



**Department for Children and Families
Economic Services Division
OFFICE of HOME HEATING FUEL ASSISTANCE**
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January 26, 2011

Dear Fuel Policy Readers,

Act 88 “An act relating to fuel assistance” approved by the Vermont Legislature and signed by Governor Douglas at the end of the 2009-2010 legislative session made important changes to the Fuel Assistance Program. The accompanying rules have not been modified to incorporate those changes. However, as of June, 2010 the Fuel Assistance Program has been determining eligibility and issuing benefits under the requirements established in Act 88.

The following summary identifies the important changes with references to the applicable sections of the Act. The full Act as enacted into law can be viewed at: <http://www.leg.state.vt.us/docs/2010/Acts/ACT088.pdf>

For additional information please contact Richard Moffi, Fuel Assistance Program Chief at Richard.Moffi@ahs.state.vt.us

Section 2604 Eligible Beneficiaries – Income

Maximum “gross” income at 185% federal poverty level and eliminates all income deductions

Section 2604 Eligible Beneficiaries - Resources

Eliminates the resource test

Section 2604 Benefit Amounts – Minimum Heat Cost Table

Eliminates minimum heat cost table (Section 8 min heat cost test)

Section 2604 Heat Cost Proxy Tables

Moves the Heat Cost Proxy Table from Department “rules” to “procedures.”
Requires Department submission of draft tables to HEAT Force for input prior to finalization.

Section 2605 **Benefit Amounts – Maximum Benefit \$\$\$ Amount Table**
Eliminates maximum benefit \$\$\$ amount table

Section 2605 **Benefit Amounts – “Priority” for Former Income Level**
(As presented in testimony by the Department) Proportionally higher benefit percentages for households with a gross income of less than 155% federal poverty level (approx. net 125%)

Section 2605 **Benefit Amounts – New \$3 benefit group 3SqsVT**
\$3 benefit for 3SqsVT households not receiving another LIHEAP benefit

Section 2606 **Application Period**
(As part of ESD Modernization) May accept year-round “reviews” and application processing beginning April 1, 2010.

Section 2607 **Payment to Fuel Suppliers - Firewood and Pellet Dealers**
Exclude firewood and pellet dealers from certification

Section 2607 **Payment to Fuel Suppliers – Payment-After-Delivery**
Payment-after-delivery for bulk fuel, electric and VTGas to be implemented by September 1, 2011.

Section 2609 **Crisis Fuel – Income**
Maximum “gross” income at 200% federal poverty level and eliminates all income deductions

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Fuel Program

2900 Fuel Program (11/01/2009, 09-12)

The Low-Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981, authorized grants to states to help eligible households with home heating expenses. This act was reauthorized, with amendment, by Title VI of the Human Services Reauthorization Act of 1984, by Title V of the Human Services Reauthorization Act of 1986, by Title VII of the Augustus F. Hawkins Human Services Act of 1990 and by Title III of the Human Services Amendments of 1994 (Public Law 103-252).

33 V.S.A. Chapter 26, "Home Heating Fuel Assistance," establishes a home heating fuel assistance program for low income households that has both a seasonal component and a crisis component, to be administered by the Office of Home Heating Fuel Assistance.

33 V.S.A. Chapter 26, also creates a home heating fuel assistance fund to be composed of the receipts from any taxes dedicated to the fund and such other funds as may be appropriated to it by the General Assembly, including funds from the federal Low-Income Home Energy Assistance Program (LIHEAP).

Annually in the LIHEAP block grant plan, an amount of funds will be identified as being set aside for the crisis component from the home heating fuel assistance fund.

Sections 2900 – 2971 of the department's Policy Manual provide rules for the seasonal component of the home heating fuel assistance program. Rules for the crisis component are found in rules 2980 - 2987.

The seasonal component of the Vermont home heating fuel assistance program, hereinafter referred to as the Fuel Program, provides home heating fuel assistance to households responsible for making payments for their heat directly to a fuel supplier certified by the Fuel Program. The Fuel Program also provides assistance to households whose living unit rent, fees, or charges include the cost of the living unit's primary heating source, and to households who rent one or more rooms as separate living quarters in someone else's living unit.

Additional Funds

2901 Additional Funds (11/15/2002, 02-29)

In the event that the department receives LIHEAP contingency funds or funds from another source between September 1 and March 31 of any state fiscal year, these funds will be allocated as follows:

- A. an amount not to exceed 10 percent necessary for program administration, including administration of crisis assistance;
- B. an amount not to exceed 12 percent for crisis assistance benefits; and
- C. the remainder for seasonal assistance benefits.

The additional funds allocated to seasonal assistance will be issued to households that make payments for their home heat directly to a fuel supplier (rule 2940 A) and to households that make undesignated payments for their home heat in the form of rent (rule 2940 B). Calculation of seasonal benefit amounts will be made according to the provisions of rule 2940, Benefit Levels, and the benefits will be distributed to certified fuel suppliers or to eligible households according to the provisions of rule 2950, Benefit Issuance.

Any allocation or distribution of additional funds that is not consistent with the provisions described herein shall be made in accordance with emergency rules adopted for this purpose. Before adopting any emergency rule relating to additional funds, the department will consult with the Home Energy Assistance Task Force and all community organizations under contract to the department to operate the crisis assistance component of the program.

Fuel Supplier Certification

2902 Fuel Supplier Certification (07/15/2007, 07-06)

The department will establish a line of credit with a supplier of home heating fuel on behalf of an eligible Fuel Program household if the supplier enters into a certification agreement with the department and agrees to abide by all of the following terms and conditions:

- A. The supplier agrees to make reasonable efforts to inform and assist Fuel Program recipients, or potential recipients, in their service area(s) of the supplier's role as a certified fuel supplier under the program.
- B. The supplier agrees not to discriminate against Fuel Program recipients either in the cost of goods supplied, the services provided, or the delivery of goods and services. This would include, but not be limited to, automatic fuel deliveries and constant supply guarantees for Fuel Program recipients who are under the supplier's standard payment, delivery, service, or other similar plans.
- C. The supplier agrees not to disclose the names, Fuel Program eligibility status, or other information pertaining to Fuel Program recipients, to anyone not employed by the fuel supplier, except for purposes directly connected with administration of the Fuel Program, when required by law, or when a Fuel Program recipient requests information pertaining to his/her own records.
- D. The supplier agrees to maintain records of all fuel costs and quantities delivered to Fuel Program recipients from May 1 to April 30 and make that information available at no cost to the recipients and to the office when requested. This information shall list fuel cost and consumption separately from repairs, parts, service, or special trip charges.
- E. The supplier agrees to report to the office as soon as reasonably possible the receipt of any multiple Fuel Program benefits received for a single fuel storage system, even if the benefits are issued on behalf of different recipients.
- F. The supplier agrees to send periodic statements to Fuel Program recipients informing them of:
 - their credit or debit balance as of the last statement,
 - deliveries or usage since that statement,
 - payments made or applied, indicating their sources, since that statement, and
 - the ending credit or debit balance.
- G. The supplier agrees to accept payment of benefits on behalf of Fuel Program recipients only through direct bank deposits made to the supplier's bank account designated in the certification agreement.
- H. The supplier will receive from the office a list showing:
 - the supplier's customers who are eligible Fuel Program recipients for the benefit period November 1 through March 31,
 - the total amount of Fuel Program benefits authorized for each recipient,
 - how the total amount has been allocated over the heating season (the allocation schedule), and
 - the schedule of when benefits will be issued to the supplier via direct bank deposit.
- I. The supplier agrees that each benefit payment shall function as a line of credit for home heating fuel for each eligible fuel household.

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- J. The supplier agrees that the line of credit will be used only for the cost of home heating fuel, and not for repairs, parts or special trip charges, or any non-heat uses. The supplier may draw upon the full amount of the line of credit at any time to pay for fuel delivered from November 1 to March 31. Any credit balance remaining may be carried forward to pay for fuel deliveries made in the month of April.

A Fuel Program recipient that has an outstanding bill with its primary heating fuel supplier at the time the benefit is issued may use up to 17 percent of its Fuel Program benefit to pay a portion or all of the outstanding debit balance for home heating fuel delivered prior to November 1, provided the household and its fuel supplier enter into an agreement for a budget payment plan for fuel or a repayment plan for fuel arrears. Under no circumstance can benefits be used to pay for charges for re-connection of services.

Notwithstanding the requirements described above, eligible households whose primary heating fuel is wood may use up to 100 percent of the benefit to pay for wood deliveries received prior to November 1.

- K. For fuel suppliers that enter into budget agreements with their customers, the supplier agrees to offer to all Fuel Program recipients budget agreements for annualized monthly payments for fuel, and to enter into such agreements with interested Fuel Program recipients, provided the recipient meets accepted industry credit standards.
- L. For fuel suppliers that provide discounts to their customers, the supplier agrees to grant Fuel Program recipients the same discounts for cash payment, prompt payment, preseason contract price, or any other discounts granted to any other heating fuel customer, on the line of credit benefits provided by the program. If requested, the supplier will inform the office of cash discount amount(s) and special trip charges provided to the supplier's customers who are not participants in the program. Fuel suppliers that provide a discount agree to specify the discount amount and unit measurement on the certification agreement.
- M. The supplier agrees to charge eligible Fuel Program recipients using the supplier's normal billing process. The supplier agrees that the fuel charge payable by the recipient shall be no more than the total charges for the cost of the fuel, less the line of credit amount established in the allocation schedule, and less applicable cash discounts based on the line of credit amount. The supplier will carry forward any credit balances for fuel up to April 30.
- N. If a Fuel Program recipient is no longer a heating fuel customer of the supplier, and there is a credit balance being held in the former customer's account, the supplier agrees to transfer the balance to the recipient's new fuel supplier, provided the recipient requests the transfer, and the supplier has confirmed the proposed transfer with the office. Under no circumstances may a supplier issue a credit balance directly to a Fuel Program recipient.
- O. The supplier agrees that if on April 30 of any year a credit balance exists in an account for a person who has received Fuel Program benefits during the previous 12 months, and the total cost of fuel delivered to the household during the previous 12 months did not exceed the total Fuel Program benefits received by the household during that same period of time, the supplier will pay the full amount of this credit balance to the office no later than May 31 of the same year.
- P. The supplier agrees to maintain the quality and quantity of its products and service in full compliance with all applicable laws and regulations, including measurement for cords of wood fuel.

The supplier agrees that only fuel suppliers certified by the Commissioner of the Department for Children and Families or her or his designee, will be eligible to participate in the program. Persons found eligible for the Fuel Program may only receive Fuel Program benefits through lines of credit issued to fuel suppliers certified by the commissioner. In addition to any rules

Fuel Supplier Certification

that the Agency of Human Services may adopt regarding certification, an accurately completed and signed certification agreement must be in effect and on file with the commissioner for the supplier to be certified. The supplier will be notified of certification at the time benefit data for eligible Fuel Program recipients is provided to the supplier.

- Q. The supplier agrees that the certification agreement will remain in effect for up to one year ending on June 30, and may be automatically renewed at the sole discretion of the commissioner or her or his designee, in one-year terms ending on June 30, for a total of three years. The certification agreement may be canceled by either the supplier or the commissioner designee, with 30 days' written notice. The commissioner or her or his designee may decide not to renew, or may decide to cancel the certification agreement if a supplier violates one or more terms of the certification agreement.
- R. The supplier agrees to make crisis fuel deliveries authorized by the office or the community action agencies as part of the programs crisis component that do not exceed 125 gallons for oil, propane, kerosene and other liquid fuels.
- S. The supplier agrees to bill for crisis fuel deliveries authorized by the office or the community action agencies within 30 days of the delivery.

Advantageous Pricing

2903 Advantageous Pricing (11/01/2001, 01-20)

The director of the Office of Home Heating Fuel Assistance or her or his designee shall negotiate with one or more certified fuel suppliers to obtain advantageous pricing and payment terms for eligible households.

The Commissioner of the Department for Children and Families or her or his designee will enter into agreements with fuel suppliers certified by the Fuel Program to engage in cost-effective purchasing practices that increase the purchasing power of Fuel Program benefits.

Summer fuel purchase agreements may be made for any home heating fuel purchased by program recipients. All summer fuel purchase agreements are subject to the terms and conditions of Fuel Supplier Certification (rule 2902).

The Fuel Program benefit dollar amount specified in any summer fuel purchase agreement will be based on the past number of fuel assistance recipients served by the certified fuel supplier and a projected average annual Fuel Program benefit for the upcoming fuel season.

The Office of Home Heating Fuel Assistance will inform program recipients and suppliers which seasonal fuel benefits will be subject to the terms of a summer fuel purchase agreement. Home heating fuel obtained subject to the terms of a summer fuel purchase agreement will be available to fuel assistance recipients on a first-come-first-served basis. Program recipients are responsible for paying for home heating fuel not covered by seasonal fuel benefits.

Fuel suppliers who choose not to enter into a summer fuel purchase agreement are eligible to participate in the Fuel Program subject to the terms and conditions of Fuel Supplier Certification (rule 2902).

The Office of Home Heating Fuel Assistance will make available a list of certified fuel suppliers who have entered into summer fuel purchase agreements. Fuel Program recipients will be advised in their benefit grant notice of the key terms of any summer fuel purchase agreement entered into by their certified fuel supplier.

Recoupment

2904 Recoupment (07/15/2007, 07-06)

The department may seek recoupment of benefits representing an overpayment resulting from intentional program violation, fraud or a benefit issuance that occurs by department or client error.

- A. Recoupment may be accomplished by a cash repayment to the department by the recipient or fuel supplier, or by the department's withholding of an equivalent amount of benefits to which the recipient would otherwise be entitled in the future under the seasonal component or the crisis component of this program. The department reserves the right to withhold any further benefit issuances until the full amount of the overpayment is recouped under this program.
- B. If the overpayment is the result of intentional program violation or fraud, the household will be disqualified from participating in the program until the overpayment has been repaid, or for one fuel season, whichever is less.
- C. The department will accept any payment made as recoupment of overpayments under terms and conditions set by the court when recipients are found guilty of fraud and are ordered by a court to reimburse the department.
- D. Department requests for recoupment of benefits representing an overpayment must be made within 180 days of the close of the fuel season in which the overpayment occurred, except in the case of an overpayment resulting from fraud.

Household Composition

2910 Household Composition (11/08/2000, 00-16)

The following subsections specify the criteria that are considered in determining the composition of a specific applicants fuel household and other factors used in determining the applicants eligibility for fuel assistance benefits.

Definitions

2911 Definitions (07/15/2007, 07-06)

A. Living Unit

A living unit is one or more rooms within a permanent structure that is used customarily as a domicile for one or more persons, contains bathroom and kitchen facilities specific to that living unit, and has its own private entrance from the outside or off an enclosed hallway leading from the outside that does not pass through or offer open access to any other living unit within the structure.

B. Separate Living Quarters

Separate living quarters are one or more rooms within a living unit for which a roomer (or roomer/boarder) fuel household (as defined below) provides reasonable room rent (compensation) (as defined below) to the head of household of the living unit (as defined below) in return for exclusive occupation of a designated room or rooms within the living unit. To qualify as separate living quarters the roomer fuel household must have exclusive occupation of the room or rooms the roomer fuel household uses for sleeping.

C. Head of Household

The head of household is the person, his or her spouse, or his or her civil union partner who is financially responsible for the cost of occupying the living unit or separate living quarters. In the case of home ownership, the head of household is the person whose name appears on the real estate deed for the living unit or that persons spouse or civil union partner. In the case of a tenancy based on a lease or an oral contract for payment of rent or reasonable room rent, the head of household is the person whose name appears on the lease or the person who has entered into an oral contract with the property owner (or his or her agent) to pay rent for the living unit or, in the case of separate living quarters, to pay room rent to the living units head of household or that persons spouse or civil union partner. In situations in which more than one person qualifies as the head of household, the head of household may be any one of the persons who qualify or the spouse or civil union partner of a person who qualifies as a head of household.

D. Fuel Household

The fuel household is one or more persons who reside in the same living unit as a single economic unit who, in common, customarily purchase energy for home heating fuel or who, in common, make undesignated payments for energy for home heating fuel in the form of rent. The rules used to establish the composition of a specific applicants fuel household are found in rule 2912 below.

E. Roomer (or Roomer/Boarder) Fuel Household

A roomer (or roomer/boarder) fuel household is one or more persons that pay reasonable room rent (compensation) to the living units head of household, his or her spouse, or his or her civil union partner for exclusive occupation of one or more rooms as separate living quarters within the head of households living unit. The mandatory members of the roomer fuel household are:

1. the head of household of the separate living quarters, and (if any)
2. the spouse or civil union partner and any minor daughter or son of the head of household of the separate living quarters, and (if any)
3. the parent of any minor daughter or son included in the roomer fuel household under b. above, and (if any)
4. any minor daughter or son of a parent(s) included in the roomer fuel household under b or c. above, and (if any)

Definitions

5. the spouse or civil union partner of any minor included in the roomer fuel household, and (if any)
6. any minor daughter or son of any minor included in the roomer fuel household.

Inclusion of any other person in the roomer (or roomer/boarder) fuel household shall be at the discretion of the head of household of the separate living quarters with the following exception: the roomer fuel household may not include any person who, in accordance with these regulations, is required to be included in the fuel household of the head of household of the living unit, when that person applies for fuel assistance for the same heating season.

F. Reasonable Room Rent (Compensation) for Separate Living Quarters

Reasonable room rent (compensation) for exclusive occupation of one or more rooms as separate living quarters within a living unit is any amount paid that equals or exceeds:

1. For a household whose room rent within thirty days of receipt of their application for fuel assistance was paid by a general assistance (GA) grant from the department, the maximum amounts designated in rule 2652.1 for weekly room rent payments, or
2. For all other households, the amount designated in rule 2652.1 for weekly room rent payments to a non-relative.

G. Primary Heating Source

The primary heating source is the fuel from which a household derives the largest portion of its heat. The primary heating source is considered to be shared unless the supplier of the primary fuel can, for billing purposes, identify discrete user groups within the living unit (e.g. separate meters or storage tanks).

H. Elderly

Elderly is defined as age 60 or older.

I. Disabled

Disabled is defined as being eligible for and in actual receipt of social security, SSI/AABD, railroad retirement, or federal employee or other pension plan benefits, based on a determination that the recipient was and remains totally and permanently or 100 percent disabled; or being a beneficiary of Vermont Medicaid coverage due to categorical eligibility based on a determination that the beneficiary was and remains totally and permanently disabled.

J. Civil Union Partner and Civil Union

Civil union partner means one member of a same-sex couple who have entered into a civil union in accordance with 15 V. S. A. chapter 23 and whose civil union has not been legally dissolved. Civil union is the legal relationship established between two same-sex individuals pursuant to 15 V. S. A. chapter 23 and 18 V. S. A. chapter 106.

Eligible Households

2912 Eligible Households (11/01/2009, 09-12)

Households are potentially eligible for Fuel Program benefits provided they meet the criteria defined below.

A. Residency

Applicants must occupy a living unit or separate living quarters in Vermont, as their primary residence, and intend to occupy that living unit or separate living quarters or another living unit or separate living quarters in Vermont indefinitely in order to be eligible for fuel assistance, with the following exception: migrant workers will be determined eligible for fuel assistance if they meet all other applicable eligibility requirements. The standard for primary residence is the fuel households or roomer fuel households occupation (or, for new Vermont residents, the households intent to occupy) of a living unit or separate living quarters, located in Vermont, as their primary residence during any month(s) during the benefit period of November 1 through March 31.

B. Income and Resources

Applicants must have total fuel household income and total fuel household resources that do not exceed the allowable maximums (Fuel Procedures Manual P-2905 A and Fuel Rules 2921). Total fuel household income and total fuel household resources are based on the combined countable income and combined countable resources, respectively, of the persons residing in the living unit or separate living quarters who are included in the fuel household or roomer fuel household.

C. Fuel Household

Whether or not a person residing in the living unit is required to be included in the fuel household is determined in accordance with the provisions specified below.

1. Mandatory Members of the Fuel Household

The following persons are included in a fuel household based on their legal responsibility for the financial support of the head of household of the living unit or another member of the household:

- a. the head of household of the living unit, and (if any)
- b. the spouse or civil union partner and any minor daughter or son of the head of household; and (if any)
- c. the parent(s) of any minor daughter or son included in the fuel household under (b) above, and (if any)
- d. any minor daughter or son of a parent(s) included in the fuel household under (b) or (c) above, and (if any)
- e. the spouse or civil union partner of any minor included in the fuel household, and (if any)
- f. any minor daughter or son of any minor included in the fuel household.

2. Specified Relatives of the Head of Household (Other Than Mandatory Members of the Fuel Household)

These relatives of the head of household are included in the fuel household based on the presumption that they are members of the same economic unit: mother, father, adult

Eligible Households

daughter, adult son, sister, brother, grandmother, grandfather, granddaughter, and grandson. The relatives specified herein include blood-based relationships and relationships created by adoption or marriage (for example, a father-in-law or an adult stepdaughter) or civil union.

To rebut the presumption that a specified relative is a member of the same economic unit as the head of household, the head of household must provide reasonable evidence (see rule 2916) that:

- a. the relative is a roomer (or roomer/boarder) who rents separate living quarters in the living unit and pays reasonable room rent (compensation) to the head of household or his or her spouse or civil union partner for the separate living quarters; or
 - b. the relative provides reasonable compensation for his or her separate living quarters in the form of caretaker or companionship services, which shall not be measured by a monetary standard, that the relative provides to the elderly or disabled head of household, his or her elderly or disabled spouse, or his or her elderly or disabled civil union partner; or
 - c. the relative provides medically necessary personal care or homemaker services to an elderly or disabled person who resides in the living unit, provided that the recipient of these services is not the relative's spouse or civil union partner, minor daughter or son, the other parent of the relative's minor daughter or son, or the minor daughter or son of the other parent or the relative's spouse or civil union partner; or
 - d. the relative is in the custody of and placed in foster care in the living unit by the Family Services Division of the Department for Children and Families, or the relative has been placed in the living unit by or through a program administered by the Department of Health, Division of Mental Health Services.
3. Other Persons Residing in the Living Unit (Including Relatives Not Addressed in 1 or 2 above)

All other persons residing in the living unit are included in the applicant's fuel household unless the head of household provides reasonable evidence (see rule 2916) that the person qualifies for exclusion from the fuel household based on one or more of the following four criteria:

- a. the person is a roomer (or roomer/boarder) who rents separate living quarters in the living unit and pays reasonable room rent (compensation) to the head of household or his or her spouse or civil union partner, for the separate living quarters; or
- b. the person provides reasonable compensation for his or her separate living quarters in the form of caretaker or companionship services, which shall not be measured by a monetary standard, that the person provides to the elderly or disabled head of household, his or her elderly or disabled spouse, or his or her elderly or disabled civil union partner; or
- c. the person provides medically necessary personal care or homemaker services to an elderly or disabled person residing in the living unit, provided that the recipient of these services is not the person's spouse or civil union partner, minor daughter or son, the other parent of the person's minor daughter or son, or the minor daughter or son of the other parent or the person's spouse or civil union partner; or

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- d. the person is in the custody of and placed in foster care in the living unit by the Family Services Division of the Department for Children and Families or the person has been placed in the living unit by or through a program administered by the Department of Health, Division of Mental Health Services.

4. Roomer (or Roomer/Boarder) Fuel Household (for purposes of qualifying for receipt of fuel assistance benefits)

A roomer (or roomer/boarder) fuel household (as defined in rule 2911 E) that occupies exclusively one or more rooms within a living unit as separate living quarters must pay reasonable room rent (compensation), weekly or monthly, for its separate living quarters in order to be potentially eligible for fuel assistance. In-kind payment for the separate living quarters, regardless of its equivalent value, does not constitute reasonable room rent. In addition, the roomer (or roomer/boarder) fuel households total countable income and total countable resources shall not exceed the allowable maximums (Fuel Procedures Manual P-2905 A and Fuel rule 2921).

5. Public or Section 8 Housing Program

Households that participate in a public or Section 8 housing program, where their rent is based on their income or where their Section 8 pays for their mortgage, are potentially eligible for fuel assistance provided they meet all applicable eligibility criteria. However, public or Section 8 households will remain potentially eligible only as long as a requirement to provide LIHEAP benefits to those housing program residents exists under federal law.

Reach Up and SSI/AABD recipients are not automatically deemed to be participating in a public or Section 8 housing program solely as a consequence of receiving Reach Up or SSI/AABD benefits.

Excluded Households

2913 Excluded Households (07/15/2007, 07-06)

The following subsections specify households that are ineligible for fuel assistance.

A. Residents and operators of institutional homes and centers, including but not restricted to:

Therapeutic Treatment Centers

Nursing Homes

Religious and Fraternal Homes

Maternity Homes

Community Care Homes (also known as Residential Care Facilities)

Halfway Homes

Drug, Alcohol and Rehabilitation Centers

B. Operators of commercial rooming houses with four or more unrelated roomers.

C. Residents of college dormitories or other housing units provided by the college.

Application

2914 Application (07/15/2007, 07-06)

Eligibility for Fuel Program assistance will be determined annually for the ensuing heating season after receipt of a completed and signed application submitted to the Office of Home Heating Fuel Assistance within the Economic Services Division (ESD) of the Department for Children and Families (DCF).

The application must indicate all persons residing in the living unit, and the income and resources of all household members must be reported. For households that make payments for their heat directly to a fuel supplier, the application must include the identification of the supplier of the household's primary heating fuel. In addition, as required by 33 V. S. A. Chapter 26, applicants must consent to receive services from the home weatherization assistance program as a condition of receipt of benefits. The head of household must sign the application to certify that information on all household members is correct.

Application Period

2915 Application Period (07/15/2007, 07-06)

Households may apply for Fuel Program benefits during the application period. Applicants will be encouraged to apply during the primary application period to ensure that they receive the full seasons benefit in as timely a manner as possible. Applicants must submit applications during the specified application period to have their eligibility determined for the Fuel Program for all or a portion of the ensuing heating season of November 1 through March 31 (see rule 2940).

- A. The primary application period begins on July 15 and ends on August 31. Applications must be received by the last day of the primary application period by the Office of Home Heating Fuel Assistance or by any of the twelve ESD district offices. If mailed, receipt of the application will be the date of the postmark. If August 31 falls on a Saturday or a Sunday, the primary application period will end on the first business day in September.
- B. The secondary application period begins on September 1 and ends on the last day of February. Applications must be received by the last day of the secondary application period by the Office of Home Heating Fuel Assistance or by any of the twelve DCF, ESD district offices. If mailed, receipt of the application will be the date of the postmark. If the last day of February falls on a Saturday or a Sunday, the secondary application period will end on the first business day in March.

By agreement between the Economic Services Division of the Department for Children and Families and the Department of Disabilities, Aging and Independent Living, certain designated Area Agencies on Aging will distribute applications and information to individuals who are age 60 or older or disabled and will assist in the completion of applications for individuals needing such assistance.

By agreement between the Economic Services Division and the Office of Economic Opportunity, both within the Department for Children and Families, designated Community Action Agencies may perform outreach, distribute applications, and assist in the completion of applications.

Only the Director of the Office of Home Heating Fuel Assistance or his or her designee(s) may determine eligibility and authorize payments.

Verification

2916 Verification (07/15/2007, 07-06)

- A. When a head of household seeks to have a relative or other person excluded from the fuel household, the head of household is responsible for providing to the Office of Home Heating Fuel Assistance reasonable evidence, as defined below, that substantiates the head of households assertion that the relative or other person qualifies for exclusion from the fuel household.
1. For a roomer (or roomer/boarder) - the head of households rental income information collected, verified, and maintained in the department database; the head of households most recent years tax return showing rental income received by the head of household; a copy of the roomers (or roomer/boarders) lease or similar written agreement indicating the rental amount and proof of receipt of these rental payments; or a completed ESD 202H "Shelter Expense Statement" and cancelled checks, money order receipts, or comparable documentation substantiating that reasonable room rent (compensation) has been paid. Reasonable room rent (compensation) must equal or exceed the amounts in rule 2911 6.
 2. For a person providing caretaker or companionship services to an elderly or disabled head of household or the head of households elderly or disabled spouse or elderly or disabled civil union partner - a completed form provided by the Office of Home Heating Fuel Assistance, which has been signed by the household head or his or her spouse or civil union partner who is elderly or disabled and the person providing caretaker or companionship services. The form must specify the services provided, the time devoted to and the frequency of their provision, the length of time the services have been provided, and other relevant terms and conditions of the living arrangement.
 3. For a person providing medically necessary personal care or homemaker services to an elderly or disabled resident of the living unit (within the limits specified in rule 2912 C(2)(c) or C(3)(c)) - a form provided by the Office of Home Heating Fuel Assistance, which has been completed and signed by the elderly or disabled person's physician or other licensed health care provider. The form must specify the homemaker or personal care services being provided and documents their medical necessity.
 4. For persons in the custody of and placed in foster care in the living unit by the Family Services Division of the Department for Children and Families or persons placed in the living unit by or through a program administered by the Department of Developmental and Mental Health Services - a statement signed by an appropriate employee of the Family Services Division of the Department for Children and Families or the Department of Developmental and Mental Health Services or a copy of a notice of payment or benefit change from the applicable department that documents the foster care status.
- B. When, in the judgment of the Office of Home Heating Fuel Assistance, any factor of eligibility is questionable, the office may require further substantiation or verification applicable to that factor.
- C. The applicant must provide sufficient substantiation or verification in a timely manner, or demonstrate good cause for failing to timely provide the requested substantiation or verification. This rule extends to considerations such as the identity of residents of the living unit, location of the living unit or separate living quarters, household composition, income, resources, or any other eligibility factor. The Office of Home Heating Fuel Assistance may defer the verification requirement for good cause demonstrated by the applicant.
- D. Although the applicant bears primary responsibility for providing verification, upon request, the Office of Home Heating Fuel Assistance will assist in this process, if, in the judgment of the director of the office or his or her designee, such assistance is necessary and the applicant consents.

Verification

- E. The Office of Home Heating Fuel Assistance will not make third-party contacts during the application process that would identify the applicant without prior knowledge and consent of the applicant. However, the office will verify information on household income and resources through electronic matches with other state and federal government departments and organizations. Subsequent to authorization and issuance of benefits, the office reserves the right to make any contacts necessary to substantiate facts in response to complaints or other information received that constitutes a reasonable basis for suspecting fraud or abuse.
- F. Failure on the part of the head of household to submit required information, to provide documentation necessary for required verification, to consent to third-party verification of any eligibility factor, or to cooperate in obtaining required verification; or failure on the part of any other person residing in the living unit to submit required information, to provide documentation necessary for required verification, to consent to third-party verification of any eligibility factor, or to cooperate in obtaining required verification; or failure on the part of the head of household or any other person residing in the living unit to demonstrate good cause for failing to timely provide the requested substantiation or verification shall result in a denial of benefits to the entire fuel household or, where applicable, the entire roomer (or roomer/boarder) fuel household.

Resources

2920 Resources (09/15/2007, 07-14)

Resources include all liquid assets such as, but not limited to, cash, checking and savings account balances, stocks and bonds, certificates of deposit, lump sum payments, and equity in all real property not used as a home.

The following shall be excluded from consideration as a resource:

- A. Household goods, personal effects, cars, trucks, vehicles, cash value of life insurance, and retirement pension funds that are inaccessible to the applicant except as payment of periodic retirement income.
- B. Property that annually produces income consistent with its fair market value.
- C. Resources that are not accessible to the household due to trust, estate or other title restrictions.
- D. Property that the applicant is making an active effort to sell at an asking price which is realistic in relation to similar property in the area.
- E. Property normally used as a home but vacated temporarily due to health problems, structural repairs or renovation in progress that make the home uninhabitable, or during repair of heating, water, sewer, or other system failures that would pose a danger to health if habitation continued prior to completion of such repair. Planned absences of up to two months for such cause may be considered temporary; longer periods will require approval of the Director of the Office of Home Heating Fuel Assistance or his or her designee based upon individual circumstances such as nature of illness, reason for delay of repairs, etc.

Resource Maximum

2921 Resource Maximum (11/01/2009, 09-12)

Resources belonging to all household members shall be considered together in determining eligibility for all Fuel Program benefits.

Resource maximums for Fuel Program benefits shall be:

\$10,000 for all households with one or more members who are elderly, or

\$5,000 for all other households.

The household's resources shall be considered at the time of application. Households in which all members receive Reach Up, or SSI/AABD automatically meet the resource test for eligibility for Fuel Program benefits.

Jointly Held Resources

2922 Jointly Held Resources (07/15/2007, 07-06)

Resources owned jointly shall be considered available in their entirety, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the households resource level. The resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the households access to the value of the resource is dependent upon the agreement of the joint owner who refuses to comply.

Income

2930 Income (07/15/2007, 07-06)

Income for the Fuel Program shall be the combined gross income of all members of the household computed with regard to definitions, disregards, deductions, exclusions and adjustments in rules 2932 - 2933. Cents are carried throughout the computation to arrive at the final net income, and then are dropped. Negative income (a loss) shall be considered as zero income.

To the extent that the department collects and maintains income information within its automated data system on recipients of ongoing program benefits administered by the department, such income information will be used for the determination of eligibility and benefits for the Fuel Program, if such income information is more current than that provided on the fuel application. For all other households, the gross income of the household for the 30 days prior to the date of the application, as reported on the application form, will be used in determining eligibility, unless income is from self-employment. (See rule 2932 for calculating self-employment income)

If a type of income has begun or ended within thirty days prior to the application date or is expected to begin or end in the thirty days following the date of application, income for the Fuel Program shall be based on a reasonable projection of the amount of income expected to be received in the months following the month of change.

Income Maximums

2931 Income Maximums (07/15/2007, 07-06)

Eligibility for the Fuel Program shall be limited to a household with income computed per rules 2930 through 2933, which is at or below the allowable maximums amount for household size shown in the Fuel Income Maximum Table which is found in Fuel Procedures at P-2905 A). Due to restrictions specified by 33 V. S. A. Chapter 26, under which this program is established, these amounts cannot exceed 125 percent of the federal poverty guideline for a family of the same size as the Fuel Program household. Income tables will be updated annually according to federal poverty guidelines.

Definition of Income

2932 Definition of Income (07/15/2007, 07-06)

Household income is the total income of all Fuel Program household members sharing a primary heating source (as defined in rule 2911), excluding only income specified in rule 2933.

Earned income includes, but is not limited to:

- A. Gross wages and salaries.
- B. Training allowances from vocational and rehabilitative programs, to the extent they are not reimbursement or excluded under rule 2933.
- C. Self-employment income, defined as the total of net income (including net rental income) plus the total net gain from sales of capital goods or equipment plus depreciation.

Calculating Self-Employment Income

For applicants receiving ongoing benefits from programs administered by ESD, the most recently reported net income from self-employment that has been used to determine eligibility for any of these programs will be used for determination of eligibility for the Fuel Program.

For applicants not currently receiving any other benefits, net income, net gains from sales of capital goods or equipment, and depreciation amounts reported on the most recently filed federal income tax forms will be used.

Applicants who are not receiving any other ongoing benefits from ESD and who have not filed an income tax report within the previous twelve months will have their self-employment income determined according to 3SquaresVT rules at 273.11a.

Unearned income is the gross amount available from sources which include, but are not limited to:

- A. Assistance payments such as SSI/AABD, Reach Up, Essential Person, or any other assistance program based on need, including General Assistance/Emergency Assistance payments made directly to the household. The portion of assistance payments being recouped will not be counted unless the recoupment is the result of a fraud conviction, or intentional program violation, in which case the full entitlement prior to recoupment will be counted as income.
- B. Annuities, pensions, retirement, veterans or disability benefits; unemployment or worker's compensation; old-age, survivors, or disability social security benefits including the Part B Medicare premium; strike benefits; foster care payments for children or adults who are considered members of the household. The portion of assistance payments being recouped will not be counted unless the recoupment is the result of a fraud conviction or intentional program violation, in which case the full entitlement prior to recoupment will be counted as income.
- C. All support or alimony payments made directly to the household from non-household members or from the Office of Child Support.
- D. Student financial assistance, including scholarships, deferred payment educational loans, grants or fellowships, that is not authorized under Title IV of the Higher Education Act or under the Bureau of Indian Affairs student assistance programs and that is in excess of amounts actually used for tuition, mandatory fees and other qualifying expenses (where applicable) at an institution of higher education in which a household member is enrolled. (For households in receipt of Reach Up, this income will be considered the same as in the Reach Up computation. For all others it will be considered the same as in the 3SquaresVT Program.)

Definition of Income

- E. Payments from dividends, royalties; and all other direct money payments.

Income Deductions

2933 Income Deductions (11/01/2009, 09-12)

Income shall not include the following:

- A. Twenty percent of gross earned income from wages and of net earned income from self-employment and 100 percent of state and federal earned income tax credits (EITC).
- B. Cost of dependent care as allowed in 3SquaresVT rules section 273.9d 4 and 3SquaresVT procedure section P-2590 A.
- C. \$250 from the household income for each individual member who is elderly or disabled.
- D. Reimbursement for employment expenses.
- E. Reimbursement for other expenses incurred, such as insurance coverage of medical expenses or personal service allowances to pay for care in the home.
- F. Income derived from payments received from the Family Services Division for providing room, board, and care to children in foster care who are excluded members of the fuel household.

The room-and-board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the Vermont Department of Health (VDH), or by a developmental or mental health services agency under contract with VDH. Compensation received in addition to that intended to cover room and board, considered difficulty-of-care payments, is earned self-employment income and is not excluded.

- G. Charitable payments made on behalf of an applicant household by a private non-profit organization or public agency, such as third-party General Assistance payments.
- H. Student financial assistance authorized under Title IV of the Higher Education Act or under Bureau of Indian Affairs student assistance programs.
- I. Loans, except that portion of deferred payment educational loans not authorized under Title IV of the Higher Education Act or under Bureau of Indian Affairs student assistance programs and not used for tuition, mandatory fees, or other qualifying expenses (where applicable). (See also student financial assistance, rule 2932).
- J. 3SquaresVT Cash-Out payments, or the value of 3SquaresVT.
- K. Income actually paid in making court-ordered support or alimony payments to a non-household member.
- L. Small and irregular income - less than \$25 a month.
- M. Earned income of a child under age 18 who is attending elementary or secondary school at least half time and living under the parental control of another household member.
- N. Interest on allowable resources.
- O. Money received in the form of a non-recurring lump sum payment, such as Reach Up, income tax refunds, rebates, or credits; state and federal EITC; retroactive lump sum social security, SSI, public assistance, or railroad retirement benefits; lump sum insurance settlements; or refunds of security deposits on rental property or utilities, but not lump sum payments which represent self-employment income. Exclusion of this income does not exclude it from consideration as a resource.

Income Deductions

- P. Income specifically excluded from consideration for the purpose of determining 3SquaresVT eligibility. Section 273.9(c) of the 3SquaresVT rules manual provides a complete listing of these exclusions.
- Q. In-kind income (earned or unearned).

Benefit Levels

2940 Benefit Levels (11/01/2009, 09-12)

Benefit levels to households are determined as follows:

- A. For eligible households that make payments for their home heat directly to a fuel supplier certified by the Fuel Program, benefits are determined under rules 2941 to and including 2944.
- B. For eligible households that make undesignated payments for their home heat in the form of rent, and that do not participate in a public or Section 8 housing program, where their rent is based on their income or where their Section 8 pays for their mortgage, an annual benefit in an amount equal to 30 percent of the annual benefit the household would have received if the household were purchasing energy for home heating fuel directly, or \$50.00, whichever amount is greater.
- C. For eligible households that make undesignated payments for their home heat in the form of rent and that participate in a public or Section 8 housing program, where their rent is based on their income or where their Section 8 pays for their mortgage, an annual benefit in the amount of \$5.00.
- D. For eligible roomer (or roomer/boarder) households that are residents of a living unit and that pay reasonable compensation in the form of room rent and who are not members of another fuel household, an annual benefit in the amount of \$50.00

The benefit level for which a Fuel Program household is eligible is dependent on the size of the household, its income, the annual primary heating fuel cost, the level of program funds available, and the number of households eligible for a benefit.

All net benefit computations shall have cents dropped down to the next whole dollar.

Calculation of Benefits

2941 Calculation of Benefits (11/10/2009, 09-28E)

Benefit amounts for eligible households are established by applying a heating cost percentage table, based on household size and income, to the household's annual primary heating fuel cost, and limiting payments to a maximum benefit amount. In no instance shall the percentage of a household's benefit exceed 90 percent of that household's fuel cost.

Benefit amounts are determined according to the following steps:

- A. Income eligibility of the applicant household is determined according to rules in 2930. If the income of the household exceeds the maximum allowable income for its size, the household is ineligible.
- B. An annual primary heating fuel cost is determined for eligible households based on standard heating cost tables (referred to as "proxy tables") identified in rule 2944.

For households that participate in a public or Section 8 housing program, where their rent is based on their income or where their Section 8 pays for their mortgage, and make payments for their home heat directly to a fuel supplier, this annual heating cost amount is reduced by the standard heating subsidy deduction, yielding a net annual heating fuel cost.

- C. The net annual heating fuel cost is compared to a table of minimum heating fuel costs. If the household's fuel costs for its primary heating source are equal to or less than the minimum fuel cost set forth in this table, the household will be ineligible for Fuel Program benefits.
- D. Based on the household's size and income, a heating cost percentage is applied to its net annual primary heating fuel cost to determine what portion of that household's fuel costs can be authorized for payment as Fuel Program benefits.

For households that participate in a public or Section 8 housing program the portion authorized for payment as Fuel Program benefits above is reduced to 55 percent."

- E. The amount resulting from (D) above is compared to a table of maximum benefit amounts. If the amount from (D) is greater than the allowable amount specified in the table, then the household's benefit is reduced to the maximum allowable amount.
- F. The benefit amount from (E) above is reduced by a periodically adjusted payment rate, found in the Fuel Program section of the welfare procedures manual. This payment rate is based on the number of eligible households, their household incomes and annual primary heating fuel costs, and the amount of funds available for the Fuel Program.

If total program funds are not known at the time that the first line of credit for the heating season is issued, adjustments to payment rates for subsequent issuances may be necessary. If adjustments are necessary, payment rates will be set separately by procedure for each line of credit issuance.

- G. In addition to the above, the following policy applies to applications based on the date of receipt.
 - 1. Households whose applications were received from July 15 through November 30, and who are found eligible, will receive one hundred percent of a season's benefit.
 - 2. Households whose applications were received from December 1 through 31, and who are found eligible, will receive eighty percent of a season's benefit.
 - 3. Households whose applications were received from January 1 through 31, and who are found eligible, will receive sixty percent of a season's benefit.

Calculation of Benefits

4. Households whose applications were received from February 1 through the last day of February, and who are found eligible, will receive forty percent of a season's benefit.
 5. Households whose applications were received from March 1 through July 14 will not receive assistance.
- H. If a household makes undesignated payments for their home heat in the form of rent and does not participate in a public or Section 8 housing program, where their rent is based on their income or where their Section 8 pays for their mortgage, the benefit amount is equal to 30 percent of the amount calculated by the payment rate in (F.) and the percentage rates in (G.), or \$50.00, whichever amount is greater.

Fuel Program Tables

2942 Fuel Program Tables (11/10/2009, 09-28E)

The following tables are adopted for the purposes of determining benefit amounts for eligible Fuel Program applicants:

Fuel Program Benefit Levels

Table I	Table II	Table III	Table IV
Household Income as a Percentage of Poverty Guideline	Minimum Heating Fuel Costs	Heating Cost Percentage	Maximum Benefit Amount
115% - 125%	\$266	66%	\$1165
105% - 114%	243	69%	1215
95% - 104%	219	72%	1265
85% - 94%	196	75%	1315
75% - 84%	172	78%	1365
65% - 74%	149	81%	1415
55% - 64%	125	84%	1465
45% - 54%	125	87%	1515
Under 45%	125	90%	1565

Primary Heating Fuel Costs

2943 Primary Heating Fuel Costs (11/10/2009, 09-28E)

The annual primary heating fuel cost is based on the following standard heating cost tables (referred to as “proxy tables”). The tables were derived from the actual home heating consumption of fuel assistance recipients and developed in consultation with experts in the home energy field. The tables provide only the cost of fuel or energy for home heat. The tables are revised no less frequently than every three years based on data supplied by certified fuel suppliers to the Office of Home Heating Fuel Assistance.

Standard Heating Cost Tables

Standard Heating Cost Table: Multi Family Homes

Fuel Type	1 Bedroom	2 Bedrooms	3 Bedrooms	4 + Bedrooms
Natural Gas	\$ 769	\$ 957	\$ 1,145	\$ 1,332
Propane	\$ 891	\$ 1,388	\$ 1,885	\$ 2,383
Oil	\$ 1,642	\$ 2,195	\$ 2,747	\$ 3,300
Kerosene	\$ 1,283	\$ 1,771	\$ 2,255	\$ 2,737
Electricity	\$ 878	\$ 962	\$ 1,046	\$ 1,130
Firewood, Wood Pellets and Coal	\$ 894	\$1,014	\$ 1,106	\$ 1,183

Standard Heating Cost Table: Single Family and Mobile Homes

Fuel Type	1 Bedroom	2 Bedrooms	3 Bedrooms	4+ Bedrooms
Natural Gas	\$1,024	\$ 1,211	\$ 1,399	\$ 1,587
Propane	\$1,720	\$ 2,217	\$ 2,714	\$ 3,212
Oil	\$ 1,862	\$ 2,414	\$ 2,967	\$ 3,519
Kerosene	\$ 1,832	\$ 2,308	\$ 2,784	\$ 3,259
Electricity	\$1,537	\$ 1,621	\$ 1,705	\$ 1,789
Firewood, Wood Pellets and Coal	\$1,277	\$ 1,321	\$ 1,365	\$ 1,409

Rooms may be counted as bedrooms, even though they are not presently being used for such purposes, provided that they would likely be counted as bedrooms in any advertisement for the sale or rental of the home or unit.

Benefit Issuance

2950 Benefit Issuance (11/01/2009, 09-12)

The benefit period shall be from November 1 through March 31 or until Fuel Program funds are exhausted or redesignated to the crisis component.

Notwithstanding any other provision of rules governing the administration of the Fuel Program, payment of benefits shall be made only to the extent that funds are actually available.

In accordance with the requirements of 33 V.S.A. Chapter 26, all federal funds granted to the state for home heating fuel assistance under the Low Income Home Energy Assistance Program (LIHEAP) or other similar federal program in any current fiscal year, and all unexpended LIHEAP funds granted to the state in any prior fiscal year, shall be appropriated to the Home Heating Fuel Assistance Fund for the provision of home heating fuel assistance, including program administration, under Chapter 26 of Title 33.

Any issuance of benefits after December 31 is contingent upon the availability of federal LIHEAP funds or, in their absence, the appropriation of state funds. In addition, if the total program funds are not known at the time of the issuance of the first benefit payments, adjustments to subsequent payment rates may be necessary. If adjustments to payment rates are necessary, subsequent rates will be set separately by procedures for each line-of-credit issuance.

Benefit Payment Method

2951 Benefit Payment Method (11/01/2009, 09-12)

Benefit payments to households are made as follows:

- A. For eligible households responsible for making payments for their heat directly to a fuel supplier certified by the Fuel Program the annual benefit will be issued as a line of credit directly to the households certified fuel supplier as follows:
 - 1. Households that applied from July 15 through August 31 will receive a single benefit no later than November 30. Households whose primary heating fuel is firewood or wood pellets will receive a single benefit no later than September 30.
 - 2. Households that applied from September 1 through November 30, will receive a single benefit no later than January 15. The Department will issue this benefit within 30 days of November 30 if administratively possible.
 - 3. Households that applied from December 1 through 31, will receive a single benefit no later than February 14. The Department will issue this benefit within 30 days of December 31 if administratively possible.
 - 4. Households that applied from January 1 through 31, will receive a single benefit no later than March 7. The Department will issue this benefit within 30 days of January 31 if administratively possible.
 - 5. Households that applied from February 1 through the last day of February, will receive a single benefit by March 31.
- B. For eligible households that make undesignated payments for energy for home heat in the form of rent the annual benefit will be issued either by a check, electronic benefit transfer (EBT), or direct deposit payable to the head of household as follows:
 - 1. Households that applied from July 15 through August 31 will receive a single benefit by December 15.
 - 2. Households that applied from September 1 through November 30 will receive a single benefit no later than January 15. The Department will issue this benefit within 30 days of November 30 if administratively possible.
 - 3. Households that applied from December 1 through 31 will receive a single benefit no later than February 14. The Department will issue this benefit within 30 days of December 31 if administratively possible.
 - 4. Households that applied from January 1 through 31 will receive a single benefit no later than March 7. The Department will issue this benefit within 30 days of January 31 if administratively possible.
 - 5. Households that applied from February 1 through the last day of February will receive a single benefit by March 31.
- C. For eligible households that make undesignated payments for energy for home heat in the form of rent, and that participate in a public or Section 8 housing program, where their rent is based on their income or where their Section 8 pays for their mortgage, the annual benefit will be issued either by check, electronic benefit transfer (EBT), or direct deposit payable to the head of household by March 31.
- D. For eligible households that are residents of a dwelling unit and that pay reasonable compensation in the form of room rent and that are not members of another household, the annual home heating

Benefit Payment Method

fuel assistance benefit will be issued either by a check, electronic benefit transfer (EBT), or direct deposit payable to the head of household by March 31.

Payments to Certified Fuel Suppliers

2952 Payments to Certified Fuel Suppliers (11/01/2009, 09-12)

Benefits shall be used for primary home heating fuel or energy purchased during the heating season from November 1 to March 31, or as otherwise permitted in this section. Under no circumstances will fuel suppliers be allowed to pay a benefit or a credit balance to a fuel household.

An eligible household that has an outstanding bill with its primary heating fuel supplier may, at its discretion, and provided that the household and its fuel supplier enter into an agreement for a budget payment plan for fuel or a repayment plan for fuel arrears, use up to 17 percent of the benefit amount for fuel delivered prior to November 1.

Under no circumstance may benefits be used to pay for repairs to a household's heating system, parts, special trip charges, or any non-heat uses.

Any credit balance outstanding on March 31 may be applied to home heating fuel or energy delivered in the month of April.

Notwithstanding the requirements described above, eligible households whose primary heating fuel is firewood or wood pellets may use up to 100 percent of the benefit to pay for firewood or wood pellet deliveries received prior to November 1.

Credit Balances

2953 Credit Balances (11/01/2001, 01-20)

All benefit payments remain the property of the state of Vermont until actually used by the fuel supplier for the provision of home heating fuel to eligible households.

In the event that on April 30 of any year a credit balance exists in a certified fuel supplier's account for a household that has received annual home heating fuel assistance during the previous 12 months, and the total cost of fuel delivered to the household during the previous 12 months did not exceed the total Fuel Program benefits received by the household during that same period of time, that certified fuel supplier is required to pay the amount of this credit balance to the Office of Home Heating Fuel Assistance no later than May 31 of the same year.

Expedited Benefits, Crisis Households

2954 Expedited Benefits, Crisis Households (11/01/2001, 01/20)

In a primary heat crisis situation a household may have their seasonal fuel application expedited by the Fuel Assistance Office and, if eligible, have their seasonal fuel benefit paid to a certified fuel supplier within 10 business days when all of the following conditions are met:

- A. A crisis fuel worker has determined the household eligible for crisis fuel assistance.
- B. The crisis situation is for primary home heating fuel or energy.
- C. The household has not received any seasonal fuel benefit for the season.
- D. The household has submitted a seasonal fuel assistance application.
- E. The crisis fuel worker has requested an expedited seasonal fuel benefit.
- F. The Fuel Assistance Office has determined the household eligible for seasonal fuel assistance.

Changes in Circumstances

2960 Changes in Circumstances (07/15/2007, 07-06)

Once a household has been determined eligible and a benefit has been issued for the ensuing heating season, changes of household income, size, or any other household circumstance do not need to be reported and will not affect eligibility or benefit levels for that household.

The following circumstances, however, will result in withholding any future lines of credit or will require a refund to the department of any unused benefits issued on behalf of that household with its primary heating fuel supplier:

- A. All members of the household die; or
- B. All household members move out of Vermont.

Change of Fuel Supplier

2961 Change of Fuel Supplier (07/15/2007, 07-06)

If a household changes its primary supplier of heating fuel and notifies the Office of Home Heating Fuel Assistance in writing at least ten days before a line of credit is issued to its original supplier, the line of credit and any subsequent lines of credit will be issued to its new fuel supplier provided the new fuel supplier has been certified as described in rule 2902.

The department will not transfer any balances from a previously issued line of credit to a new fuel supplier. A household, however, may request its fuel supplier to transfer its credit balance to another primary heating fuel supplier. Before granting such a request to transfer a line of credit, the fuel supplier holding that credit must notify the Office of Home Heating Fuel Assistance of the intent to transfer the credit balance to any other certified fuel supplier.

Under no circumstance will fuel suppliers be allowed to pay credit balances to households.

Notice and Appeal Rights

2970 Notice and Appeal Rights (07/15/2007, 07-06)

Applicants for benefits under the Fuel Program will be provided with notice of grants and adverse decisions that state the action taken, the reasons for such action, and the right of the applicant to a hearing if he or she is aggrieved by the action.

Fair Hearing

2971 Fair Hearing (11/01/2003, 03-16)

Any individual who requests or receives assistance or benefits from the department has a right to just and equitable treatment. 3 VSA § 3091 safeguards this right through provisions for review and appeal when the individual is aggrieved by a department decision or by unreasonable delay in rendering a decision.

An applicant for or recipient of aid or benefits may request review and fair hearing when aggrieved by a decision or delay in rendering a decision, including, but not limited to, the following situations:

- A. Denial of or failure to act with reasonable promptness upon a claim for aid or benefits;
- B. Termination of aid or benefits, any department action affecting the amount of aid or benefits, or any agency policy as it affects the recipient's situation.

Individuals are advised by various methods of their right to make complaints and to appeal a decision when aggrieved. Written materials include:

- A. Application forms;
- B. Notification of case decisions;
- C. Informational pamphlets describing departmental programs.

This right is also explained at the time an applicant or recipient expresses disagreement or dissatisfaction with any relevant department decision or procedure.

2971.1 Fair Hearing Definitions (11/01/2003, 03-16)

A. Complaint

A complaint is any informal or formal expression of dissatisfaction or confusion, oral or written, made by any person described in the preceding section or an authorized agent of such person, pertaining to acts, omissions, or decisions of the department or the Office of Home Heating Fuel Assistance.

Complaints shall be handled by a representative of the Office of Home Heating Fuel Assistance who shall explain the reason for the acts, decisions, omissions, or delay. When necessary, he or she shall conduct further investigation or refer the problem to a person who will cause such further investigation. If the complainant is dissatisfied by the decision of the representative, the complainant shall be advised of his or her right to request a hearing and to seek legal representation either through a private attorney of his or her own choice and at his or her own expense or through referral to Legal Aid.

B. Request for a Hearing

A request for a hearing is any clear expression, oral or written, made by a complainant or his authorized agent and directed to any representative of the Office of Home Heating Fuel Assistance or the office of the commissioner within 90 days of the contested act, decision, omission or unreasonable delay in reaching a decision, that the complainant wants an opportunity to present his or her case to higher authority.

C. Fair Hearing

Fair Hearing refers to the procedure hereinafter enacted for the purpose of permitting the complainant to present his or her case, first to the commissioner of the department,

Fair Hearing

and thereafter to the Human Services Board in accord with rules governing appeals under 3 VSA § 3091, as adopted by the Human Services Board.

2971.2 Fair Hearing Rules (09/01/1996, 96-57)

The Human Services Board rules are found in the All Programs section of the welfare procedures manual (see P-2127 F).

Crisis Fuel Assistance

2980 Crisis Fuel Assistance (11/01/2003, 03-16)

Crisis assistance in accordance with the following regulations may be extended to alleviate an emergency due to lack of heating capacity for individual households. The criteria applied in determining fuel household membership and eligibility are the same as for the seasonal fuel assistance component (see rule 2910, excluding 2912 B "Income and Resources").

The period during which applications will be accepted and benefits granted under regulations pertaining to this component of the program will be from the last Monday in November to the second Friday in April for all households whose primary heating fuel is delivered in bulk and to the last regular working day in April for households whose primary heating fuel is by metered service, subject to change by the Commissioner of DCF on the basis of weather conditions and funds available.

The department may contract with community organizations for eligibility determination and benefit issuance under the crisis component of the Fuel Program. All references in the crisis component section of fuel program policy to the "department" will encompass any organization with which the Department for Children and Families (DCF) has a formal agreement to determine eligibility and issue benefits under this crisis component.

Hereinafter the term "director" will refer to the ESD, DCF district manager or to the director of any organization with which the department has a formal agreement to provide crisis assistance, depending upon which, the department or the organization, is actually determining eligibility and issuing benefits for the crisis component during the current heating season.

Eligibility, Crisis Fuel

2981 Eligibility, Crisis Fuel (11/01/2003, 03-16)

It is not the intent of these regulations to define a program of entitlement; i.e., a household whose income and resources are within the specified limits and who has a fuel need does not become entitled to a grant, and indeed may be denied. It is the intent of this regulation to provide a framework within which staff, based on their judgment, may grant assistance to households who face a heating crisis.

In making this judgment staff will consider the individual situation; income, resources, prior applications, and what led to the crisis. Staff shall determine eligibility for crisis assistance based on whether there is an extenuating or unpredictable circumstance. An extenuating or unpredictable circumstance is defined as: death in the family which results in additional expenses to the applicant household; illness of a family member which results in the household incurring additional expenses; an unanticipated work-related expense necessary to preserve employment; extraordinary housing expenses which are required to remove life-threatening hazards or to keep the home habitable; or other unanticipated circumstances or occurrences which could not have been foreseen or prevented by the applicant household.

To make such a determination the department will complete a careful assessment of past income; uses made of income and resources; relative necessity of such uses including consideration of age, health, and other factors having impact on necessity; and adequacy of planning (past and future) to avoid such emergency.

Among the purposes for which the department examines the circumstances that precipitated the fuel emergency and assesses how past income was used are to determine the likelihood that a similar fuel emergency will recur in the future and the degree to which the fuel emergency was preventable. It is to the benefit of both the applicant and the department to attempt to prevent the recurrence of fuel emergencies.

Staff will also consider what potential income and resources are available and the extent to which the household can commit all or a portion of such potential toward meeting or partially meeting their current heating crisis. This potential shall include all members of the household and not simply those bearing direct responsibility for the purchase of fuel.

Households will be expected to decline or delay payment for non-essentials in favor of assuring themselves an adequate fuel supply and to make reasonable efforts to conserve fuel to avoid an emergency. This includes exploring options for heating system replacements, including home equity loans or other forms of assistance. The decision to recommend a heating system replacement through referral to a local Weatherization operator shall be based on assessment of malfunctions in the heating system that represent a danger to the health and safety of the household. Such decisions shall be made by the director or his/her designee.

Within this framework, staff will determine eligibility on the basis of conserving program funds and utilizing client resources to the maximum extent reasonably possible. Staff will make every effort to assist those who are denied eligibility to find alternative solutions to their problem.

Expedited Fuel Benefits, Crisis Households

2982 Expedited Fuel Benefits, Crisis Households (11/15/2002, 02-29)

In a primary heat crisis situation a household may have their seasonal fuel application expedited by the Fuel Assistance Office and, if eligible, have their seasonal fuel benefit paid to a certified fuel supplier within 10 business days when all of the following conditions are met:

Expedited Fuel Benefits, Crisis Households

- A. A crisis fuel worker has determined the household eligible for crisis fuel assistance.
- B. The crisis situation is for primary home heating fuel or energy.
- C. The household has not received any seasonal fuel benefit for the season.
- D. The household has submitted a seasonal fuel assistance application.
- E. The crisis fuel worker has requested an expedited seasonal fuel benefit.
- F. The Fuel Assistance Office has determined the household eligible for seasonal fuel assistance.

Crisis Fuel Application

2983 Crisis Fuel Application (12/01/1996, 96-71)

A separate application must be filed for each crisis assistance grant. Applicants must be domiciled in Vermont, submit verification of income and resources of all household members, and appear for a personal interview except as specifically exempted below.

Households renting heated living quarters are eligible for benefits only to the extent necessary to alleviate a heating crisis during the period necessary to re-establish provision of fuel by the landlord, or in other emergency situations in which the health and/or safety of inhabitants is threatened through no fault of their own, as determined by the director or his/her designee.

Applications taken during office hours will be made in person at the district or local office and will not be processed without a face-to-face interview, except that elderly or disabled persons may have certain designated employees of Area Agencies on Aging act on their behalf as authorized representatives. The department will enter into agreements with such agencies where a mutually acceptable agreement can be reached specifying terms and conditions under which such representatives will function.

The worker may make exception to the in-office application or face-to-face interview on an individual basis where urgency of need, weather conditions, illness, or other equally compelling considerations, in the judgment of the worker, require an exception. An application form will be completed by the worker and mailed to the applicant for signature and submission of required verifications following authorization of assistance. No subsequent assistance will be granted until this application has been signed and returned to the office with required verification. A second phone application may be processed only with the written approval of the supervisor.

Applications outside the normal office hours will be granted by telephone only if there is an emergency which could not have been processed during normal office hours and which cannot possibly be put off until the next normal office day. Potentially eligible applicants will be expected to have acted responsibly in their own behalf by carefully monitoring their fuel supply and credit standing with their dealer and taking every precaution possible to avoid night time and weekend emergencies. Such applicants will be carefully interviewed by phone and denied assistance when it appears that the off-hours application could and should have been avoided.

Applicants, except elderly and disabled, who are granted off-hour assistance must agree to appear at the district or local office before assistance can be subsequently granted. All applicants must complete an application retroactively, and provide verification as required. Failure to do so may result in forfeiture of all rights to receive fuel assistance in the future as well as efforts on behalf of the department to recover assistance already granted, including recovery from any seasonal component benefits for which the household may be eligible.

INTERPRETIVE MEMO

Fuel Rule Interpretation

Fuel Procedure Interpretation

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 2984 **Date of this Memo** 06/09/1992 **Page** 1 of 1

This Memo: **is New** **Replaces one dated** _____

QUESTION: Is income in an SSI approved account that an SSI recipient sets aside for the fulfillment of a Plan to Achieve Self-Support (PASS Plan) excluded income, and money in that an account an excluded resource?

ANSWER: Yes.

Income, Crisis Fuel

2984 Income, Crisis Fuel (12/01/1996, 96-71F)

The income computation for the crisis component shall include the same sources of income and computation as for the seasonal component (See rule 2930), except that actual income in the previous 30 days is computed.

The income eligibility for the crisis component of the fuel program shall be limited to households with income that does not exceed the amount for the household size shown in the Crisis Assistance Income Maximum Table which is found in the Fuel Procedures Manual. Due to restrictions specified in the federal and state law under which this program is funded, these amounts cannot exceed 150 percent of the federal poverty guidelines for a family of the same size as the fuel program household.

Any change in the amounts in the Emergency Fuel Income maximum Table which has a positive impact on applicants for or recipients of supplemental fuel benefits shall be carried out via a procedures change. Any change in the amounts in this Table which has an adverse impact on any applicant for or recipient of supplemental fuel benefits will be accomplished only by following the Administrative Procedures Act process for regulatory changes. In addition, any future policy change which results in an increase in benefits which is not an across-the board increase (i.e. an increase which affects all fuel assistance recipients proportionately) will be accomplished only by following the Administrative Procedures Act process for the regulatory changes.

Resources, Crisis Fuel

2985 Resources, Crisis Fuel (12/01/1996, 96-71F)

Resource limits for aged or disabled are set at \$1500 for a household of one and \$2250 for a household of two or more. For all others it is expected that every available resource will be utilized in meeting the crisis, although the worker will use judgment in protecting money set aside in a special account to pay property taxes, or money necessary to meet immediate basic needs such as food, rent, utilities, etc., when such payments are required before the household would have additional income with which such expenses could be met. For purposes of this section, an available resource is that which may be used to resolve the emergency heating need in a timely manner.

Verification, Crisis Fuel

2986 Verification, Crisis Fuel (11/20/1999, 99-21F)

Income of all persons living in the household must be verified, except when the stated income exceeds the maximum or the application is denied for other reasons. Verification of resources is required in all cases except when, in the judgment of the worker, the stated total resources are sufficiently below the maximum that eligibility under this factor is not questionable, or the stated resources clearly exceed the maximum. Self-declaration of income or resources by the applicant is not an acceptable method of verification.

For applicants residing in multi-living unit buildings and requesting assistance to avert a shut off of electric service for the operation of a heating unit that is not located within the living unit, written verification provided by the applicant or verbal verification obtained by the worker (with the applicants permission) from the landlord or the electric company confirming that a shut off would make the heating unit inoperable is required in all cases within five business days of assistance being granted.

When the urgency of the situation calls for immediate action and the applicant agrees to produce verification within five business days, the worker may, after documenting the necessity for immediate action, grant assistance prior to receipt of verification provided the applicant's statements indicate that the household will be eligible when verification is produced. Failure to produce the required verification may make the household ineligible for additional crisis assistance during that season and may result in efforts on behalf of the department to recover assistance already granted unless this requirement is deferred or waived based on one of the conditions described herein. The five-day deadline may be deferred or waived under the following conditions:

- A. a natural disaster, such as fire or flood, has occurred that prevented the applicant from complying with this requirement;
- B. the applicant became so severely ill that s/he was unable to direct his or her personal affairs and, as a result, was prevented from complying with this requirement;
- C. the employer of a household member has refused to provide income verification, or the employer has been unavailable and, as a result, verification was not accessible by the deadline; or
- D. the applicants landlord and electric company are unavailable or unwilling or unable to provide verification that a shut off of electric service would make the heating unit inoperable; or
- E. in the workers judgment, some other equally compelling circumstance(s), beyond the applicants control, warrants deferral or a waiver.

Verification of any factor of eligibility or payment may be required when in the judgment of the worker the information provided appears to be questionable.

INTERPRETIVE MEMO

Fuel Rule Interpretation

Fuel Procedure Interpretation

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 2987 Date of this Memo 10/26/1988 Page 1 of 1

This Memo: is New Replaces one dated _____

QUESTION: I have an intact family employed more than 100 hours but earning just under the Reach Up payment level most months. In those months they are GA eligible but they hardly ever apply since they started getting food stamps. Is this an extenuating circumstance?

ANSWER: Yes. anytime an applicant meets the criteria for GA eligibility you may consider that extenuating circumstances are met.

QUESTION: I have an applicant who is on Reach Up and is reporting her circumstances monthly because she is a recent earner. She received her last two paychecks in the first half of last month. These paychecks were counted in determining her Reach Up check which she received on the 10th of this month. She is applying for emergency fuel on the 20th of this month and her income is below the Reach Up payment level during the last 30 days. Is the fact that she is income eligible for GA considered an extenuating circumstance?

ANSWER: Yes.

QUESTION: I have an applicant who is on Reach Up monthly reporting with fluctuating income so about every other month she has income below the Reach Up payment level. Is this considered an extenuating circumstance?

ANSWER: Yes. Of course, when the client gets her next paycheck and how much it will be would have to be evaluated in determining if she has a fuel emergency.

INTERPRETIVE MEMO

Fuel Rule Interpretation

Fuel Procedure Interpretation

This interpretive memo remains effective statewide until it is specifically superseded—either by a subsequent interpretive memo or by a contradictory rule with a later date.

Reference 2987 Date of this Memo 01/20/1989 Page 1 of 1

This Memo: is New Replaces one dated 03/27/1986

QUESTION: The rule, under Benefits says we will pay “electric service required for operation of the heating unit to avert shut off”. We have a home which is heated by steam or hot water coming from a boiler over the furnace and they have a water shut off notice. Water is essential to the operation of the heating unit. Can it be covered under emergency fuel?

ANSWER: Yes, for home heating units using a boiler and steam or hot water radiation systems.

QUESTION: A worker and two Legal Aid attorneys have interpreted “start-up service charges” to include a deposit. Is this correct?

ANSWER: No. When a fuel supply goes dry and the furnace goes out you can’t always get the furnace started again simply by putting some fuel in the tank. Lines may have to be bled, pilots may have to be restored, or other adjustments made to the furnace burner mechanism. These or similar services required to start up the heating unit are the only “start-up service charges” covered.

QUESTION: Can we consider a service limiter to be equivalent to a shut-off notice for emergency service?

ANSWER: Yes, if the household is in all other respects eligible and did not receive emergency fuel on the basis of a shut-off notice leading up to installation of the service limiter, and has not previously received an emergency grant on the basis of the service limiter currently restricting service to a household, a “current service” grant may be made.

QUESTION: I have an applicant who was on a budget plan but is now eligible for emergency fuel. The last bill shows the budget payment due. Do I pay that amount?

ANSWER: No. If the applicant is a bulk delivery customer, you authorize a minimum delivery. If the applicant is a metered service customer, you authorize payment for service used during the most recent monthly billing period. The authorization is to be as specified in the second paragraph of rule 2987 regardless of whether it is higher or lower than the budget plan amount.

Crisis Fuel Benefits

2987 Crisis Fuel Benefits (11/15/2002, 02-29)

Benefits are limited to payment for a minimum delivery of fuel; reasonable delivery and heating unit start-up charges for off-route deliveries during regular working hours or for deliveries after hours; utility service required for operation of the heating unit to avert shut off. Under no circumstances will a deposit be included under start-up, delivery, or services charges.

Households are limited to three assists during the crisis fuel season. An “assist” is defined as all benefits provided under a single crisis fuel intake. Benefits provided in response to an after-hours crisis fuel intake count as a single assist. Additional benefits cannot be added to the after-hours intake when the client completes the paperwork in the office.

Payment for a minimum delivery of fuel shall not exceed 125 gallons for oil, propane, kerosene and other liquid fuels; one ton of coal; one cord of wood; and shall be less when the provider normally delivers less for other customers in similar situations. Maximum payment for metered service shall be for service used during the most recent monthly billing period or one half of the most recent billing period in areas where billing is for two months' service.

It will be the responsibility of the worker to make appropriate referrals which, in the departments assessment, can be reasonably expected to result in the client's being better able to prevent a future fuel emergency. Examples include:

- A. for households not participating in the seasonal component of the fuel program, the worker shall provide an explanation of that component and an application with which to apply. Prior to March 1, as a condition of receiving assistance, applicants will be required to apply for seasonal fuel assistance within five business days of receipt of a crisis grant. Failure to apply for seasonal fuel assistance, within the specified five-business-day period, will make the applicant ineligible for additional crisis assistance during that season unless this requirement is deferred or waived based on one of the conditions described herein. The five-day deadline may be deferred or waived under the following conditions:
 1. applicant is currently in receipt of seasonal assistance;
 2. an application for seasonal assistance is pending;
 3. household income is in excess of 125 percent of poverty;
 4. a death of an immediate family member or a natural disaster, such as fire or flood, has occurred that prevented the applicant from complying with this requirement;
 5. the applicant became and remained so severely ill that s/he was unable to direct his or her personal affairs and, as a result, was prevented from complying with this requirement;
 6. the worker failed to provide a seasonal application; or
 7. in the workers judgment, some other equally compelling circumstance(s), beyond the applicants control, warrants deferral or a waiver.
- B. in cases in which the fuel emergency was precipitated by payment of a child's medical bill, the worker shall provide an explanation of Medicaid and applications with which to apply.
- C. in cases in which an elderly or disabled person's income appears to be being misused by a person on whom the elderly or disabled person depends for financial management, the worker shall make a referral to the Department of Disabilities, Aging, and Independent Living adult protective services program. The client will be advised that a direct referral is being made in these cases.

Crisis Fuel Benefits

- D. in cases in which the household does not already participate in a fuel or metered utility budget plan, the worker shall refer the applicant to the fuel or utility supplier. As a condition of being granted crisis assistance for any metered utility service, applicants will be required to request, within five business days of receipt of the crisis grant, that their utility company place them on a budget payment plan. Failure to make this request will make the applicant ineligible for additional crisis assistance during that season unless this requirement is deferred or waived based on one of the conditions described herein. The five-day deadline may be deferred or waived under the following conditions:
1. a death of an immediate family member or a natural disaster, such as fire or flood, has occurred that prevented the applicant from complying with this requirement;
 2. the applicant became and remained so severely ill that s/he was unable to direct his or her personal affairs and, as a result, was prevented from complying with this requirement;
 3. in the workers judgment, some other equally compelling circumstance(s), beyond the applicants control, warrants deferral or a waiver.
- E. in cases in which the applicant appears to have serious problems in managing his or her income and resources prudently, the worker shall refer the client to a source of free (or fee based on ability to pay) money management counseling.
- F. in all cases referrals shall be made to the Warmth and Shareheat programs, as appropriate.

Where such referrals are considered appropriate by the worker, they should be made irrespective of whether the household's application for crisis assistance is granted or denied.

Exceptions in severe situations may be made by the director as provided under appeal rights (rule 2988).

Each recipient of crisis assistance must accept direct referral for Weatherization services through programs administered through the State Office of Economic Opportunity and five regional Weatherization Program Offices.

Appeal Rights, Crisis Fuel

2988 Appeal Rights, Crisis Fuel (12/01/1996, 96-71)

When an applicant is found ineligible under this component of the program he or she is entitled to an appeal process designed to address the potential urgency of the unmet need. The worker, upon determination that an applicant is not eligible, shall advise the applicant of the reason for denial and explain his or her rights to appeal the decision to the supervisor and the director or a designee. The applicant may appeal simply by stating that he or she wishes to do so.

The director will provide for hearing the applicant's appeal at the earliest possible opportunity and in no event later than the next normal working day. The applicant may bring representation of his or her choice to assist in presenting the case. The director will review the circumstances of the case to consider the nature of the emergency, unpredictable or extenuating circumstances, prior effort on the part of the applicant to avoid the crisis, potential for meeting the need or finding alternative solutions, as well as proper application of policy. The director may waive policy or procedure in order that unique situations may be addressed on an individual basis. However, the department shall incur no obligation to grant any waivers by virtue of this authority. Waivers, if authorized, may be under condition of special agreements negotiated with the individual applicant regarding weatherization, conservation, financial management, counseling, payment, recoupment, etc. The director, following completion of the review, will confirm, modify, or revise the decision, and provide written notice of the action taken. The basis for the decision must be documented in the case record.

Further appeal must be processed through normal channels in the form of a request for fair hearing before the Human Services Board. Fuel program policies relating to fair hearings are contained in rule 2971.

Recoupment, Crisis Fuel

2989 Recoupment, Crisis Fuel (11/01/2001, 01-20)

The department may seek recoupment of benefits representing an overpayment resulting from fraud or a benefit issuance that occurs by department or client error.

- A. Recoupment may be accomplished by a cash repayment to the department by the recipient or fuel supplier, or by the department's withholding of an equivalent amount of benefits to which the recipient would otherwise be entitled in the future under the seasonal component or the crisis component of this program. The department reserves the right to withhold any further benefit issuances until the full amount of the overpayment is recouped under this program.
- B. The department will accept any payment made as recoupment of overpayments under terms and conditions set by the court when recipients are found guilty of fraud and are ordered by a court to reimburse the department.
- C. Department requests for recoupment of benefits representing an overpayment must be made within 180 days of the close of the fuel season in which the overpayment occurred, except in the case of an overpayment resulting from fraud.