OAC 340:20-1-10.

~~(4)~~**(5) Timeliness.** Applications are considered timely processed when approved or denied within:

(A) 60-calendar days of the application date for winter heating and summer cooling; or

(B) no later than 18 hours from the application date for an ECAP application involving a life-threatening medical situation or 48 hours for all other ECAP applications.

~~(5)~~**(6) LIHEAP payments.** LIHEAP payment amounts are estimated and reserved for each application period based on available funding and may be adjusted as needed. Refer to OKDHS Appendix C-7-A, Estimated Low Income Home Energy Assistance Program (LIHEAP) Benefit Level for all Households, for maximum payment amounts.

(A) Payment amounts are determined based on the household's size, income, and primary energy source.

(B) One payment is made per approved application directly to:

(i) designated energy suppliers on behalf of approved households responsible for their utilities; or

(ii) the household when the:

(I) utilities are included in the rent; or

(II) ~~energy source is wood, coal, heating oil, or kerosene; or~~

~~(III) energy supplier is not designated to receive direct payments from DHS~~ OKDHS.

(C) When payment is made to the household instead of an energy supplier, approved payment may be made directly to the household on a debit card or, when the household receives Temporary Assistance for Needy Families or State Supplemental Payment cash assistance by direct deposit, payment may be made through direct deposit in the same bank account, per OAC 340:65-3-6.

(C) Payments are made on a weekly basis as applications are approved.

~~(6)~~(7) **Closures.** The LIHEAP authorization automatically closes after the LIHEAP payment issues. Authorizations are closed when it is discovered that an ineligible household was certified in error before a LIHEAP payment is made. ■ 4

~~(7)~~(8) **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 PSNEN37D, Heating Notice of Payment, is mailed to the recipient household as notification ~~the~~ that payment was made to the energy utility supplier on his or her behalf for winter heating.

~~(D)~~(B) LIHEAP 37-E PSNEN37E, Notice of Denial, is mailed to the applicant household when an application is denied.

~~(E)~~(C) LIHEAP 37-F PSNEN37F, Notice of Closure, is mailed to the recipient household when an authorization closes the utility supplier reports the recipient's account is inactive, no longer in service, incorrect, or final with no amount due.

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

~~(G)~~(E) LIHEAP 37-M PSNEN37M, Energy Crisis Assistance Program Notice of Payment, is mailed to the recipient as notification ~~the~~ that payment was made to the supplier.

~~(F)~~ PSNEN37O, Cooling Notice of Payment, is mailed to the recipient as notification that payment was made to the energy supplier on his or her behalf for summer cooling.

~~(G)~~ PSNEN37P, Notice of Direct Payment for Heating, is mailed to the recipient as notification that payment was made directly to the household for winter heating.

~~(H)~~ PSNEN37Q, Notice of Direct Payment for Cooling, is mailed to the recipient as notification that payment was made directly to the household for summer cooling.

~~(I)~~ PSNEN37R, Notice of Direct Payment for ECAP, is mailed to the recipient as notification that payment was made directly to the household for ECAP.

~~(J)~~ PSNEN37T, Utility Account Verification and Pre-Approval Notice, is mailed to households pre-authorized for LIHEAP summer cooling.

~~(8)~~(9) **Employee-generated notice.** ~~The employee issues~~ Form 08LH003E, Notice of Eligibility for Energy Assistance, is sent to the energy supplier or given to the recipient ~~for delivery to take~~ to the energy supplier ~~when the~~ as notification that the household meets eligibility requirements for crisis assistance, per OAC 340:20-1-17. Issuance of Form 08LH003E is not necessary when the supplier's business system is set up to receive a daily OKDHS approval file ~~from DHS~~.

INSTRUCTIONS TO STAFF 340:20-1-14

Issued 9-15-21

1. When the household contacts Oklahoma Human Services county staff to find out if the household was preauthorized for winter heating or summer cooling assistance or to report that account information changed, staff reviews the account holder's name, supplier's name and code, account number, and action and reason codes on the 105cq screen.
 - (1) When the 105cq screen has a 1 in the action field, the household was preauthorized or certified for the payment. County staff reviews the account number and supplier information with the client to be sure the information is correct.
 - (2) When the action code is 6 and the reason is 10, this means the utility supplier could not identify which account number to pay because the account is invalid or does not exist. A closure notice is mailed to the household advising that the household may reapply or request a fair hearing when it disagrees with the closure action.
 - (3) When account information was incorrectly coded, the household must provide the correct account information. To correct the error, county staff does (A) or (B), but not both. County staff:
 - (A) emails the correct provider name and account number to liheap2@okdhs.org; or
 - (B) images the utility bill to the 90L Inbox.
2. When the household receives other benefits, centralized Low Income Home Energy Assistance Program (LIHEAP) staff:
 - (1) emails the new address to the worker of record and the Adult and Family Services LIHEAP mailbox; and
 - (2) documents the notification and address change in Family Assistance/Client Services case notes.
3. When there is a new household member, centralized LIHEAP staff closes the authorization with reason code 02. The closure notice informs the household it may apply for LIHEAP and request a fair hearing if it disagrees with the action.
4. When the utility supplier is unable to identify which account number to pay because the account is invalid or does not exist, the authorization is closed with an action code of 6 and reason code of 10. When the authorization is closed for any reason, the household is sent a closure notice advising that the household may reapply or request a fair hearing if it disagrees with the closure action.

340:20-1-17. Energy Crisis Assistance Program (ECAP)

Revised 9-16-199-15-21

(a) **ECAP funds.** Based upon previous years' program experience, reasonable funds are reserved each year for ECAP to resolve energy crisis situations to prevent disconnect of service, when the household has a verified, active cut-off order scheduled within 72 hours, restore or start service, or provide a minimum delivery of propane or other heating fuel, per Section 8623(c) of Title 42 of the United States Code (42 U.S.C. § 8623(c)). ECAP consists of ~~two~~ three components:

(1) a regularly scheduled intermittent application periods period in March each year;
and

(2) year round assistance available on a case-by-case basis for households experiencing an energy crisis that involves a life-threatening medical situation; and

(3) disaster LIHEAP when a federally declared disaster occurs and disaster LIHEAP is authorized by the Administration for Children and Families (ACF) Office of Community Services (OCS). When this occurs, Oklahoma Human Services (OKDHS) follows ACF OCS program instructions issued for the disaster, which may differ from what is contained in this Section.

(b) **Maximum benefit amount.** When the household applies for ECAP more than once in the same fiscal year, the maximum benefit amount approved for all applications combined cannot exceed the amount shown per fiscal year for ECAP on ~~Oklahoma Department of Human Services (DHS)~~ OKDHS Appendix C-7-A, Estimated Low Income Home Energy Assistance Program (LIHEAP) Benefit Level For All Households. An additional benefit amount may be approved when additional funds are authorized during a federally-declared disaster.

(c) **ECAP application methods.** Households apply for ECAP by submitting an online application at www.okdhslive.org, ~~phoning 405-487-5483 to apply~~ calling an OKDHS county office to request assistance in submitting an online application, or requesting calling the phone number on the www.okdhslive.org website to request Form 08LH002E, Low Income Home Energy Assistance Program (LIHEAP) Application, be mailed; ~~to be completed and returned them.~~

(1) When there is a life-threatening medical situation, LIHEAP staff gathers eligibility information by phone and an application is not required.

(2) When Form 08LH002E is mailed to the household with a postage paid envelope, the application must be completed and returned by email, faxed to the number on the form, or mailed to the return address ~~in the postage paid envelope.~~

(3) ECAP applications are approved or denied by centralized LIHEAP staff.

(d) **Primary Main energy source.** Households may choose heating or cooling as the primary main energy source for ECAP when the household's main energy source meets criteria per (e)(2) of this Section. When a life-threatening medical situation is involved, the household must choose the energy source that resolves the energy crisis and prevents a life-threatening medical situation. When the household chooses:

(1) heating, the main heating energy source used to heat the home is approved. This may be electric electricity, natural gas, propane, kerosene, wood firewood, coal, butane, or heating oil. When the household uses a generator to heat the home, the generator may use natural gas, propane, or gasoline; or

(2) cooling, the ~~household must choose~~ main cooling energy source used to cool the home is approved. In most instances, the main cooling source is electricity as the primary cooling energy source. When the household uses a generator to cool the home, the generator may use natural gas, propane, or gasoline.

(e) **Eligibility criteria.** ECAP eligibility criteria are detailed in (1) through (5) of this subsection.

1) Households with an energy crisis must not exceed the income and liquid resource standards, per ~~DHS~~ OKDHS Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size. Households must meet

the same income and resource criteria for ECAP as for heating and cooling assistance, per Oklahoma Administrative Code 340:20-1-11.

(2) Households must have a verified energy crisis. ■ 1 An energy crisis exists when the:

(A) service is disconnected by the energy supplier;

(B) ~~the household has a verified, active cut-off order.~~ In the event of limited funding, centralized LIHEAP staff prioritize applications with cut-off notices scheduled within 72 hours and applications that contain at least one household member who is 60 years of age and older, blind, disabled, or a child under five years of age;

(C) ~~the household received a notice of refusal to provide additional energy needs by the supplier and the household's fuel supply tank indicator is or will be depleted within 72 hours or less at or below 10 percent during the regularly-scheduled ECAP period or at 25 percent or less for households with a life-threatening medical situation;~~ ~~or~~

(D) ~~the household provides information regarding a fee for a new connection;~~ or

(E) household has a cash only, cash advance, or pre-paid account and has less than a \$25 minimum balance in his or her account. The household's utility bill shows that it is a cash only, cash advance, or pre-paid account and the balance amount.

(3) The household must have experienced a precipitating factor that caused the household to choose between paying the energy bill and another vital household need. ■ 2

(A) Acceptable factors include, but are not limited to, temporary or short-term situations that caused 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.

(B) When the household was approved for the maximum ECAP payment during the most recent fiscal year, no further ECAP payments are made during the same fiscal year unless additional funds are authorized during a federally-declared disaster.

(C) Households approved for less than the maximum ECAP payment may be approved for another ECAP payment during the same fiscal year, provided the total approved for all payments does not exceed the maximum ECAP payment, per ~~DHS~~ OKDHS Appendix C-7-A. Per 42 U.S.C. § 8624(b)(16), an additional ECAP payment is not approved for the same fiscal year when the household:

(i) refuses to participate in budget counseling and home energy conservation workshops provided by Community Action agencies;

(ii) did not show any progress in improving its situation; or

(iii) did not make an effort to maintain current utility bills.

(4) The household must explain why the energy crisis need cannot be met by available income and liquid resources, even when income and liquid resources are equal to or below the standard, per ~~DHS~~ OKDHS Appendix C-7. ■ 3

(5) When the ECAP benefit amount is insufficient to establish, restore, or prevent the cut-off of the household's energy source, ECAP is authorized only when the ECAP payment, combined with other resources that are available or can be developed, to meet the energy crisis. When a feasible plan cannot be developed, the ECAP application is denied. ■ 4

(f) **ECAP payment requirements.** ECAP payment requirements are included in (1) through (4) of this subsection.

(1) The authorized ECAP benefit 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, per DHS OKDHS Appendix C-7-A. ECAP funds are not used to pay utility charges carried over from a previous utility account or that is in debt collection, unless the client moved to a new location because of a domestic violence situation and provides proof of the domestic violence, such as a police report. ■ 5

(2) DHS OKDHS makes payments for crisis assistance directly to energy suppliers unless the energy supplier is not designated to receive direct payments from DHS OKDHS. When direct payment cannot be made to the energy supplier, OKDHS makes the payment to the household by debit card or direct deposit, per Oklahoma Administrative Code 340:65-3-6. ■-6

(3) The authorized benefit cannot include the cost of propane or butane tank delivery. ■ 76

(4) When other utilities are included with the heating or cooling bill, such as water, sewer, or trash, the authorized benefit cannot include the other utility charges. In this situation, the applicant must provide a utility bill that itemizes the charges for each utility or this information must be obtained from the energy supplier. When the client is unable to pay the other utility costs and the provider is unwilling to continue heating or cooling service, the application is denied until the applicant provides verification that the other utilities were or can be paid.

(g) **Timeliness requirement.** Per 42 U.S.C. § 8623(c), an ECAP application is considered timely processed when it is approved or denied within: ■ 87

(1) 18 hours of the household requesting ECAP when the energy crisis involves a life-threatening medical situation.

(A) To be considered a life-threatening medical situation, the energy crisis must involve the energy source required:

(i) for life-saving medical equipment to be operational. ■ 98 The medical equipment must be prescribed by a licensed health care professional and require electricity to operate. When the medical equipment has an available battery backup in case of an electricity outage, the medical situation is not considered life-threatening. The client must provide a statement from a licensed health care professional dated within the last 60-calendar day period or the most recent six months of medical records or a licensed health care professional statement dated within the last six months verifying that the medical equipment is prescribed and a battery backup is not available. Examples of life-saving medical equipment include, but are not limited to: ■

409

(I) a kidney dialysis machine;

(II) an iron lung;

- (III) an oxygen concentrator or other type of oxygen machine; or
- (IV) a cardiac monitor; or
- (ii) to power heating or air conditioning equipment when the temperature is predicted to be hot or cold enough to create a life-threatening medical situation for a person with a pre-existing medical condition if the energy source is not functioning. To be considered a life-threatening medical situation, the temperature on the disconnection date must be predicted to be:
 - (I) a heat index of at least 101 degrees in summer months; or
 - (II) 32 degrees or lower during day time hours and/or 20 degrees or lower during night time hours in winter months.
- (B) Authority for designating a medical situation as life-threatening is limited to a:
 - (i) licensed health care professional; or
 - (ii) public health official; and
- (2) 48 hours of receipt of a complete application when the energy crisis does not involve a life-threatening medical situation. A complete application means the application is signed and submitted and all verification is provided.

INSTRUCTIONS TO STAFF 340:20-1-17

Revised ~~9-16-199-15-21~~

1. **Centralized Adult and Family Services (AFS) Low Income Home Energy Assistance Program (LIHEAP) staff documents how the energy crisis was verified in Family Assistance/Client Services (FACS) case notes and images forms and verification in the case record.**
2. **Centralized AFS LIHEAP staff must document in FACS case notes:**
 - (1) the reason the household gave for not paying the energy bill; and
 - (2) if the reason given is acceptable.
3. **Centralized LIHEAP staff documents the applicant's explanation in FACS case notes.**
4. **When the energy crisis payment is insufficient to meet the household's energy crisis, centralized AFS LIHEAP staff must document how the remainder of the energy bill will be met in FACS case notes.**
5. **(a) Centralized AFS LIHEAP staff informs the energy supplier of the payment amount Oklahoma Department of Human Services (DHS) (OKDHS) will make for the household. The household receives a computer-generated notice explaining the payment amount or reason for denial.**
(b) The Energy Crisis Assistance Program (ECAP) pays for one rick of firewood or 100 gallons of refillable fuel when the household uses these energy sources. When the household has a cash only, cash advance, or pre-paid account, ECAP pays for one month of average usage. When the utility service is off, ECAP pays for one month of average usage plus the reconnection fee. When ECAP is approved for a life-threatening emergency, ECAP also pays any additional negative arrearage to mitigate the medical crisis for the household.
6. **~~When direct payment cannot be made to the vendor, the approved payment may be made directly to the household on an Oklahoma MasterCard debit card or when the household receives Temporary Assistance for Needy Families or~~**

~~State Supplemental Payment cash assistance by direct deposit, payment may be made through direct deposit in the same bank account per Oklahoma Administrative Code (OAC) 340:65-3-6 debit card and direct deposit procedures.~~

7. The household must work out a payment plan for the tank delivery fee with the utility supplier.
87. Following verification of the crisis and determination of eligibility, certifying centralized AFS LIHEAP staff contacts the fuel supplier to:
 - (1) verify the amount necessary to connect, restore, or maintain energy service; and
 - (2) pledge the required amount, up to the maximum benefit amount available to the household, per DHS OKDHS Appendix C-7-A, Estimated LIHEAP Benefit Level For All Households.
98. AFS LIHEAP program field representative staff must document in detail in FACS case notes or in the case record why a crisis is considered life-threatening.
109. Equipment not considered life-sustaining includes, ~~but is limited to,~~ a:
 - (1) hot water heater unless specified as medically necessary in the medical statement;
 - (2) refrigerator unless specified as medically necessary in the medical statement;
 - (3) stove;
 - (4) nebulizer that is battery-driven, hand-driven, or self-contained;
 - (5) battery-driven apnea monitor; ~~or~~
 - (6) battery-driven cardiac monitor; or
 - (7) battery-driven continuous positive airway pressure (CPAP) machine.

340:20-1-19. Winter heating

Revised 9-17-189-15-21

- (a) Selected households approved for other benefits administered by Oklahoma Department of Human Services (DHS) (OKDHS) Adult and Family Services are normally pre-authorized during October of each year without filing an application. 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 in (1) through (4) of this subsection. The household:
 - (1) received LIHEAP winter heating the previous year;
 - (2) address remains the same;
 - (3) income did not exceed eligibility guidelines the gross income standard for its household size during the year, per OKDHS Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size; and
 - (4) members remain the same from the previous year.
- (b) Households ~~who do not meet preauthorization criteria~~ are not preauthorized for winter heating and summer cooling in the same federal fiscal year; October through September. When households were preauthorized for summer cooling for the same

fiscal year, they must complete an application for winter heating and be approved, per Oklahoma Administrative Code (OAC) 340:20-1-12.

(c) The LIHEAP winter heating assistance part of LIHEAP component normally begins in December, and applications are taken until allocated funds are expended, per Section 8624 of Title 42 of the United States Code. ■ 1

(d) Refer to OKDHS Appendix C-7-A, Estimated Low Income Home Energy Assistance Program, for estimated benefit amounts. The benefit amount is based on the household's net income level, household size, heating source, and if the heating bill is included in the rent amount or paid separately.

(1) ~~The same payment schedule is used for unsubsidized renters and roomers with utilities included in their rent as for households whose energy source is wood, coal, heating oil, or kerosene. Payments for unsubsidized renters, and roomers, and boarders who pay a surcharge for utilities included in their rent are made directly to approved households, per (g) of this Section.~~

(2) Acceptable verification of the surcharge may be established by an itemized statement from the landlord, a legally-binding lease agreement showing the surcharge, or a rent receipt designating that the fuel cost is separate from the total shelter payment. When a roomer or boarder lives with another household, he or she may only qualify as a separate household when he or she:

(A) is not related to the household; and

(B) provides a written lease or roommate agreement that contains a clause stating he or she is responsible for a specific portion of utility bills.

(e) Primary Main sources of home energy for heating include natural gas, electricity, propane, firewood, kerosene, coal, or butane. When the household uses a generator to heat the home, the generator may use natural gas, propane, or gasoline.

(1) LIHEAP payments are made for utility expenses, deposits, and reconnect charges applicable to the household's primary main source of home energy. When the utility supplier receives payment from the client household and DHS OKDHS for reconnect charges or deposits, the utility supplier must reimburse the client for those charges.

(2) When other utilities, such as water, sewer, or trash, are included with the fuel bill, the authorized benefit cannot include the other utility charges. In this situation, the applicant must provide a utility bill that itemizes the charges for each utility or this information must be obtained from the energy supplier.

(f) Payments are not made for:

(1) blankets;

(2) emergency home repair on the home;

(3) new or additional heating equipment, or heating appliances;

(4) Propane propane tank rental, and hook-up, inspection, delivery, or other service charges are not covered, when they are identifiable; or

(5) utility charges carried over from a previous utility account or that is in debt collection due to non-payment, unless the client moved to a new location because of a domestic violence situation and provides proof of the domestic violence, such as a police report.

(g) Refer to OAC 340:20-1-14(5) for ways LIHEAP payments are made. When direct payment cannot be is made to the household instead of an energy supplier, approved

~~payment may be~~ it is made directly to the household on a debit card or, ~~when the household receives TANF or SSP cash assistance by direct deposit, payment may be made through direct deposit in the same bank account per OAC 340:65-3-6 debit card and direct deposit procedures.~~

INSTRUCTIONS TO STAFF 340:20-1-19

Issued ~~6-1-109-15-21~~

1. (a) **After certification, one payment is made directly to the designated supplier of the primary main home heating source of ~~home heating~~ on behalf of approved households responsible for their own utilities unless a situation arises that 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 or similar situations.**
 - (b) **Payments are made weekly for the duration of the program.**

340:20-1-20. Summer cooling

Revised ~~9-17-189-15-21~~

(a) Selected households already approved for other benefits administered by the Oklahoma Department of Human Services (DHS) (OKDHS) Adult and Family Services 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 in (1) through (4) of this subsection. The household:

- (1) received LIHEAP summer cooling the previous year;
- (2) address remains the same;
- (3) income did not exceed ~~eligibility guidelines~~ the gross income standard for its household size during the year, per OKDHS Appendix C-7, Low Income Home Energy Assistance Program Income and Resource Level by Household Size; and
- (4) members remain the same from the previous year.

(b) ~~Households not meeting preauthorization criteria are not preauthorized for summer cooling and winter heating in the same federal fiscal year; October through September. When households were pre-authorized for winter heating for the same fiscal year, they must complete an application for summer cooling and be approved,~~ per Oklahoma Administrative Code (OAC) 340:20-1-12.

(c) ~~The cooling assistance part of LIHEAP~~ cooling component normally begins in July, and applications are taken until allocated funds are expended, per Section 8624 of Title 42 of the United States Code. ■ 1

(d) Refer to OKDHS Appendix C-7-A, Estimated Low Income Home Energy Assistance Program, for estimated benefit amounts. The benefit amount is based on the household's net income level, and household size, ~~cooling source, and if the cooling bill is included in the rent amount or paid separately.~~

- (1) The same benefit amount is approved for unsubsidized renters, and roomers, and boarders with utilities included in their rent as for households ~~whose energy~~

~~source is wood, coal, heating oil, or kerosene that pay their cooling costs to an energy supplier. Payments for unsubsidized renters, and roomers, and boarders who pay a utility surcharge included in the rent are made directly to approved households, per (g) of this Section.~~

(2) Acceptable verification of the surcharge may be established by an itemized statement from the landlord, a legally-binding lease agreement showing the surcharge, or a rent receipt designating that the fuel cost is separate from the total shelter payment. When a roomer or boarder lives with another household, he or she may only qualify as a separate household when he or she:

(A) is not related to the household; and

(B) provides a written lease or roommate agreement that contains a clause stating he or she is responsible for a specific portion of utility bills.

(e) ~~The primary~~ In most instances, the main home energy source for cooling is electricity. When the household uses a generator to cool the home, the generator may use natural gas, propane, or gasoline.

(1) LIHEAP payments are made for utility expenses, deposits, and reconnect charges applicable to the household's primary source of home energy. When the utility supplier receives payment from the client and ~~DHS~~ OKDHS for reconnect charges or deposits, the utility supplier must reimburse the client for those charges.

(2) When other utilities are included with the fuel bill, such as water, sewer, or trash, the authorized benefit cannot include the other utility charges. In this situation, the applicant must provide a utility bill that itemizes the charges for each utility or this information must be obtained from the energy supplier.

(f) Payments may be made to ~~purchase the household to reimburse it for purchasing~~ purchase the household to reimburse it for purchasing cooling equipment, such as fans and window air conditioning units, or to repair existing cooling equipment up to the maximum payment allowed, per Appendix C-7-A, Estimated Low Income Home Energy Assistance Program (LIHEAP) Benefit Level for all Households, when the household provides proof that the purchase or repair was made within 30-calendar days of the start of the cooling application period. When the household chooses this option, it is not eligible to receive help paying its energy bill.

(g) Refer to OAC 340:20-1-14(5) for ways LIHEAP payments are made. When direct payment ~~cannot be~~ is made to the household instead of an energy supplier, ~~approved payment may be~~ it is made directly to the household on a debit card or, ~~when the household receives TANF or SSP cash assistance by direct deposit, payment may be made through direct deposit in the same bank account per OAC 340:65-3-6 debit card and direct deposit procedures.~~

INSTRUCTIONS TO STAFF 340:20-1-20

Issued 7-1-109-15-21

1. (a) **After certification, one payment is made directly to the designated electricity supplier for of the main home cooling source on behalf of approved households responsible for their own utilities unless a situation arises that 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 or similar situations.**

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