



STATE OF FLORIDA

LOW INCOME HOME ENERGY ASSISTANCE

PROGRAM

(LIHEAP)

POLICIES AND PROCEDURES MANUAL

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Table of Contents

Section No.	Section Title	Page No.
Part 100	Introduction and Program Information	4
100.01	Program Purpose	4
100.02	Purpose of the Manual	4
100.03	Principles	5
100.04	Changes in Policy or Procedure	5
100.05	Policy Questions and Clarifications	6
100.06	Information Available to the Public	6
Part 200	Definitions	7
Part 300	Legal Base	11
Part 400	Program Administration Requirements	11
400.01	General Requirements	12
400.02	Expenditure Rate	12
400.03	Advances	12
400.04	Designation Process	13
Part 500	On-Site Monitoring	16
500.01	Introduction	16
500.02	LIHEAP Manual	16
500.03	HHS Requirement	16
500.04	Procedures	17
500.05	Other Review and Audits	18
500.06	Risk Assessments	18
Part 600	Outreach	20
Part 700	Program Benefits	21
700.01	Home Energy Benefit	21
700.02	Crisis Assistance	22
700.03	Weather Related/Supply Shortage	24
700.04	Applying for Both Home Energy and Crisis Benefits	25
700.05	Allowable Categories of Financial Assistance	25
Part 800	Application Intake and Processing	27
800.01	Application Period	27
800.01	LIHEAP Application Form	27
800.03	Application Assistance	27
800.04	Application Locations	27
800.05	Accepting Applications	27
800.06	Reapplication	28
800.07	Duplicate Applications	29
800.08	Application Tracking	29
800.09	Methods of Payment	30
800.10	Maintaining Records	30
800.11	Payment Errors and Overpayments	30
800.12	Overpayment and Recoupment	31

800.13	Fraud Policy	32
Part 900	Eligible/Ineligible Applicants	35
900.01	Eligible Applicants	35
900.02	Definition of Household	35
900.03	Residency	35
900.04	Legal Resident Requirement	37
900.05	Previous Assistance	37
900.06	Absent Household Members	37
900.07	Tribal Members	38
900.08	Government Subsidized Housing	38
Part 1000	Rights and Responsibilities of Applicants/Clients	41
Part 1100	Verification and Documentation	42
1100.01	Verification	42
1100.02	Documentation	42
1100.03	Mandatory Verification	43
1100.04	Obligation	44
Part 1200	Determining Income Eligibility	46
1200.01	General Requirements	46
1200.02	Included and Excluded Income	48
1200.03	Calculating Income	48
Part 1300	Required Notices and Appeals	49
1300.01	Notice of Approval and Appeals	49
1300.02	Notice of Denial and Appeals	49
1300.03	Appeals Process	49
1300.04	Reconsideration	50
1300.05	Notice Regarding Collection of Social Security Numbers	50
1300.06	Signed Waiver for Release of Energy Information	50
Part 1400	Vendor Relations	52
1400.01	Vendor Agreements	52
1400.02	Other Requirements	53
Part 1500	Quarterly and Annual Reporting	54
1500.01	LIHEAP Annual Household Report	54
1500.02	LIHEAP Annual Performance Measures Report	54
1500.03	LIHEAP Quarterly Household Report	55
1500.04	Reporting Time Periods	55
Exhibit 1	Frequently Asked Questions	58
Exhibit 2	LIHEAP Application and Payment Process Matrix	59
Exhibit 3	Notice of Collection of Social Security Numbers	60
Exhibit 4	LIHEAP Performance Measures Data Collection Worksheet	61
Exhibit 5	Authorization for Release of Confidential Information	63

100 -- Introduction and Program Information

.01 Program Purpose

The Low Income Home Energy Assistance Program (LIHEAP) is authorized by Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), Public Law 97-35, as amended. The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) administers LIHEAP at the federal level. Each year, the Florida Department of Economic Opportunity (DEO) drafts and submits its annual Model State Plan setting out its program parameters for review and approval by HHS. The Human Services Amendments of 1994 (Public Law 103-353) reauthorized LIHEAP through FY1999. In 2004 the Senate passed the Poverty Prevention and Reduction Act, reauthorizing LIHEAP through 2010. The House is also working toward reauthorization. As part of the original reauthorization, Congress amended the purpose of LIHEAP to clarify that LIHEAP is "to assist low income households, particularly those with the lowest income, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs."

The LIHEAP program provides for heating/cooling bill assistance in the form of a LIHEAP Home Energy Benefit or a LIHEAP Crisis Benefit. A LIHEAP payment is made to the energy vendor or landlord (if utilities are included in the rent) on behalf of eligible households that meet income and residency criteria. LIHEAP Home Energy Benefit payment amounts are determined based on: household income and size, does not require a shut-off or eviction notice, and may be used for pre-paid energy accounts. To qualify for a LIHEAP Crisis benefit, an Applicant must have a documented Home Energy Crisis. (See definition of Home Energy Crisis definition in Section 200, Definitions).

LIHEAP funds are also available for Weather-Related/Supply Shortage Crisis events. This assistance helps eligible households resolve or mitigate a home energy crisis caused by an emergency declared by DEO, the Governor or the President. Each Agency must budget a two-percent (2%) hold-back each year for Weather-Related/Supply Shortages. In the even no crisis is declared, DEO will release the hold back funds for use in other Direct Client Assistance categories.

LIHEAP funds are available on a statewide basis to benefit eligible households. Applications are taken by local Agencies that are currently contracted by the Department of Economic Opportunity (DEO), Division of Community Development. Local Agencies are responsible for gathering documentation to verify eligibility.

.02 Purpose of This Manual

The purpose of this manual is to provide information and procedures needed to administer LIHEAP in Florida. The policies and procedures in this manual relate only to services/benefits funded by LIHEAP.

All terms defined in Section 200, Definitions, will begin with a capital letter, i.e., Agency, Home Energy Crisis, etc.

.03 Principles

- A. LIHEAP encourages Agencies to partner and collaborate with other community-based organizations to provide services that meet the needs of low- income households.
- B. Agency shall agree to treat owners and renters equitably under the Agreement.
- C. Agency shall not charge Applicants a fee or accept donations from an Applicant to provide LIHEAP benefits.
- D. All information provided by an Applicant to an Agency is considered confidential and should be treated as such. The use or disclosure of confidential information about LIHEAP households is limited to purposes directly connected with administration of the program. Questions on release of information should be referred to DEO.
- E. Right to Request Financial Assistance: All persons have the right to request financial assistance by following the procedures established by the state and the local Agency that provides the services for the area in which they live.
- F. Nondiscrimination - In compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 12250, no individual in Florida shall be excluded from participation in, denied benefits or subjected to discrimination under any program or activity receiving Federal funds, because of Race, Color, National origin, Handicap, Religion, or Sex.
- G. In compliance with the Age Discrimination Act of 1975, no individual shall be denied services or participation or be subjected to discrimination in any of its programs or activities on the basis of age.

.04 Changes in Policy or Procedures

- A. The LIHEAP Manual will take effect March 1 of each year, corresponding to the beginning of the Agreement period.
- B. Revisions to the LIHEAP Manual after the effective date will be issued in the form of numbered Information Memoranda by DEO. The transmittal letter will contain instructions for updating the manual as well as a summary of the changes and the effective dates.
- C. As of the next effective date after any revisions to the LIHEAP Manual, the revisions will become permanent and be incorporated into the full manual. The DEO-issued Information Memoranda will be kept on file for tracking purposes.
- D. Each Agency will be responsible for ensuring LIHEAP Policy Manuals are issued to individual staff members and are maintained and updated.
- D. Subsequent alerts related to policy changes or clarifications will be added to the policy manuals at the local level by Agencies to ensure that staff has the most up to date information.

.05 Policy Questions and Clarifications

Any Agency requesting clarification regarding procedural detail or policy interpretation will be elevated in the following order to:

- A. The Agency's own internal process for clarification;
- B. A request submitted in writing via email to melissa.kopaczewski@deo.myflorida.com; Subject: POLICY DEVELOPMENT.

.06 Information Available to the Public

The items which govern LIHEAP Program Administration in Florida will be maintained in DEO's offices, 107 East Madison Street, Caldwell Building, Tallahassee, Florida 32301, for examination during regular office hours.

- A. LIHEAP Model State Plan
- B. LIHEAP Policy & Procedures Manual
- C. LIHEAP Subgrant Agreement
- D. DEO-Issued LIHEAP Information Memoranda
- E. State of Florida Rule Chapter 73C-21
- F. LIHEAP Monitoring Field Manual

Part 200 -- Definitions

- A. Act – Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended [42 U.S.C. Sections 8621-8630] and [45 CFR Part 96, Subpart H, Sections 96.80-96.89], all of which are incorporated by reference.
- B. Administrative expenses – Costs for general administration and coordination of the program, including direct and indirect costs. This includes the salaries, fringe, rent, utilities, travel, etc. associated with financial and administrative management of the program.
- C. Agency – A local service provider contracted by DEO to administer LIHEAP in their designated Local Service Area. Also referred to as the Sub-Recipient. For the purposes of this manual, the term “Agency” will be used to describe all local LIHEAP provider agencies.
- D. Applicant – A person or persons who has submitted or requested an application for services.
- E. Application Date - The date the application is completed (whether by self or with assistance), signed by the Applicant, and verified by Agency’s staff. This date shall not be changed.
- F. Application Receipt – The date an Applicant first submits an application for assistance.
- G. Boarder - One or more persons living in the same house paying rent to the owner of the home who also lives in the house. Income of the owner of the home or other boarders is not counted. Boarders cannot be related by blood or law to the owner of the home.
- H. Client – An Applicant, household or customer whose application for assistance has been approved.
- I. Crisis Assistance – Assistance provided to an Applicant with no access to, or in danger of losing access to, needed home energy. Agency may provide up to two Crisis Assistance benefits per year.
1. A maximum of one summer Crisis Assistance benefit may be applied to a Client’s account during the cooling season, April – September.
 2. A maximum of one winter Crisis Assistance benefit may be applied to a Client’s account during the heating season, October – March.
 3. May be used to pre-pay home energy usage:
 - a. Client should be within seven (7) days of using the remaining balance of ‘energy’ pre-purchased, power is currently disconnected/shut off, or Client needs a deposit.
 - b. Use the most the current benefit payment matrix provided by DEO to determine the amount of the benefit.
- J. DEO – The State of Florida, Department of Economic Opportunity which is the state LIHEAP grantee Agency for Florida, designated by HHS to receive funds annually for program purposes. The LIHEAP program is administered through the Division of Community Development, Bureau of Community Assistance.

K. Direct Client Assistance –The designated line item in the Agency’s Budget Summary which indicates which type of LIHEAP assistance is provided: Home Energy, Crisis or Weather-Related/Supply Shortage.

L. Eligible Actions – An action which provides for an intervention to mediate a crisis situation. All applications for Crisis Assistance must be acted upon by Agency with an Eligible Action taken to mediate the crisis within 18 hours of Application Receipt. Eligible Actions include:

1. Approval of application;
2. Denial of application pending further information;
3. Denial of application because Applicant is deemed ineligible;
4. Contact utility vendor to halt power disconnection or interruption in services; or
5. Written referral to, along with providing Applicant assistance in contacting, another Agency if LIHEAP funding is not available or the Applicant is ineligible.

M. Expenditure – The payment of LIHEAP funds in the provision of services to eligible households. Allowable expenditures include, but are not limited to, client benefits, administrative costs, program outreach costs, travel, and training.

N. HHS – The U.S. Department of Health and Human Services, Office of Community Services, Division of Energy Assistance which is the federal funding Agency for LIHEAP.

O. Home Energy – The source of heating or cooling in a residential dwelling.

P. Home Energy Assistance – Assistance provided to an Applicant to reduce the Applicant’s overall home energy burden. Agency must provide at least one Home Energy Assistance benefit per calendar year.

1. A Client may not receive more than one Home Energy Assistance benefit per calendar year.
2. The benefit is not contingent upon current or past due amounts, and can be used as a direct credit to the Client’s account.
3. May be used to pre-pay home energy usage up to the amount the Client is eligible to receive.
4. Must follow the current benefit payment matrix provided by DEO.

Q. Home Energy Crisis – The situation existing when a household does not have or is in immediate danger of losing home energy for heating or cooling per 42 U.S.C. 8622(6), or there exists an immediate threat to life or health because of any of the following:

1. The Applicant’s home cooling or heating energy source has been cut off;
2. The Applicant has been notified that the energy source for cooling or heating is going to be cut off;

3. The Applicant has received a notice indicating the energy source is delinquent or past due;
 4. The Applicant is unable to get delivery of fuel for heating, is out of fuel for heating, or is in danger of being out of fuel for heating;
 5. The Applicant has a bill for which the due date has lapsed; or
 6. The Applicant has other problems with lack of cooling or heating in the home, such as needing to pay a deposit, needing a repair or purchase of heating or cooling equipment, or needing interim emergency measures to avoid further crisis.
- R. Homebound - An individual does not have to be bedridden to be considered confined to their home. However, the condition of these individuals should be such that there exists a normal inability to leave home and consequently, leaving the home would require a considerable and taxing effort. Any absence of the individual from the home attributable to the need to receive health care treatment, including regular absences for the purpose of participating in therapeutic, psychosocial or medical treatment in an adult day-care program that is licensed or certified by the State should not disqualify an individual from being considered confined to their home. Per the LIHEAP Statute, Agencies are to provide to low-income individuals who are physically infirm the means to submit applications for energy crisis benefits without leaving their residences, or to travel to the sites at which such applications are accepted by such entity.
- S. Household – Any individual or group of individuals living together as one economic unit for who residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent. A standard household unit will consist of every household member who must be included in the eligibility determination for assistance.
- T. Local Service Area –The geographic area (county or counties) served by an Agency. Per the LIHEAP Statute, Agencies are required to accept applications for energy benefits at sites that are geographically accessible to all households in the area to be served by the Agency.
- U. Obligation – The commitment of funds for a specific use, or a promise to spend the funds. Agencies should define at what point a commitment becomes an obligation in their Fiscal Policies and Procedures Manual.
- V. Outreach Expenses - Costs incurred in delivering LIHEAP services that are not purely administrative in nature. This may include staff expenses such as salaries, fringe, rent, utilities, travel, etc. for those employees performing outreach and intake, costs for advertising, costs for application supplies and storage of Client files.
- W. Poverty Income Guidelines –The federal poverty guidelines established by the U.S. Department of Health and Human Services and published annually in the Federal Register.
- X. Reasonable Promptness – Means within fifteen (15) working days of Application Receipt.
- Y. Roommate - One or more persons living in the same house paying rent to the landlord outside of the home. This should not be confused with boarders as all income for roommates is counted.

Z. Subgrant Agreement – The written contract between DEO and the Agency which sets forth the services to be provided with the subgrant funds. The Agency is named the Sub-Recipient in the LIHEAP Subgrant Agreement.

AA. Weather-Related/Supply Shortage – The mandatory two-percent (2%) budgeted line item for assistance for eligible households to resolve or mitigate a home energy crisis caused by an emergency declared by DEO, the Governor or the President. In the event no crisis is declared, DEO will release the hold back funds for use in other Direct Client Assistance categories.

Part 300 -- Legal Base

FEDERAL REGULATIONS	STATE REGULATIONS	LIHEAP AWARD AGREEMENT
<ul style="list-style-type: none">• U.S. Department of Health and Human Services• 42 U.S.C. ss 8621-8630	<ul style="list-style-type: none">• 409.508, Florida Statutes• Rule 73C-26, Florida Administrative Code	<ul style="list-style-type: none">• Subrecipient Agreement between DEO and the LIHEAP Agency

A. HHS provides the funding for LIHEAP. State funds are not used in the program. Funding levels available vary each program year.

B. The Low-Income Home Energy Assistance Act of 1981 (Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35); section 16 of the Older Americans Act Amendments of 1981 (Public Law 97-115); Title VI of the Human Services Reauthorization Act of 1984 (Public Law 98-558); Title V of the Human Services Reauthorization Act of 1986 (Public Law 99-425); Title VII of the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Public Law 101-510); and Title III of the Human Services Amendments of the 1994 Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

C. Federal and/or state laws take precedence over any policy in this manual.

D. LIHEAP Agencies may not be more restrictive than the law.

Part 400 -- Program Administration and Requirements

.01 General Requirements

- A. All Agencies, by signing the annual LIHEAP Agreement with DEO, agree to provide services in compliance with the rules and regulations stated within the Agreement.
- B. Under federal law, the state may use a maximum of 10 percent of LIHEAP funds for administrative costs. The state reserves 1.5 percent for administration and agencies may use up to 8.5 percent of their total allocation for administration. Agencies are allowed an additional percentage in Outreach funds to pay for staff salaries, upkeep of outreach offices, travel and supplies for Client intake.
- C. Administrative and Outreach funds should not be spent at a faster rate than Direct Client Assistance funds. During an on-site review or during the closeout desk review, any agencies that return funds, especially Direct Client Assistance funds, without proportional amounts of administration and outreach funds will be cited with a Finding in the current or a future monitoring report.
- D. No other federal program funds may be used to support LIHEAP Administration.
- E. DEO staff are responsible for the overall administration of the program, including developing program policies, rules and procedures, coordinating the program's operation, monitoring and providing training and technical assistance.
- F. Each Agency is responsible for providing staff to operate LIHEAP in their designated Local Service Area to potential Applicants.

.02 Expenditure Rate

Each Agency is expected to expend at least 85% of its total LIHEAP allocation each grant year. DEO retains the administrative authority to alter an Agency's LIHEAP allocation during or after any grant year where the expenditure rate falls below 85%. Administrative and Outreach funds should not be spent at a faster rate than Direct Client Assistance funds.

DEO also retains the administrative authority to provide an additional base increase, pending available funding, to an Agency which expends 100% of its total LIHEAP allocation for any two consecutive grant years.

.03 Advances

- A. If an agency receives an advance, advance expenditure tracking is based on ninety percent (90%) of two months of reported expenditures.
- B. DEO Staff will calculate and track the following:
 - 1. Total Amount of Advance
 - 2. 90% of the Amount of Advance
 - 3. Expenditures per month as reported on the FSR

4. Calculation of two months' worth of expenditures
5. Calculation of two months' worth of expenditures less 90% of the Advance

C. The calculation of two months' worth of expenditures is a rolling target, i.e., March & April, April & May, May & June, etc., until the agency has received all available reimbursement and starts expending their advance only. This should occur no later than the beginning of the 4th quarter of the agreement.

D. If the calculation of two months' worth of expenditures less the 90% of the Advance is positive, the agency's expenditures have exceeded 90% of the advance amount. The full amount requested on the FSR may be reimbursed (unless there are other issues to clarify prior to submitting the FSR for reimbursement).

E. If the calculation of two months' worth of expenditures less the 90% of the Advance is negative, the agency's expenditures have NOT exceeded 90% of the advance amount, and full reimbursement cannot be made.

G. If the agency does not expend a minimum of 90% of the Advance amount in any two consecutive months, the pending reimbursement request will be reduced by the difference between 90% of the advance amount and the sum of the two month expenditure total. This can happen more than once during an Agreement period.

H. In the event the amount of the advance is reduced, DEO staff will recalculate the advance amount and 90% calculation based on the reduced amount.

.04 Designation Process

If any geographic area of the state is not, or ceases to be served through the Low-Income Home Energy Assistance Program (LIHEAP), the Department of Economic Opportunity (DEO) shall solicit applications and designate a LIHEAP Provider Agency using the following procedure:

PHASE ONE

DEO will notify all current LIHEAP provider agencies, county commissions within the unserved counties, and other interested parties. The notice will announce the date for a public informational meeting to be held in the unserved county(ies) to inform potential provider entities of the requirements of the LIHEAP program and to provide information concerning the qualification process and timeline. This announcement will be published in the Florida Administrative Register, local newspaper(s) in circulation in the unserved areas, and sent to other interested parties. This notice will also:

A. Inquire if there are any existing LIHEAP provider agencies or other non-profit or public organizations geographically located in the unserved county, or an area contiguous to or within reasonable proximity of the unserved area, who is interested in providing LIHEAP services to the unserved county(ies).

B. State that special consideration shall be given to an organization with demonstrated effectiveness in providing a broad range of services to low-income populations. Priority shall be given to existing LIHEAP provider agencies in good standing with DEO that are providing related services in the unserved area or in areas contiguous to or within reasonable proximity of the unserved area.

- C. Provide information on submitting a Letter of Interest and obtaining a Request for Qualifications package.
- D. Announce the due date of the Request for Qualifications package.
- E. Announce the anticipated annual LIHEAP award amount for each unserved county.

Within 30 days of the date of the public announcement:

DEO will conduct a public informational meeting in the unserved county(ies). The county commission in the unserved county(ies) may elect to hold this informational meeting on behalf of DEO or notify DEO that it chooses to not hold the meeting, in which case DEO will conduct the meeting.

After the public informational meeting is held, a second public announcement will be published in the Florida Administrative Register, local newspaper(s) in circulation in the unserved areas, and sent to other interested parties. The announcement will provide proposal instructions and deadlines for filing a Letter of Interest. Interested entities who wish to be considered will mail to DEO and to the unserved county's commission chairperson:

- A Letter of Interest signed by the chief executive officer/executive director of the organization, or mayor/county administrator of the county organization stating their interest in becoming the LIHEAP service provider in the unserved county(ies); and
- A resolution from the board of directors, governing board or county/city commission stating their willingness to serve the unserved county(ies), and to comply with all federal and state rules, regulations and program assurances.

The Letter of Interest will announce the interested entities' intent to apply to be the designated service provider. Upon receipt of the Letter of Interest, DEO will mail the Request for Qualifications package to the interested entity.

PHASE TWO

Within 60 days of the due date of the Letter of Interest (or 60 days from the date of the last Letter of Interest received):

A second publicly noticed hearing on the selection of a proposed service provider will be held by the county government or DEO for the unserved area. At least two weeks prior to the date of the hearing, it must be noticed in the local newspaper, in the Florida Administrative Register, and provided to all known interested parties including all existing LIHEAP provider agencies with service areas contiguous to or in reasonable proximity to the unserved county. In addition, other social service agencies providing assistance in the unserved county must be notified by mail. The notice must list the names of all agencies that provided a Letter of Interest to the county commission and DEO as required in Phase One, and submitted a completed Request for Qualifications package per the instructions listed in the second public notice. The applicants must be given an opportunity to present their qualifications to the board of county commissioners and DEO at the public hearing. If the county chooses to hold the hearing, this hearing may be part of a regularly scheduled commission meeting or at a specially scheduled meeting. The public hearing must take place before the commission makes its decision and recommendation to DEO. If for any reason the county commission declines to conduct this public hearing, DEO will conduct the public hearing using the above criteria in the unserved county(ies). The commission may ask for, and DEO may grant, a time extension not to exceed an additional 60 days from the date of the request.

Once the hearing has concluded, if the county commission held the meeting on behalf of DEO, the county may submit to DEO a letter from the chief executive officer of the unserved county reporting the outcome of the public hearing and stating the county commission's recommendation. If DEO holds the hearing, DEO will consider comments made at the hearing, along with the submitted Request for Qualifications packages. A DEO committee will score the applications and submit their final decision to DEO's Executive Director for consideration.

PHASE THREE

After the final selection of a new provider agency by DEO, and after all required documents are reviewed and approved by DEO, a formal request will be made to the Governor that he/she designate them as the new provider agency for the unserved county.

EXTENSIONS

During any phase of this process, DEO may, at the request of an applicant entity, extend the time period allowed for the submission of documents. The extension shall be no longer than 90 days.

CONTRACTING

After designation by the Governor, but prior to DEO contracting with the selected entity to provide LIHEAP services in the unserved area, the entity must deliver to DEO its policies and procedures for program application, forms and directives to be used to administer the program.

Part 500 -- On-Site Monitoring

.01 Introduction

Monitoring is the process by which DEO periodically reviews the implementation of and compliance with regulations, policies and procedures as set forth in the LIHEAP Federal Statute, this Policy Manual, the Agreement between DEO and local provider agencies, and other policy transmittals issued by DEO.

The purpose of monitoring is:

- To assure implementation and adherence to regulations, policies and procedures as promulgated by DEO.
- To fulfill the requirement of the Federal Block Grant for Low Income Home Energy Assistance (Public Law 97-35, sec. 2605(b10)) for a regular review of all local provider agencies' program operations.
- To protect applicant's rights and insure good public service.
- To identify potential programmatic or procedural issues that may require revised policies.
- To prevent future audit issues.

This monitoring plan will effectively:

- Examine and test what is actually happening in the administration of LIHEAP;
- Review the program implementation and determine what should have or did not happen; and
- Identify findings and concerns that need corrective actions to address going forward.

These monitoring visits are an opportunity to help local agency staff assess program operation procedures. Sometimes these visits lead to program clarification of operation procedures. During the year of the visit, changes in procedure replace the old ones by means of special additions to the Policy Manual called "Information Memorandum".

Both state and federal staff monitor the agencies' compliance with the LIHEAP Program. The Agency will allow DEO to carry out monitoring, evaluation and technical assistance. The Agency will ensure the cooperation of its employees and of any subcontractors with whom they contract to carry out program activities. Training and technical assistance will be provided by DEO within limits of staff time and budget, upon requests by the grantee and/or upon determination by DEO of need.

.02 The DEO LIHEAP Program Monitoring Field Manual is incorporated by reference into the Agency's yearly subgrant agreement.

.03 HHS requires the state to conduct an on-site monitoring once every 3 years. DEO attempts to visit each Agency every 2 years. This may be adjusted if a situation arises, i.e., all new staff or new agency leadership, high risk assessment score, changes to program management that are evident in reporting, etc.

.04 Procedures

A. A DEO Grant Manager will contact the Agency's director or program manager to schedule the dates for an on-site visit. It is the responsibility of the Agency to inform other pertinent agency personnel of the visit.

B. A letter confirming the date and purpose of the visit is sent along with a copy of the monitoring manual. Part 1 of the manual will be completed by DEO staff indicating which grant years will be reviewed, and which months have been chosen for the fiscal and personnel review.

C. At each on-site monitoring visit, DEO staff will review files and expenditures for the past 2 years, possibly including the current grant year.

D. The visit will consist of an initial entrance meeting with the Agency's director and appropriate staff explaining the purpose of the visit and what can be expected.

E. DEO staff will conduct the specific monitoring interview and review records randomly selected as appropriate. A sample of client files, administrative records and fiscal reports are reviewed.

1. If an Agency serves one county through only one office, the Agency shall select and have available when DEO staff arrives, 30 random LIHEAP Client Files (15 Home Energy and 15 Crisis).

2. If an Agency serves one county through multiple outreach locations, the Agency shall select and have available at the main office when DEO staff arrives, 10 LIHEAP Client Files (5 Home Energy and 5 Crisis) from EACH outreach location.

3. If an Agency serves multiple counties through one or more outreach locations in each county, the Agency shall select and have available at the main office when DEO staff arrives, 10 LIHEAP Client Files (5 Home Energy and 5 Crisis) from EACH county and outreach location.

4. A sampling of denial files must be provided, in addition to the approved client files as noted in 1-3 above.

5. If client files are electronic only, the Agency should make available to DEO staff the system and/or a staff member to assist in reviewing the files in the system. The client files do not need to be printed.

6. For the months chosen for review by DEO Staff for fiscal and administrative records, the Agency shall have pulled and available for review when DEO staff arrives, all backup documentation pertaining to the months chosen. This includes all fiscal backup for all charges reported on the selected Financial Status Report, all payroll from salaries reported on the selected Financial Status Report, and any travel records for travel expenses reported on the selected Financial Status Report.

F. After completion of the interview and record review the monitoring staff shall conduct an exit conference with the Agency director and other pertinent staff. It is recommended that the agency director be present at the exit conference. During the exit conference the monitoring staff will identify findings and suggest strategies for corrective action if problems are found.

G. DEO will send the full monitoring report within 45 days of the site visit summarizing the visit findings and suggesting corrective actions the local agency must do to correct any findings that did not meet standards or requirements. If the findings warrant, a written corrective action plan will be requested of the local agency. Additional follow-up may be required to assure implementation of the corrective action plan.

H. Agencies shall have 35 days in which to review the report and submit a response with required corrective actions and further documentation of compliance, if required by the report.

I. DEO staff will work with the Agency should not all findings or concerns be cleared. Additional training and technical assistance may be offered, and/or an additional on-site review may be conducted.

.05 Other Reviews and Audits

Periodically, LIHEAP and/or your agency as a LIHEAP provider, are subject to audits or program reviews by other organizations. This section summarizes those reviews. All agencies are to cooperate fully with these reviews or audits.

A. Single Audit

The Single Audit reviews fiscal and program compliance of all Federal programs. The Agency is responsible for understanding its responsibilities for the Single Audit and to engage an auditor each year to complete this review. More specific requirements may be found in the Agency's DEO Subgrant Agreement, Exhibit 1.

B. Federal Program Compliance Review

Approximately once every ten years the U.S. Department of Health and Human Services, Office of Community Services, Division of Energy Assistance conducts a Program Compliance review. HHS selects a sample of agencies for review.

.06 Risk Assessments

A. Per Federal Statute 75.352, all pass-through entities must evaluate each Agency's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the sub-award for purposes of determining the appropriate Agency monitoring.

B. The risk assessment shall be completed annually during the review of the annual Subgrant Agreement prior to DEO awarding funds to any Agency.

C. Depending on the outcome of the risk assessment, DEO may adjust its monitoring schedule and plan to provide more in-depth review and training and technical assistance to an Agency.

(1) An Agency with a HIGH Risk Assessment score may be monitored within one year after DEO completes the risk assessment. In addition, after further consultation

with the Agency, DEO may attach Special Conditions to the Subgrant Agreement that the Agency must meet in order to continue receiving funding.

(2) An Agency with a MEDIUM or LOW Risk Assessment score, monitoring will be conducted on the regular schedule as set forth by DEO.

Part 600 -- Outreach

Agencies must inform potentially eligible households in their service area about the program to ensure that households wishing to apply will have the opportunity.

A. Agencies must inform all local agencies that are in regular contact with the low-income population, especially agencies and groups serving people who are elderly, disabled, home bound, migrants or seasonal farm workers.

B. Agency staff is also encouraged to participate in local television and public interest radio programs and to place announcements of the program in media community calendars. A description of all interaction between the Agency and the media concerning LIHEAP must be kept in the Agency office. It should be forwarded to DEO, if requested.

C. If the Agency is unable to assist a homebound Applicant by phone, the Agency should make a home visit to the prospective Applicant to assist them in completing the application. The Agency may also use mail, fax, online application and email to assist in completing an application for a homebound Applicant.

D. Upon the request of an official of a local congregational center serving elderly or disabled people, Agency staff may visit and provide information or make presentations on the program.

E. DEO has furnished each Agency information about the local weatherization program. The Agency must furnish this information to all persons who request it, including organizations that provide outreach activities.

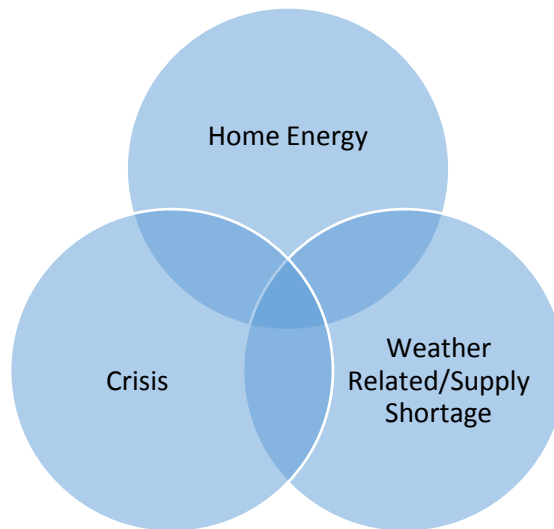
F. Each Agency determines the address and telephone number of each county extension office within the service area. The Agency must furnish this information to all persons who request information about energy conservation and to all organizations that provide outreach activities.

Part 700 -- Program Benefits

LIHEAP allows for non-crisis and crisis payments to eligible households. Agencies determine the specific Application period(s) for each category of assistance. The Application period for each category of assistance ends in an Agency's Local Service Area whenever the Agency obligates its available benefit funds. An Agency may not distribute applications after its funds are obligated.

Refer to the Application Flowchart **at Exhibit 2** to this manual.

3 LIHEAP CATEGORIES OF ASSISTANCE



.01 Home Energy Benefit

- A. Allows for one benefit payment every 12 months for eligible households.
- B. An emergency or crisis is not required for this category of assistance.
- C. Amount of the assistance is based on household income, household size using, and member vulnerable population using the benefits payment matrix provided by DEO, not the actual energy bill.
- D. May be used for pre-paid energy accounts. Calculate the benefit level the same as a regular Home Energy Benefit (see Paragraph F below).
- E. For Applicants living in Government Subsidized Housing, the Agency must determine if all or part of their utility costs are paid directly or indirectly by the government. If the Applicant is responsible for all or part of their home heating and cooling costs, the Applicant is eligible for a Home Energy Benefit with no deductions at the same level as other Applicants.
- F. To calculate the benefit for an eligible household approved for a Home Energy Benefit:

- (1) Identify the household size

- (2) Identify the amount of total household income
- (3) Identify any household members who may be elderly, disabled or 5 years of age or under
- (4) Use the DEO Benefits Payment Matrix to determine the amount of the benefit the household will receive.

.02 Crisis Assistance

A. See the definition of a Home Energy Crisis in Section 200, Definitions. An Applicant must have a verifiable Home Energy Crisis. An Agency may provide up to two Crisis Assistance benefits per year. Prior to awarding a benefit, the Agency must verify that the Applicant has not received any Crisis Assistance for a previous crisis during the same season.

- (1) If less than \$600 for the season, it is allowable.
- (2) If more than \$600, and if the Applicant is also eligible for a Home Energy Benefit, the Crisis Assistance may be approved if the combined funds will resolve the crisis. The Agency may pay the minimum amount needed to resolve the crisis. Home energy funds may not be used for purchase of fans, heaters, blankets or air conditioners.
- (3) If more than \$600 and other arrangements cannot be made (payment plan, other assistance, etc.) to resolve the crisis, the Applicant is ineligible and the Agency must deny the application.

B. A maximum of one summer Crisis Assistance benefit may be applied to a Client's account during the cooling season, April – September.

C. A maximum of one winter Crisis Assistance benefit may be applied to a Client's account during the heating season, October – March.

D. May be used to pre-pay home energy usage.

1. To calculate the benefit for an eligible household for a Prepaid Energy Account:

- (1) Identify the household size
- (2) Identify the amount of total household income
- (3) Identify any household members who may be elderly, disabled or 5 years of age or under
- (4) Use the DEO Benefits Payment Matrix to determine the amount of the benefit the household will receive.

E. LIHEAP may pay the actual home energy bills owed by eligible households and/or other necessary energy expenses.

F. The amount of the benefit payment must be the minimum amount necessary to resolve the crisis (with the exception of pre-paid energy accounts). The Agency must determine the correct amount of each Crisis Assistance benefit based on the minimum necessary to resolve the crisis, but not more than the maximum set by DEO. The maximum crisis benefit is \$600.00 per Applicant per season.

G. Agencies may make several crisis benefit payments for a Household to resolve a single crisis. For example, one benefit for blankets and another for LP gas is acceptable if the Applicant is determined eligible for both at the same time and the total benefit does not exceed the maximum. The maximum benefit per crisis is \$600. This includes any approved purchases or repairs.

H. For Crisis Assistance only, the Agency must coordinate with the Emergency Home Energy Assistance for the Elderly Program (EHEAP) and compare records for households with elderly members to avoid duplicate Crisis Assistance payments during the same eligibility period.

I. Based on local need for LIHEAP services and other non-LIHEAP energy assistance resources in its service area, an Agency may limit Crisis Assistance benefits, but must provide for at least one Crisis Assistance benefit per year.

J. When an Applicant applies for a Crisis Assistance Benefit (life threatening or non-life threatening), the Agency must take one or more Eligible Actions that will resolve the emergency situation within eighteen (18) hours of Application Receipt for a Crisis Assistance benefit, and document the Client file that the emergency was resolved within 18 hours.

1. Eligible Actions include:

a. Approval of application – to be used when an Applicant brings in all necessary documentation and eligibility can be established. The date the Applicant submits the application is the Application Receipt date and the Agency has 15 days to finalize the application by getting supervisor approval and sending to the Client the Notice of Approval and Appeal (unless provided to Client at time of application).

b. Denial of application pending further information – to be used when an Applicant applies for Crisis Assistance but eligibility cannot be determined because of missing or incomplete documentation/information. The Agency must provide, at the time the application is ‘denied pending’ a Notice of Denial and Appeals stating exactly what information must be provided prior to application approval. The Agency should also choose at least one other Eligible Action to assist in avoiding or resolving the crisis, especially if the energy source is disconnected or disconnection is imminent and disruption to services may cause a health hazard for the Applicant’s household.

c. Denial of application because Applicant is deemed ineligible – to be used when the Applicant is ineligible for any reason. The Agency should also

choose at least one other Eligible Action to assist the Applicant in avoiding or resolving the crisis, such as assistance finding additional resources.

d. Contact utility vendor to halt power disconnection or interruption in services – to be used when the Agency has enough information to either approve or conditionally approve the application and disruption is imminent.

e. Written referral to, along with providing Applicant assistance in contacting, another Agency if LIHEAP funding is not available or the Applicant is ineligible – the Agency must use due diligence to seek out other resources, even if those resources are unable to assist. Other resources include non-monetary assistance such as availability of prepared meals for the family (if unable to cook because of power disruption), assistance to contact utility vendor and make payment arrangements to avoid a shutoff, assistance through other programs such as CSBG to provide food, transportation or rental assistance to help Applicant use their own resources then to pay the utilities.

K. For Applicants living in Government Subsidized Housing, the Agency must determine if all or part of their utility costs are paid directly or indirectly by the government. If the Applicant receives an energy subsidy through Section 8 or a Public Housing Authority, then the Agency must subtract the amount of the subsidy available to the Applicant during the period covered by the utility bill from the allowable LIHEAP crisis benefit calculated for the household. The Applicant is not eligible for Crisis Assistance if their home heating and cooling costs are totally included in their rent and they have no obligation to pay any portion of the costs.

.03 Weather Related/ Supply Shortage Category

A. A weather related/supply shortage crisis program may be instituted upon declaration or order by DEO, the Governor or President that a crisis or emergency exists that adversely affects low-income households.

B. Allowable Weather Related/Supply Shortage measures and maximum benefit amounts allowable for each crisis are set by DEO depending on the extent of the damage.

C. Where possible, the program should be coordinated with other programs such as Weatherization, Community Services Block Grant (transportation, food and rental assistance), and other local programs that may extend benefits that disaster victims can receive.

D. Agencies may use the Weather-Related/Supply Shortage funds to provide assistance to eligible households until those funds are exhausted, or the declaration period ends, whichever occurs first. Any remaining funds not used for the emergency purposes may be moved to either Home Energy or Crisis Assistance through an Informal Modification.

.04 Applying for both Home Energy and Crisis Benefits:

- A. When an Applicant applies for both categories of assistance, the Agency may attempt first to make a payment using Home Energy Benefits. If this action resolves the need (crisis or not), the Applicant will be ineligible for any other LIHEAP benefits at this time. This will allow the Applicant to apply for a Crisis Benefit at a later date if needed.
- B. If the Applicant has a verifiable Home Energy Crisis, and the Home Energy Benefit is not sufficient to resolve the crisis, but a Crisis Benefit is sufficient, then crisis only may be used. This will allow the Applicant to receive a Home Energy Benefit at a later date.
- C. If the Applicant has a verifiable Home Energy Crisis, and only one benefit (either Home Energy or Crisis) will not resolve the crisis, then a Home Energy Benefit and a Crisis Benefit may be combined. There would be one payment to the vendor. These would still count as two separate benefits (one Home Energy and one Crisis), and the Applicant would not be eligible for any additional LIHEAP benefits at this time.
- D. If at all possible, use just one method of solving the problem so that Applicants may have another benefit available at a later date if needed. This also helps the Agency provide assistance to more households.
- E. Each Agency should have a policy on determining how benefits will be applied so that the policy is applied equally to all Applicants.

.05 Allowable Categories for Financial Assistance

LIHEAP funding may be utilized to provide the following services:

- A. Utility Payments for heating/cooling bill assistance:
 - Electric
 - Gas
 - Propane
 - Wood/coal
 - Refillable fuels
- B. Temporary Emergency Shelter (if needed due to energy related crisis)
- C. Water, Sewer and Garbage charges (if the water, sewer, garbage charges are required as part of the energy portion of the bill to keep power to the household)
- D. Payment to landlords (when utility costs are included in rent)
- E. Repairs or replacements to heating/cooling units (as long as the amount is within the benefit limits and work is done by a licensed contractor)
- F. Deposits to connect or restore energy
- G. Late fees, disconnect and reconnect fees
- H. Charges from a previous account held by the Applicant that is now closed
- I. Blankets and fans

Part 800 -- Application Intake and Processing

.01 Application Period.

Agencies must distribute and accept applications for LIHEAP from the beginning date of each program. Applications may not be taken after all funds are obligated or the Agency's contract ends. The Agency must evaluate the seasonal need for assistance in their service area and budget funds in a manner to best meet these needs. If LIHEAP funds are not available, the Agency must refer the individual to other energy providers in the area.

A. An Agency with available funds will accept an application when the Applicant has signed, dated, and delivered it to the office in the county where they live.

B. If submitted by mail, the Agency must receive the application at the local Agency office designated to accept applications before the end of the application period.

.02 LIHEAP Application Form

A. DEO does not prescribe a specific LIHEAP Application Template. Each Agency may develop its own LIHEAP application, but it must include, at a minimum, the information listed in both the LIHEAP Subgrant Agreement and LIHEAP Monitoring Field Manual.

B. Applicants must use the Agency's most current LIHEAP application form.

C. Applications received in another form, such as a letter expressing intent to apply, will not be considered an application for LIHEAP. Agencies must reply to this type of correspondence with information on how to apply.

.03 Application Assistance

Agencies must provide assistance at each accepting location to Applicants who request help. If the Agency is unable to assist a home bound Applicant by telephone, the Agency will make a home visits to do so.

.04 Application Locations

Each Agency must designate specific locations to accept applications.

A. Applications will be accepted only at locations designated by the Agency.

B. Service organizations, if approved by the Agency, may receive applications. However, these offices must forward the applications to a designated Agency office while funds remain available.

.05 Accepting Applications

A. Agencies will accept an application if it:

(1) Is a valid application form,

(2) Is received within the application period,

(3) Contains at least the Applicant's original signature and the signature date. The spouse's signature is not required. An electronic signature is considered an original signature.

B. When the application form is acceptable, the form must be date-stamped with the date it was received at the accepting location. The date stamped on the application is the official date of Application Receipt and cannot be changed.

C. An application will not be accepted if it is not signed and dated.

(1) An unsigned or undated application must be returned to the Applicant with a letter explaining why it could not be accepted and that it will be accepted if it is corrected and returned while funds are available.

(2) An Agency may call the Applicant and hold the unsigned and/or undated application for the Applicant to complete if the Applicant requests it.

(3) Staff may date an application if requested by the Applicant.

D. Any application received after funds are all obligated must be returned to the household with a Notice of Denial and Appeal. Copies of the application form and the notice should be kept on file. The notice may be given to the Applicant in person or it may be mailed.

E. When the Applicant submits a signed and dated application, it should be reviewed immediately for completeness. If any questions are unanswered or incomplete, the Agency should have the Applicant provide the missing information. If the Applicant is unable to complete the form at that time the Agency should inform the Applicant that the application cannot be processed until all required information is received and verified. The Agency must provide a deadline in writing to the Applicant for completion and re-submission of their application. The Agency must act with Reasonable Promptness, meaning it has 15 days from the date of Application Receipt to make a decision (approve or deny).

F. Agency staff should obtain as much information and verification as possible while the Applicant is in the office.

G. If an application is received from a county outside of the Agency's service area, then it should be returned to the Applicant stating why it cannot be accepted and where the Applicant should apply.

.06 Reapplication

A. An Applicant can reapply for LIHEAP anytime if the Agency denied their first application and benefit funds remain available.

B. If an Applicant applies and then files a second application while the first application remains pending, the Agency must determine eligibility based on the first application.

(1) If the household is eligible based on the first application, the second application is not considered. The second application is marked "DUPLICATE" and filed in the case record.

(2) If the household is denied services based on the first application, the second application must be considered and eligibility determined.

.07 Duplicate Applications

When an Applicant or a household member files more than one application, the Agency must check for duplication.

A. When the Agency discovers possible duplication, the following procedures should be followed:

(1) Rule out the possibility of an error in recording the social security number.

(2) Find the duplicate case(s).

(3) Compare Information from Client files.

(4) If the case records do not contain sufficient information to decide duplication, check other Agency records, and

.08 Application Tracking

The Agency must establish and maintain an electronic tracking system of all valid LIHEAP applications. The Agency should be able to collect and report out on the following information, including but not limited to:

- A. Full Name
- B. Street Address with Zip Code
- C. Date of Application
- D. Household Size
- E. Social Security Numbers of all household members
- F. Number of Disabled, elderly and children 5 years of age and under in the household
- G. Ages of children 5 and under in the household
- H. Utility Account Number
- I. Assistance Type: Home Energy (Heating or Cooling); Crisis (Heating or Cooling); Weather Related
- J. Benefit Amount
- K. Date Vendor was paid
- L. Intake/Case Worker
- M. Service Area Location
- N. Total Calculated Gross Annual Income and Poverty Level
- Q. Whether the energy source was reconnected, saved from disconnection, or repairs provided (all benefits)

.09 Methods of Payment

A. The Agency should first make attempts to make vendor payments in the name and account number of the Applicant.

B. Payments should be made directly to vendors, including landlords, preferably only those with valid vendor agreements with the Agency.

(1) A two party check is acceptable, naming the vendor first and the Applicant second if a vendor payment is impossible or if it would delay the resolution of a home energy crisis.

C. If the name on the utility account is different from the application, then an explanation must be entered into the Client file. Agency records must be sufficient to track all payments to the appropriate Applicant.

D. All LIHEAP payments are for the benefit of all members of the household.

.10 Maintaining Records

A. Agencies must retain records of the program, including case records as well as supporting evidence of eligibility and all payment information according to the record retention requirements outlined in the LIHEAP Subgrant Agreement between DEO and the Agency.

B. Agencies must retain all financial records, supporting documents, statistical records, and any other documents pertinent to their Subgrant Agreement for a period of five (5) years after termination of the Subgrant Agreement. If an audit has been initiated and if the audit findings have not been resolved at the end of five years, the documents must be retained until the audit findings have been resolved.

.11 Payment Errors and Overpayments

A. Agencies must practice fiduciary responsibility to ensure grant funds used solely for allowable expenditures, and establish a system to detect applications from the same address and social security number. It is the intent of DEO that:

(1) Individuals applying for LIHEAP will receive the correct benefit amount and/or information to other resources available,

(2) Fraud and favoritism and the appearance of fraud and favoritism be eliminated, and

(3) The administration of the program is efficient and cost effective.

B. Best Practices for Preventing Errors

(1) The Agency should clear up any discrepancies prior to awarding a benefit to a household.

(2) The Agency must employ due diligence and not put all the burden on the applicant.

- (3) The Agency must require that the Applicant complete and sign the LIHEAP application form to establish eligibility and to decide a benefit amount.
- (4) Agency staff should use a worksheet to record the actions taken in processing LIHEAP applications. The worksheets should be co-signed, and dated by the intake staff and a supervisor or edit staff.
- (5) The LIHEAP supervisor or edit staff should review all payments to households claiming zero income or having roomers, boarders or landlords.

.12 Overpayment and Recoupment

The agency must have a written policy that describes action to be taken when LIHEAP payments made to a vendor cannot be applied to the client's account. The policy must state that the funds will be returned to the agency or with the agency's approval, applied to another eligible customer's account.

A. Overpayment means money not entitled to and received by the Applicant. An error by the Applicant or Agency can cause overpayment. Despite the reason or the source of the error, the Agency must try to recover all identified overpayments. Federal reviewers, auditors, Agency staff, the Department, the household, or the state auditor general's office can identify overpayment.

B. Overpayments can be caused by:

- (1) Errors on the part of staff reviewing the application
- (2) Errors made by the applicants (omissions, misunderstandings)
- (3) Misrepresentation by applicants in order to commit fraud
- (4) Federal reviewers, auditors, agency staff, DEO, vendors, and even applicants can identify overpayments or incorrectly applied benefits

C. Procedures for recoupment of overpayment:

- (1) Determine the exact amount and cause of overpayment and record in the case record.
- (2) Either send an explanatory letter to the Applicant requesting repayment or send a letter to the Applicant scheduling an explanatory office interview.
- (3) Follow through with additional contacts as needed to initiate repayment.
- (4) Set up a payment schedule with the Applicant if needed.
- (5) The Agency cannot retrieve a vendor payment from the vendor without agreement from both the Applicant and the vendor unless contacting the Applicant is impossible.
- (6) The Agency should record the following on the "overpayment" list name, social security number, amount owed, amount repaid, date repaid, and balance. The

information should be updated after each payment. A copy of the repayments should be kept in the Applicant's case record.

(7) Send collection letters when the Applicant fails to meet the repayment schedule.

(8) Agencies should send all recoupments or refunds to their fiscal office according to the Agency's fiscal policies. The information should include:

- (a) Name of Agency, county and outreach center, if applicable,
- (b) Fiscal year of program in which overpayment occurred,
- (c) Date the Agency overpaid benefit,
- (d) Agency's check number, if available,
- (e) Amount of repayment,
- (f) Name of Applicant as it appeared on the application,
- (g) Name of vendor who received payment.

D. Local agencies are expected to recoup any overpayments and reprogram the funds into the current contract cycle. In the event that the Agency is unable to do so, the amount of unrecouped funds must be returned to DEO from non-federal, unrestricted funds.

E. Refunds received during the current grant year from current grant year funds may be re-allotted back to the program and used to serve additional Clients.

F. Refunds received during any grant year from prior year grant funds must be returned to DEO, along with a Revised Closeout FSR showing the refund amount and revised de-obligated grant amount.

.13 Fraud Policy

A. LIHEAP provides quality services to thousands of Floridians. Unfortunately, like many worthwhile programs, there are instances of abuse in which some clients improperly use the system. DEO and each provider Agency has a responsibility to prevent and detect potential fraud. Each Agency is to have a policy on how fraudulent claims and reports of fraud will be handled.

B. Fraud occurs when an Applicant knowingly and willingly provides false information about their circumstances in order to receive assistance. Fraud also occurs when an Applicant intentionally fails to report changes in household circumstances in a timely manner that may impact their continued involvement in case management programs.

C. The following are some examples of fraud:

- People who do not declare all income whether earned or unearned.
- People who claim household members or list household members that do not actually reside in household (example-children).

- Couples pretending to be tenant and landlord and making up a fictitious tenancy.

D. Preventative measures should be taken to keep fraud from occurring in the first place. Due diligence during the application process can prevent the disbursement of funds to ineligible applicants. Early detection allows the agency to refer suspicious cases to the management where an examination of an applicant's case is made before benefits are received. Examination of these cases can determine whether the client is reporting accurate information, or attempting to receive benefits he or she may not be eligible to receive.

E. Detection of fraud occurs after funds have been disbursed on behalf of the client. Fraud can be detected with both open and closed cases, and can involve benefits received under a single program as well as multiple programs.

F. If after following the Agency's process for reporting potential fraud, and if it is determined that it appears that false information was provided during the application process, the file is denied and the client is notified in writing. If the fraud occurred from a previous application and disbursement of funds, the file enters into a repay phase.

G. If it is determined that the client received benefits based on false information provided by the client it is considered an overpayment. The Agency should attempt to recapture the funds and the client is given an opportunity to repay the funds in question.

(1) If the client makes contact with the Agency, payment arrangements may be discussed and formalized per the Agency's policy. The Agency should track all payments and notify the client when the obligation has been met.

H. Investigation and Prosecution

(1) Fraud is considered theft and a crime therefore the Agency should report the criminal activity to their local law enforcement agency.

(2) Once every attempt has been made to contact and work with the client for recovery of overpayments and the client has been unresponsive or uncooperative, the information should be turned over to local law enforcement.

(3) The Agency should continue to work with the prosecuting officials, and the Agency can, if requested, receive and track repayments from the client.

(4) All repayments must be returned to DEO.

(5) The Agency must contact DEO and keep staff informed as to the progress of the investigation, the disposition, and if any funds will be returned.

I. Future Eligibility – Minimums

(1) At a minimum, any Applicant and/or Client who commits fraud is ineligible to apply for LIHEAP services for a period of 2 years after the discovery of the fraudulent actions. This restriction applies to anyone living in the household at the time the fraud was committed and is requesting services for the same household.

(2) An Agency may have additional requirements, and should have a policy on the detection, handling and dissolution of fraud.

Part 900 -- Eligible/Ineligible Applicants

.01 Eligible Applicants

To be eligible, Applicants must:

- A. Have either an obligation to pay a utility bill directly to a utility company or in non-subsidized rent which includes utilities.
- B. Be a U.S. Citizen or have Legal Permanent Resident status.
- C. Show an energy burden.
- D. Be income-eligible, gross countable income of all household members may not exceed 150% of the current Federal Poverty Guidelines.
- E. Be who are, or were, residing in the LIHEAP service area at the time the home energy costs were incurred.

.02 Definition of Household

Household is the term used to represent any individual or group of individuals living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

A. A single dwelling unit may contain two LIHEAP households only when the Applicant can verify the following:

- (1) The Applicant's LIHEAP household is an economic unit separate from the other household,
- (2) The Applicant's LIHEAP household occupies living space separate from the other household,
- (3) The Applicant has an obligation to pay for residential energy for his or her LIHEAP household, and
- (4) The Applicant is not the spouse of the landlord or if the landlord is applying, the landlord is not the spouse of the roomer.

B. The Agency does not count as household members persons whose cost of residence is partially or fully paid through a foster care or a residential program administered by the state.

.03 Residency

A. Applicants must be a resident of Florida and must apply for services in the county/area in which they live. Services cannot be authorized or provided to an Applicant who is traveling through the state or living in Florida for a temporary reason ('temporary' is defined as less than 6 months at a time). Assistance may be provided to homeless households if they are requesting assistance to establish utility services. Assistance may be provided to out-of-state households if they are requesting assistance to establish residency/utility services.

B. Applicants may not be a resident of an institution.

(1) Institutions include but are not limited to:

- Hospitals
- Licensed Domiciliary Care Facilities (family care homes, homes for the aged and family care homes for developmentally disabled adults)
- Intermediate Care Facilities
- Skilled Nursing Facilities or Homes
- Alcohol and Drug Rehabilitation Centers or Treatment Programs
- Dormitories
- Temporary protective facilities, such as domestic violence shelters, etc.
- Prisons

(2) Residents of group living facilities will be considered separate households. A group living facility is a place where several single person or multi person households live and share living quarters but are individually charged for the cost of residence based on the resident's ability to pay. Examples are facilities for blind persons, disabled adults, abused spouses and children, unwed mothers, and migrant workers. The facility may provide housing in separate structures.

a. The facility may serve residents who pay the full amount of their care.

b. The facility may not serve residents whose cost of residence is at least partially paid through any foster care or a residential program administered by the state. These residents are not eligible, despite other eligibility requirements.

c. If the Applicant says that the household lives in a group living facility, the Agency must determine the type of facility and if the state pays any cost of residence. Information may be collected by telephone or a Request for Information/Appointment Notice.

d. If the Applicant states that the household is a private-pay resident of a group facility, the Agency must obtain verification from the operator of the facility. Information may be gathered by telephone.

(3) A student living in a dormitory is not eligible. If the Applicant states that the household lives in a dormitory or has part or all of the cost of residence in a facility paid by the state, the Agency must deny the application.

C. Applicants must list a place as an address. The Agency must contact those that list only a post office box or non-living place as their address. To be eligible the Applicant must give an address such as a house number and street, route number, or other specific location. If more than one household resides at the same location (apartment number, lot number or street address) the Applicant must provide clarification of their separate household status.

.04 Legal Resident Requirement

To be eligible for LIHEAP, the Applicant must be a citizen of the United States, or a permanent legal resident who is eligible for federal benefits.

A. The Agency cannot serve an ineligible alien. The department will consider a household eligible when at least one member, adult if possible, meets the citizenship/alienage requirements.

B. The Applicant does not need to verify citizenship if anyone in the household is receiving food stamps or SSI. The Agency and DEO will consider the citizenship requirement met.

C. The Agency must deny the application if:

(1) The Applicant is an illegal alien;

(2) No one in the household meets the citizenship/alienage requirement;

(3) The Applicant states on the application that they are not legal residents

(4) The Applicant is an alien with a temporary admittance status such as visitors, students, or refugees awaiting assignment of official status by the Immigration and Naturalization Service (INS).

D. Allow the Applicant who challenges the denial to provide verification that they are eligible for benefits.

E. The Agency will include the income of non-legal residents with all other countable income in determining the LIHEAP household's total countable income. They will not count the non-legal residents in determining household size.

.05 Previous Assistance

A. If two or more individuals, previously considered as one household, receive a Home Energy Benefit for their household, then separate, neither party may again receive a Home Energy Benefit during the same 12-month period. If the household, now separate, is in need of assistance, either party may apply separately, and if eligible, receive Crisis Assistance.

B. An Applicant is ineligible to receive assistance if they have received a Home Energy Benefit within the past 12 months, Crisis Assistance within the same season, or EHEAP Crisis Assistance within the same season.

C. An individual cannot be a member of more than one eligible household per assistance category.

.06 Abandonment/Incarceration/Death/Absent Household Members

If the wage earner abandons the household, is incarcerated, or dies, the intake worker should consider only the income of any remaining family members. If any members of the household work in another city/county/state for extended periods of time, they must be counted as members of the household and their income counted if:

- A. They list the Applicant address for which services are being requested as their main address;
- B. Their income is used to support the household for which services are being requested.
- C. The absent member of the household must not have received LIHEAP at the temporary/other domicile within the benefit period (12 months for Home Energy; Season for Crisis).

.07 Tribal Members

If an Applicant is a member of a tribe that receives LIHEAP funding directly from HHS and resides on reservation land, the agencies are not required to provide utility assistance benefits. The only tribe in Florida that receives funding directly from HHS is the Poarch Creek Band Indian Tribe in Northwest Florida. Households in Escambia County that are members of this tribe that receives a direct grant cannot receive assistance from an Agency.

If a tribe does not receive benefits directly from HHS, tribal Applicants must be served in the same manner as other Applicants by the Agency within the geographic area.

.08 Government Subsidized Housing

If the Applicant lives in government subsidized housing, the Agency must determine if all or part of their utility costs are paid directly or indirectly through either a utility allowance or a utility allowance and reimbursement. The Agency must use the following to determine a client's eligibility for assistance.

A. The Applicant is not eligible for utility bill payment assistance if their home energy costs are totally included in their rent and they have no obligation to pay any portion of the costs. Per the LIHEAP statute, an eligible Applicant must have an energy burden.

B. The Applicant is eligible for non-crisis, home energy assistance with no deductions at the same level as other Applicants. The Applicant must meet all other eligibility requirements.

C. If an Applicant is receiving rental assistance through HUD (i.e., Section 8 housing voucher), the Agency must obtain a copy of the Applicant's rental agreement/lease to determine if energy assistance is included in the rent, or is a separate expense from the monthly rent obligation. A copy of the lease must be placed in the Client file.

D. For Applicants moving from housing where the utilities were fully included in the rent (ineligible housing), the Agency may approve Applicants who move to eligible housing (i.e., the Applicant now has an energy burden and is responsible for utility payments). The Agency must first receive verification of the move. Applicants who move are responsible for any unpaid balance due the vendor from the energy account at the ineligible address.

E. If an Applicant applies for Crisis Assistance and the Applicant lives in government subsidized housing and receives either a utility allowance or a utility allowance and reimbursement, then the Agency must subtract from the LIHEAP crisis benefit the amount of the utility allowance or utility allowance and reimbursement available to the Applicant during the period covered by the utility bill. Note that the following applies to current crisis situations only; not crisis benefits for deposits or past due amounts (more than 1 month in arrears).

(1) Definitions and background:

(a) Subsidy – Describes the type of housing the client is living in. Rents are based on unit size, income and average utility costs.

(b) Allowance – The amount of the cost of utilities deducted from the total rent, based on a family's income and total housing costs not to exceed 30% of their income.

(c) Reimbursement – The amount of allowance reimbursed to a tenant if the income is so low that the family cannot afford to pay the higher portion of rent and utility costs.

(d) The HUD.GOV Public Housing Energy Conservation Clearinghouse provides the following background information on Utility Allowances: "To keep assisted housing affordable for lower-income households, federal housing law directs that the resident's share of rent in federally assisted public housing should equal 30 percent of the household's adjusted monthly income. In interpreting the federal housing law, HUD has defined the Total Resident Payment for "rent" to include both shelter and the costs for reasonable amounts of utilities. The amount that a Public Housing Authority (PHA) determines is necessary to cover the resident's reasonable utility costs is the utility allowance."

(e) HUD's Utility Allowance Guidebook also cites the following: "It should also be noted that in some cases public housing residents with very low or zero rents actually receive a credited adjustment from the Housing Authority (HA) to pay utilities." In these circumstances, the credited adjustment is reimbursed directly to the resident, based on residents having to pay utilities out-of-pocket.

(2) If public housing rent is reduced below 30% of the resident's income in the form of a utility allowance, the reduction is granted to ensure that the resident's total housing costs do not exceed 30% of their income, with the expectation that the allowance would be used to pay their utility obligations. Therefore the full "utility allowance" must be deducted from federally funded energy benefits, i.e. EHEAP.

(3) Applicants living in subsidized housing should provide an award letter, an income and resident rent calculation worksheet, the lease, or a statement from the landlord in order to assist the Agency in determining the correct amount of allowance and reimbursement (if any) that should be deducted.

(4) The HUD Approved Utility Allowance, which is the amount used to determine/calculate the total resident payment, is the amount that is to be deducted from crisis benefits. This amount will also include any reimbursement the Applicant may have received.

(5) Examples

Example 1: Higher Income Family

TTP*	Utility Allowance reduction to cover reasonable costs	New TTP	Reimbursement to tenant	Amount to deduct from Crisis Benefit
400.00	100.00	300.00	0.00	100.00

Example 2: Lower Income Family

TTP*	Utility Allowance reduction to cover reasonable costs	New TTP	Reimbursement to tenant	Amount to deduct from Crisis Benefit
200.00	275.00	-75.00	75.00	275.00

Example 3: Zero Income Family

TTP*	Utility Allowance reduction to cover reasonable costs	New TTP	Reimbursement to tenant	Amount to deduct from Crisis Benefit
0.00	150.00	-150.00	150.00	150.00

*TTP = Total Tenant Payment, rent and utilities, not to exceed 30% of the tenant's adjusted monthly income.

Part 1000 -- Rights and Responsibilities of Applicants/Clients

- A. Applicants/Clients are responsible for notifying the LIHEAP office of any changes in address or vendor. If the Applicant fails to report a new address or vendor before they receive a benefit, they forfeit rights to the benefit.
- B. Applicants/Clients are responsible for notifying the LIHEAP office if they do not receive a Notice of Denial and Appeal or Notice of Approval and Appeal within 30 days of the Application Date.
- C. Applicants/Clients are responsible for notifying the LIHEAP office if the credit is not made to their account within 45 days.
- D. Applicants/Clients have the right to apply for services in a location that is accessible to them.
- E. Applicants/Clients have a right to privacy when providing information to Agency staff during the application process.
- F. Applicants are responsible for giving the Agency all of the information and verification needed for eligibility determination.
- G. Agencies such as shelters, housing projects, and group living facilities may not receive assistance for all their Clients as a unit.

Part 1100 -- Verification and Documentation

.01 Verification

Verification is the use of documents, systems, information or contacts with third parties to establish the accuracy of information provided by the Applicant during the interview and indicated on the application form. The Agency must use due diligence to verify LIHEAP eligibility requirements.

- A. The Applicant has the primary responsibility for providing all required verification.
- B. In situations where it is difficult for the Applicant to obtain verification needed to complete the eligibility determination, the Agency can offer assistance in obtaining the verification.
- C. Three acceptable methods of verification are:
 - (1) An official document or photocopy of a document placed in the case record, such as a check, a check stub, an award letter, letter from employer (on letterhead or with a phone number for verification), a lease, a notice, etc. is the preferable method.
 - (2) Self-Declaration: A written statement declaring income and the reason for lack of documentation.
 - (3) A telephone call or personal contact with the employer, state, federal, or private Agency, or if the Client is receiving money from any individual not in the same household.
- D. When the Agency obtains verification through a telephone call or personal contact, the date of the contact, name and title of the person contacted the source of income, the amount and dates received must be recorded.
- E. When verification is by written letter, statement, or a document, the verification must be included in the Client file along with any notations.

.02 Documentation

The case file must contain all documents by which eligibility criteria was verified. Documentation must support eligibility, ineligibility, and the services to be provided and must be in sufficient detail to permit a reviewer to analyze the accuracy of the eligibility determination.

- A. Client's name, address, sex, and age;
- B. Names, ages, and current identification documentation (no more than one year expired; third party verifiable with a photo) of all household members;
- C. Social Security Numbers and documentation of such numbers for all household members or the citation to the applicable exemption;
- D. Signed Notice Regarding Collection of Social Security Numbers;
- E. Income amount and method of verification for all household members;

- F. Income documentation to support eligibility;
- G. Signed statement of self-declaration of income, if applicable;
- H. Signed statement of how basic living expenses, such as food, shelter, and transportation are being provided if the total household income is less than 50% of the current Federal Poverty Guidelines and no one in the household is receiving SNAP assistance;
- I. Copies of Notices of Approval and Appeals or Notices of Denial and Appeals provided to the Client;
- KJ Documentation of disability income or other verifiable documentation if preference or additional benefit provided due to a disability;
- K. Documentation of Client's obligation to pay the energy bill for the residence in which Client resides;
- L. A signed LIHEAP application with signatures of the Applicant, Agency's representative, and supervisory staff;
- M. Notations on whether or not energy was connected, saved from disconnection or repairs made to heating/cooling units;
- N. A signed Authorization for Release of General and/or Confidential Information.

.03 Mandatory Verification – The following eligibility criteria must be verified:

- A. Identity of the Applicant and Other Household Members: any document that establishes identity will be accepted. Documents include, but are not limited to:
 - Driver's license
 - Work or school ID
 - ID card from health benefits or another assistance or social service program
 - Voter registration card
 - Birth certificate
 - Family census card
 - Other reasonable sources; third party verifiable with photo
- B. Citizenship or Legal Permanent Resident Status for the Applicant or Other Members of the Household: any document that establishes the resident status of anyone in the household will be accepted. Documents include, but are not limited to:
 - Birth certificate
 - U.S. Passport or Passport Card
 - Certificate of naturalization or citizenship

- Other reasonable sources

If anyone in the household is receiving Supplemental Security Income (SSI), Social Security Disability (SSD), Food Stamps, or TANF, the household is considered as having met legal resident status and no further documentation is required.

C. Residential Address: Applicant may provide lease agreement, utility bills (in Applicant's name), bank records, insurance or credit card bills, etc. Additional documentation that is acceptable to document that the Applicant is residing in the home may be found at <http://gathergoget.com/>. DEO will accept any documents listed for proof of residential address.

D. Gross Countable Income of all household members: income may not exceed 150 percent (150%) of the current Federal Poverty Guidelines, updated annually by DEO. Refer to the most recent LIHEAP Federal Poverty Guidelines.

E. Social Security Numbers for Applicants and all household members or the citation to the applicable exemption. The Agency should use due diligence to collect other types of documentation that contain a full or partial SSN to assist in verifying the identity of the Applicant and/or other household members.

.04 Obligation Requirement

A. To be eligible for LIHEAP, each household must provide proof of a home energy obligation for their residence. Proof may be a copy of a receipt or a fuel bill. The fuel bill used as proof of an obligation must be the bill used in documenting and calculating the LIHEAP benefit. An Agency official may grant exceptions on a case-by-case basis for unusual circumstances. Recognized sources of fuel include: electricity, fuel oil, kerosene, wood, coal, natural gas, solar and liquid propane gas.

B. If the Applicant lives in multifamily housing or rents their residence, the Applicant must provide a statement from their landlord stating that:

(1) Home energy costs are not included in their rent. A lease agreement that includes this information is acceptable.

(2) The address of the Applicant,

(3) The signature, address and telephone number of the landlord, and

(4) If the Applicant and landlord share the same living space, the Applicant must provide a statement that he or she is not the spouse of the landlord. If the landlord is applying, he or she must provide a statement that he or she is not the spouse of the roomer/boarder.

C. Failure by the Applicant to request assistance or to provide a fuel bill/receipt or a written statement from the landlord verifying a home energy obligation will result in the application being denied.

D. An Agency must provide reasonable assistance to help an Applicant with the verification of a fuel obligation. When requested by the Applicant, the Agency may contact the landlord or fuel provider and document it in the Client file.

Part 1200 -- Determining Income Eligibility

.01 General Requirements

- A. A household's total gross countable income shall not exceed 150% of the Federal Poverty Guidelines.
- B. Earned and/or unearned income will be considered in determining eligibility for services. The gross amount of income prior to deductions will be counted unless otherwise specified.
- C. Income will be counted as received at the time it is made available to the household. A check is considered received when it is added to the deposited account, put in the hands of the Client, or made available to the Client.
- D. Individuals whose income must be counted - Any income of a household member age 18 and older will be counted, including ineligible household members. Income for all persons ages 16 and 17, who do not attend school full time, will be counted.
- E. Earned income is defined as either cash, or in-kind income received as compensation for wages, salaries, commissions, or profit through employment or self-employment.
- F. Unearned income is defined as income which was not received as a result of the performance of a service, or earned from sources other than employment, self-employment or in-kind income.
- G. Acceptable Documentation of Income can include, but not be limited to:
1. Paycheck stubs(s);
 2. Copy of check, when gross earnings are listed;
 3. Employer's statement that is signed and dated. (When employer verification would jeopardize the Applicant's job, other means of verification must be pursued.)
 - a. The employer's statement must include the following:
 - (1) Name, address and telephone number of employer
 - (2) Frequency of receipt
 - (3) Gross amount of income
 - (4) Day of the week pay is received.
 4. Assistance payment records;
 5. Award letters from TANF, Food Stamps, SSI, SSD, etc.
 - a. When a check is used to verify the social security benefit amount, care must be taken to add the Medicare premium amount to the amount of the check if the individual has Medicare coverage and is not an SSI recipient.

- b. Do not add the Medicare premium to the SSA amount if it is already included in the verification, such as when social security income is verified from Food Stamps, TANF/WAGES or SSA records.
- 6. Court records;
- 7. Local Agency records;
- 8. Divorce or separation papers or contact with the Clerk of the Court;
- 9. For Applicants receiving Supplemental Nutrition Assistance Program (SNAP) or Supplemental Security Income (SSI), program qualification approvals or notifications may be used to document household size and income.
- 10. A written statement from the source of a regularly received cash contribution.
- 11. Applicant's statement, WHEN NO OTHER VERIFICATION CAN BE OBTAINED.
 - a. All other possible verification sources must be exhausted before accepting a self-declaration statement. Document all attempts to verify and why the Applicant's statement is being allowed.
 - b. The statement must be signed by the Applicant.
 - c. The statement does not need to be notarized. If the Agency chooses to have the statements notarized, it must be done at no expense or additional hardship to the Applicant.
 - d. An Applicant cannot be denied for the reasons listed on the statement.
 - e. If the Applicant and/or household members do not receive food stamps, they must also provide a statement on how they are meeting basic living expenses such as food, housing and transportation. See #13 below.
- 12. Self-Employment Documentation: When calculating self-employment income, the Applicant may deduct any business expenses. Gross income minus business expenses equals' countable income. Acceptable verification for self-employment includes, but is not limited to:
 - a. IRS Form 1099
 - b. Ledger statement
 - c. Client statement
- 13. Required Management Explanation: If the total household income is less than 50% of the current Federal Poverty Guidelines and no one in the household is receiving SNAP assistance, a signed statement is required from the Applicant explaining how basic living expenses i.e., food, shelter and transportation are being

met. An Agency cannot deny assistance due to the household's lack of resources to meet future needs.

.02 Included and excluded income

All Agencies must use the most recent Sources of Allowable/Unallowable Income disseminated by DEO to all LIHEAP Agencies. If this listing is not in agreement with the current LIHEAP Model State Plan, Section 1, the LIHEAP Model State Plan will be the overriding authority.

.03 Calculating Income

A. Use the past 30 days earnings for all occupants of the household (as defined) annualized, or the Applicant's most current economic situation, whichever is lower.

(1) Determine if the income is a continuous or annual source. A continuous or annual source would include annual salaries paid in less than 12 equal monthly installments. If the income source is a short-term source (i.e., a 6 month contract, etc.), determine the total timeframe to be used (6 months, 9 months, etc.).

(2) Total all countable income for the household within the past 30 day period.

(a) If the source is continuous/annual: Multiply by 12 to calculate the gross income. Determine the household size and use the LIHEAP Poverty Income Guidelines to determine if the household is income eligible (equal to or less than 150% of the FPG).

(b) If the source is less than an annual amount: Multiply by the maximum number of months the income source is available.

(3) If using most current economic situation, Agencies should take into account if an Applicant had been unemployed and just got a job, or if the Applicant recently became unemployed and is still unemployed at the time of application.

Part 1300 -- Required Notices and Appeals

All Agencies are required to have a written appeals and complaint policy that provides an opportunity for a fair administrative hearing to Applicants or Clients whose applications for assistance are denied or whose applications are not acted upon with Reasonable Promptness. The Agency must post its appeal and complaint policy in a prominent place where it is viewable by all Applicants and Clients.

.01 Notice of Approval and Appeals

Within fifteen (15) working days of the Application Date, an Agency must furnish in writing to each approved Applicant a Notice of Approval and Appeals which includes:

- A. Type and amount of assistance;
- B. Name of the energy vendor to be paid on the Client's behalf; and
- C. Agency's Appeal policy.

.02 Notice of Denial and Appeals

Within fifteen (15) working days of the Application Date, an Agency must furnish a written Notice of Denial and Appeals for each Applicant denied assistance. At a minimum, the written Notice of Denial and Appeals shall contain:

- A. Name of Applicant;
- B. Date of Application;
- C. Type of benefit sought;
- D. Reason(s) for denial;
- E. Statement on Recipient's benefit limits, if applicable;
- F. Statement of appeals process;
- G. Explanation of the circumstances under which the Applicant may reapply;
- H. Explanation of the information or documentation needed for the Applicant to reapply;
- I. Name, phone number, and address applicable to the appeal process; and
- J. Number of days the Applicant has to file the appeal.

.03 Appeals Process

At a minimum, an Agency's appeals process must provide an opportunity for an Applicant or Client to file a written appeal or complaint with Recipient's Program Supervisor within ten (10) working days of receipt of the written Notice of Denial and Appeal or the written Notice of Approval and Appeal:

- A. Upon receipt of a validly filed appeal or complaint, Agency must respond in writing within ten (10) working days.

B. The Applicant or Client may appeal Agency's first response by filing its objections to the response with Agency's Director, Executive Director or Board Chair, as applicable, within five (5) working days of receipt of the first response.

C. Upon receipt of a validly filed objection to the first response, Agency must respond in writing within ten (10) working days, and the response must clearly state the final outcome of the appeal, that the decision is final, and, if applicable, the circumstances under which the Applicant or Client may re-apply for services.

.04 Reconsideration

A. Reconsideration means to re-evaluate eligibility, ineligibility, or the payment amount based on information that was unavailable or used incorrectly when the Agency decided eligibility.

B. DEO suggests a supervisory review when:

(1) An Applicant received a denial notice; and,

(a) The Applicant requested reconsideration within the required timeframe stated in the Notice of Denial and Appeals.

(b) The Applicant requested reconsideration while funds remained.

(2) An Applicant who is denied due to failure to provide requested information or verification submits the required information and funds remain.

(3) An Applicant, who is denied, complains about the decision. In reviewing the case, staff finds the complaint has merit.

(4) An Applicant, who is approved, complains about the amount of the benefit and the Agency finds that the payment was calculated incorrectly.

(5) During case monitoring, it is found that the original decision (approval or denial) was possibly incorrect.

.05 Notice Regarding Collection of Social Security Numbers

All Applicants must sign the Notice Regarding Collection of Social Security Numbers. A sample form is provided **at Exhibit 3** of this manual.

.06 Authorization for Release of General and/or Confidential Information

A. The new Performance Measurement data requires the collection and reporting of energy usage, annual income, energy costs, etc. for all clients.

B. All Applicants should be encouraged to sign the Authorization for Release of General and/or Confidential Information (the "Waiver"), but it is not required.

C. Agencies must use the approved Waiver form provided by DEO and included as **Exhibit 5 of this manual**.

D. The Agency must keep a copy of the waiver in the Client file.

a. All Waivers must be available for inspection by DEO and/or utility vendors.

b. Best Practice Tip: Agencies should keep the original signed Waivers in a separate

file for inspection or audit.

- E. An Applicant's refusal to sign the Waiver does not affect their eligibility for services.
- F. The type of benefit the Applicant receives or is eligible to receive is not based upon whether or not they meet the restoration or imminent risk definitions (see Part 1500.02)

Part 1400 -- Vendor Relations

.01 Vendor Agreements

Unless special circumstances exist which permit an Agency to make a payment in the form of a two-party check made payable to the Client and the energy vendor, the Agency shall negotiate and maintain written agreements (the "Vendor Agreement") with energy vendors which shall at a minimum include:

- A. The beginning and ending date of the Vendor Agreement.
- B. The Agency's representative(s) authorized to resolve a crisis situation and make a payment commitment on behalf of a Client.
- C. The energy vendor's representative(s) authorized to resolve a crisis.
- D. A description of how the Agency shall make energy payments directly to the energy vendor on behalf of LIHEAP Clients.
- E. Assurances from the energy vendor that no household receiving LIHEAP assistance will be treated adversely by the energy vendor because of such assistance under applicable provisions of state law or public regulatory requirements.
- F. Assurances from the energy vendor that it will not discriminate, either in the cost of goods supplied or the services provided, against the eligible household on whose behalf payments are made.
- G. A statement that only energy related elements of a utility bill are to be paid. No water or sewage charges may be paid except if required by the energy vendor to resolve the crisis and no other resources to pay that portion of the bill can be secured by the Client or Agency.
- H. A statement that the Agency may not pay for charges that result from illegal activities such as a bad check or meter tampering. A statement that the energy vendor is aware that those charges are the responsibility of the Client.
- I. A statement that the energy vendor is aware that when the benefit amount does not pay for the complete charges owed by a Client, the Client is responsible for paying the remaining amount owed.
- J. Details on how the energy vendor will assist the Agency in verifying the LIHEAP Client's account information and, in the case of crisis assistance, make timely commitments to resolve the crisis. A process should be in place to verify the current amount owed and the amount necessary to resolve the crisis situation.
- K. The Agency's commitment to make payment to the energy vendor no more than forty-five (45) calendar days from the Application Date.

L. A statement that the energy vendor is aware that if LIHEAP payments made to the energy vendor cannot be applied to the Client's account, the funds will be returned to Agency or, with Agency's approval, applied to another eligible Client's account.

If the energy vendor will participate in the Annual Performance Measure Data Collection, the Vendor Agreement shall also contain:

M. An assurance that the Agency shall collect the signed Authorization for Release of General and/or Confidential Information for LIHEAP Data form from eligible Applicants who choose to allow their data to be collected as part of the annual performance measures and ensure the signed releases are available for inspection by the energy vendor.

N. An assurance that the energy vendor is aware that as long as signed Authorizations for Release of General and/or Confidential Information for LIHEAP Data are collected and available, the energy vendor will provide the requested customer data to DEO.

.02 Other Requirements

A. The energy vendor must be in "active" status with the State of Florida: <http://sunbiz.org/search.html> and the energy vendor's name must be checked on SAMS at <https://www.sam.gov>. The name on the Vendor Agreement must match the legal business name on the State of Florida website. Municipal providers are excluded from this requirement.

B. The Vendor Agreement shall be reviewed by both parties at least every two years. CONSENSUS to change to every 5 years (North and Central).

C. The Vendor Agreement must be signed by upper level management.

D. An Agency should seek to add to the above list of required elements, information on how the energy vendor will help the Agency secure energy usage for Clients. This can include agreements to allow agencies to access specific information on an energy vendor's site, waivers to allow vendors to send Client data to agencies, etc.

E. For all approved applications, the Agency must make payments to vendors on behalf of approved Applicants no more than forty-five (45) calendar days from the Application Date (or the number of days agreed upon by both the Agency and the vendor in the Vendor Agreement).

Part 1500 -- Quarterly and Annual Reporting

NOTE: This Part 1500 will be amended prior to the beginning of the FFY 2017 grant agreement, which begins March 1, 2017, with the new eGrants method of client entry, data collection and reporting.

.01 LIHEAP Annual Household Report

This report is currently collected via an Excel spreadsheet. It is due by November 15 of each year. Agencies must report out on the following information:

- A. Total number of assisted households
- B. Total number of unduplicated assisted households
- C. Total number of assisted households per poverty category (under 75%, 75-100%, 101-125%, 126-150%, over 150%)
- D. Total number of assisted households per demographic (60 years or older, disabled, child 5 and under)
- E. Total number of assisted households with children 2 years or younger and children 3-5 years
- F. Number of Applicant Households per poverty category

.02 LIHEAP Annual Performance Measures Report

A. This report is currently collected via an Excel spreadsheet and is NEW data that agencies must begin collecting as of October 1, 2015, to be first reported out on an annual basis by November 15, 2016. Agencies must report out on the following information for each household served:

- Client name and Customer name on the account (if not the Client)
- Service address
- Total annual LIHEAP benefit per household
- Total *Average* annual income per household
- Vendor Name
- Utility account number
- Waiver signed by client and/or customer of record
- If LIHEAP prevented disconnection
- If LIHEAP restored energy already disconnected

B. For the collection and reporting of Performance Measures, the following definitions shall apply:

(1) Imminent Risk – The household is considered to be in Imminent Risk if it meets one or more of the criteria in having a Home Energy Crisis, regardless of whether or not the household is eligible for or receives a Crisis Benefit. The household shall be counted as an assisted household where energy loss was prevented.

(2) Restoration of Energy – The household is currently without energy, has exhausted its refillable fuel, and/or receives repair or replacement of home energy equipment that was inoperable, regardless of whether or not the household is eligible for or receives a Crisis Benefit. The household shall be counted as an assisted household where energy loss was restored.

(a) A Household assisted through a Home Energy Benefit or Crisis Benefit with a deposit to establish a new household's energy service shall not be counted in this category.

(3) Energy Source – The main fuel type or source which provides energy to heat and/or cool the home.

(4) Fuel Type – For Florida, the following are the only two main fuel types to be considered in collection and reporting of Performance Measures Data:

(a) Electric

(b) Gas

.03 LIHEAP Quarterly Household Report

For each county the Agency serves, the Agency must provide a LIHEAP Quarterly Household Report. Agencies must report out on the following information:

- A. Total number of assisted households
- B. Total number of unduplicated assisted households
- C. Total number of assisted households per poverty category (under 75%, 75-100%, 101-125%, 126-150%, over 150%)
- D. Total number of assisted households per demographic (60 years or older, disabled, child 5 and under)
- E. Total number of assisted households with children 2 years or younger and children 3-5 years
- F. Number of Applicant Households per poverty category

.04 Reporting Time Periods

A. Annual Reports:

(1) The time period covered by both the LIHEAP Annual Household Report and the LIHEAP Annual Performance Measures Report is the Federal Fiscal Year (FFY),

from October 1 through September 30 of each year. The data to be reported are not per Agreement, but per the FFY.

(2) Agencies must be able to collect unduplicated numbers of households served and the specific demographic data collected.

(3) The number of benefits provided can and should be greater than the number of unduplicated households served as one household may receive multiple benefits during the defined time period.

B. Quarterly Report:

(1) The time period covered by the LIHEAP Quarterly Household Report is the three-month quarter for which the agency is reporting on. Example: January-March, April-June, July-September, and October-December.

(2) The data reported, number of households assisted and number of applicant households do not correspond to the Agreement period.

(3) The agency should not attempt to 'add up' the 4 quarters in calculating their annual report numbers. This could cause data to be duplicated and erroneously reported to HHS.



LIHEAP

POLICIES AND PROCEDURES MANUAL

EXHIBITS

EXHIBIT 1
Frequently Asked Questions

NOTE:

The following questions and answers are *guidance only* and should not be interpreted to be final policy. Agencies must comply with all applicable rules, agreements and statutes governing the program. In the event any of the Q&A's differ from the governing statutes, the Agency is encouraged to contact the state office for clarification.

As of the date of publication, there are no frequently asked questions.

EXHIBIT 2

LIHEAP APPLICATION & PAYMENT PROCESS Effective: October 1, 2015

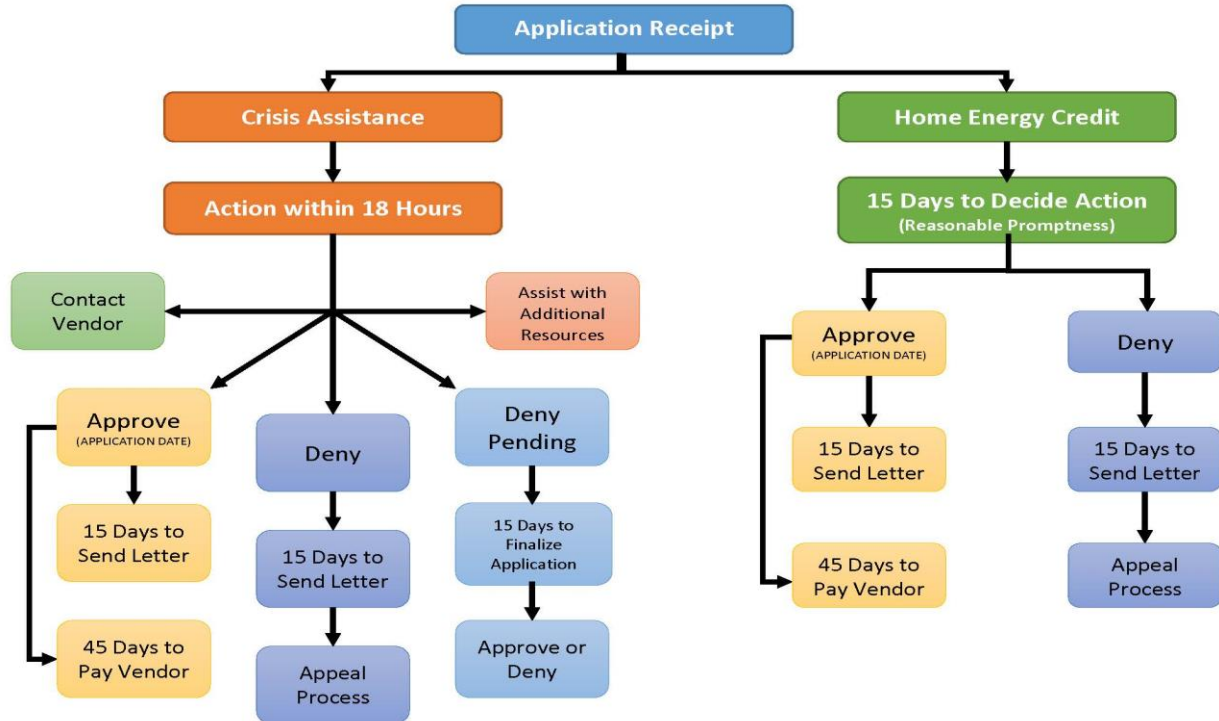


EXHIBIT 3

**NOTICE REGARDING COLLECTION OF SOCIAL SECURITY NUMBERS
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM**

The following disclosure is being made pursuant to section 119.071(5), Florida Statutes.

Social security numbers of applicants and household members are requested because this information has been determined to be imperative for the performance of the duties and responsibilities prescribed by law under the Low Income Home Energy Assistance Program. This information is not required by state or federal law; however, social security numbers are necessary to determine eligibility for program services and specifically for the following purposes:

1. To verify an applicant's identity.
2. To verify household size.
3. To verify household income.

A social security number collected pursuant to this notice can only be used by the Florida Department of Economic Opportunity and _____ (Subrecipient) for the purposes specified above.

Nondisclosure except under limited circumstances.

Social security numbers will not be disclosed to others unless required or authorized by Florida law. Section 119.071(5), Florida Statutes, allows disclosure of a person's social security number under the following specific, limited circumstances:

- If disclosure is expressly required by federal or Florida law or is necessary for the agency or governmental entity to perform its duties and responsibilities;
- If the individual expressly consents to disclosure in writing;
- If disclosure is made to prevent and combat terrorism pursuant to the U.S. Patriot Act of 2001 or Presidential Executive Order 13224 (blocking property and prohibiting business transactions with persons who commit, threaten to commit, or support terrorism);
- For an agency employee and dependents, if disclosure is necessary to administer the person's health benefits or pension plan funds; or
- If disclosure is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State.
- If disclosure is requested by a commercial entity for permissible uses under the federal Driver's Privacy Protection Act of 1994, the federal Fair Credit Reporting Act, or the federal Financial Services Modernization Act of 1999 (for example, to verify the accuracy of personal information provided by the individual to the commercial entity; use by an insurer in connection with claims investigation or anti-fraud activities; for use in connection with a credit transaction).

Acknowledgment of Receipt of Notice

I confirm that I have been provided a copy of this Notice regarding the collection of my social security number and the social security numbers of all household occupants as part of the application process for the Florida Low Income Home Energy Assistance Program.

Date

Applicant's Signature

Exhibit 4

LIHEAP Performance Measures Data Collection Worksheet

PART 1 - CLIENT INFORMATION

Complete the following information based on the Applicant's LIHEAP Application

Applicant Name	
Customer of Record (if not Applicant)	
Vendor (Electric)	
Account Number	
Vendor (Gas)	
Account Number	

PART 2 - MAIN ENERGY SOURCE

Check which source is used for each energy need

ENERGY NEED	ELECTRIC	GAS	OTHER - Describe
HEATING			
COOLING			
OTHER (cooking, water, etc.)			

PART 3 - IMMINENT RISK

YES	NO	QUESTION
		<p>Was the Applicant considered to be at imminent risk of losing needed home energy source and disruption was halted as a result of the Applicant receiving a LIHEAP benefit, either Home Energy or Crisis (either alone or in combination with another program)?</p> <ul style="list-style-type: none"> • If Yes, count the Applicant as having home energy disruption halted as a result of LIHEAP assistance • If No, do NOT count the Applicant as having home energy disruption halted as a result of LIHEAP assistance, however, the Applicant may still be eligible for services

Some additional questions to consider if assistance is needed in determining if the Applicant should be counted in this category

YES	NO	QUESTION
		Does the Applicant have a shut-off notice? This does not include a late bill or late notice.
		Does the Applicant have less than 7 days of pre-paid electricity usage or fuel?
		Is the Applicant using an alternative source for heating or cooling, i.e., they are using a fan because the HVAC unit is operable but not running correctly?

PART 4 - RESTORATION

YES	NO	QUESTION
		<p>Was the home energy source already disconnected due to non-payment and thus restored as a result of the Applicant receiving a LIHEAP benefit, either Home Energy or Crisis (either alone or in combination with another program)?</p> <ul style="list-style-type: none"> • If Yes, count the Applicant as having home energy restored as a result of LIHEAP assistance • If No, do NOT count the Applicant as having home energy restored as a result of LIHEAP assistance, however, the Applicant may still be eligible for services

Some additional questions to consider if assistance is needed in determining if the Applicant should be counted in this category

YES	NO	QUESTION
		<p>Is the Applicant currently without any energy source, i.e., the utility has been disconnected or the tank is empty?</p>
		<p>Is the Applicant using an alternative source for heating or cooling, i.e., they are using a fan because the HVAC unit is inoperable?</p>

PART 5 - WAIVER

YES	NO	QUESTION
		<p>Did the Applicant sign the Authorization for Release of General and/or Confidential Information?</p> <ul style="list-style-type: none"> • If Yes, maintain a copy of the Release in the Client file. • If No, make sure to note; however, the Applicant CANNOT be denied services because of refusal to sign the waiver.



Exhibit 5

Authorization for Release of General and/or Confidential Information For LIHEAP/EHEAP Federal Reporting

The Florida Department of Economic Opportunity’s (DEO) Low Income Home Energy Assistance Program (LIHEAP) Program Office is requesting that you authorize your utility service provider to disclose the following information to the LIHEAP office to which you are applying for assistance:

- Your utility account status and history, such as payment history, past due amounts, deposits, current shut-off due dates or disconnection, current life support status, payment arrangements, and history of energy assistance payments.
- Your total annual energy usage and charges for up to twelve months.

The Florida LIHEAP office and its contractors will use this information to develop LIHEAP program performance measures and meet Federal reporting requirements.

Please note that:

- You have a right to receive a copy of this form.
- You are not required to authorize your utility service provider to disclose your customer data.
- Your decision not to authorize the disclosure will not affect your utility services or any LIHEAP assistance you may be eligible for.
- Your utility service provider may not disclose your customer data unless you authorize the disclosure to the LIHEAP office, DEO, or as otherwise permitted or required by laws or regulations.
- Your utility service provider will have no control over the data disclosed pursuant to this consent, and will not be responsible for monitoring or taking any steps to ensure that the Florida LIHEAP office maintains the confidentiality of the data or uses the data as authorized by you.
- The Florida LIHEAP office will not disclose any private applicant information except for the purpose of administering public assistance as defined by State and Federal laws and regulations and developing LIHEAP program performance measures.

ACCOUNT HOLDER (CUSTOMER NAME):	
SERVICE ADDRESS FOR UTILITY:	
NAME OF UTILITY SERVICE PROVIDER:	
UTILITY ACCOUNT NUMBER:	
PHONE NUMBER FOR UTILITY ACCOUNT:	

SECTION A: APPLICANT READS AND COMPLETES THIS SECTION ONLY IF HE/SHE IS THE ACCOUNT HOLDER

I hereby authorize the above named utility and this agency to disclose pertinent information regarding my account to agencies that may provide me financial assistance, including the Florida LIHEAP Office. I understand that the purpose of this disclosure is solely for federal reporting purposes and does not determine my eligibility for assistance. I further understand that some of the information the above named utility may provide to this agency may be considered confidential. I also understand that the above named utility does not and will not

have control over any account information provided to agencies pursuant to this Authorization, and I will hold the utility harmless for any claim related to the account information provided. All information is accurate to the best of my knowledge. The agency may verify information contained in the payment assistance application, including the utility account for which I am seeking assistance.

ACCOUNT HOLDER'S SIGNATURE: _____ **DATE:** _____

SECTION B: APPLICANT READS AND COMPLETES THIS SECTION ONLY IF HE/SHE IS NOT THE ACCOUNT HOLDER

As applicant for payment assistance for the above named utility account, I hereby confirm, under penalty of perjury, that I am an Authorized Representative on behalf of the Account Holder and I have authority to initiate this assistance application on his/her behalf. This may be confirmed at the agency's discretion, by contacting the Account Holder. I, and the Account Holder, understand that the purpose of this disclosure is solely for federal reporting purposes and does not determine my eligibility. I further understand that some of the information the above named utility may provide to this agency may be considered confidential. I also understand that the above named utility does not and will not have control over any account information provided to agencies pursuant to this Authorization, and I will hold the utility harmless for any claim related to the account information provided. All information is accurate to the best of my knowledge. The agency may verify information contained in the payment assistance application, including the utility account for which I am seeking assistance.

APPLICANT'S NAME (NOT ACCOUNT HOLDER): _____

APPLICANT'S PHONE NUMBER: _____

APPLICANT'S SIGNATURE: _____ **DATE:** _____

SECTION C: FOR AGENCY USE ONLY

Agency must maintain this form in the Applicant's file and make it available to the utility vendor of record upon request, for accounting and auditing purposes.

AGENCY NAME: _____

PHONE: _____

AGENCY CASEWORKER'S NAME: _____

AGENCY CASEWORKER'S SIGNATURE: _____

DATE: _____