



Energy & Housing Services Department Memorandum

To: Interested Parties

From: Kathy Kinch, Manager of HEAP and Financial Reporting

Date: May 24, 2018

Subject: Home Energy Assistance Program Rule (Chapter 24) – Notice of Rulemaking

MaineHousing is proposing to repeal and replace the current *Home Energy Assistance Program Rule*. The Rule establishes standards for administering fuel assistance, emergency fuel assistance, supplemental fuel assistance benefits funded by TANF, weatherization, and heating system repair and replacement funds to low income households in the State of Maine.

A copy of the proposed HEAP Rule is available on MaineHousing's website at <http://www.mainehousing.org/quicklinks/highlights/heap-public-hearings> or by calling 207-626-4600 or 1-800-452-4668 (Voice) or Maine Relay 711 or by writing to MaineHousing, Energy & Housing Services, 353 Water Street, Augusta, Maine 04330-4633.

PUBLIC HEARING: A public hearing will be held on Tuesday, June 19, 2018 at 9:30 am at Maine State Housing, 353 Water Street, Augusta, Maine 04330-4633.

Maine State Housing Authority's office and the hearing room are accessible to persons with disabilities and, upon sufficient notice, appropriate communications auxiliary aids and services will be provided to persons with disabilities and persons with limited English proficiency.

COMMENT DEADLINE: A comment period, allowing interested parties an opportunity to comment on the proposed Rule is required by the Maine Administrative Procedures Act (APA). Written comments will be accepted until 5:00 pm on Monday, July 2, 2018.

Comments should be submitted to LIHEAP@mainehousing.org or mailed to the attention of Kathy Kinch, Manager of HEAP and Financial Reporting, 353 Water Street, Augusta, Maine 04330-4633.

The following highlights the major changes being proposed for the HEAP Rule (Chapter 24). The summary is organized by Rule sections (title bars/boxes are numbered by Rule section).

<i>Summary:</i>

Page 1: Add reference to the Supplemental Benefits funded by TANF funds which are described in greater detail Section 6, Page 21.

Section 1. Definitions

Item R (Page 2): Add “Credit Notification Report”. This addition is a result of the TANF Supplemental Benefit Program. The Notification Report guarantees post-delivery payment to Vendors for deliveries made to households eligible for the benefit.

Item X (Page 2): Add clarification that Discount Off Retail does not apply to the portion of a delivery paid by ECIP benefits or TANF Supplemental Benefits.

Item LL (Page 3): Edit “Heating System” definition to remove “all or a significant portion of” the dwelling.

Item VV (Page 4): Add to the “Life Threatening Crisis” definition “or a Heating System”.

Item WWW (page 6): Add to “TANF Supplemental Benefits” definition reference to the TANF Supplemental Benefits funds provided pursuant to 22 MRSA, Chapter 1053-B, § 3769-E.

Section 2. Application

- Section 2.C.2 (page 7):** Currently, applications for HEAP benefits are accepted through April 30th of each year, with the exception of households that reside in subsidized housing with heat included in the rent, rental units with heat included in the rent, and potential candidates for the Arrearage Management Program (AMP) for electrical costs. These households were able to apply for HEAP through July 15th so as to afford applicants with access to higher SNAP benefits and the Arrearage Management Program (AMP) benefits for electricity. MaineHousing is recommending accepting applications for all applicants through July 15th (or the first business day thereafter if July 15th falls on a weekend).
- Section 2.C.12 (page 8):** MaineHousing will be participating in the State Verification and Exchange System (SVES) which, in some cases, will allow for the electronic verification of an applicant’s Social Security number (SSN) by matching data provided by the applicant with the Social Security Administration’s (SSA) database. This will eliminate the necessity of the household having to provide an acceptable document to verify SSN. If the data matching with the SSA does not confirm the applicant’s SSN then the applicant must provide one of the acceptable forms of documentation.

Language has been added to include Social Security card as an acceptable form of documentation for any household member that is not a US Citizen.

Section 3. Eligibility

1. Household Eligibility – College Students (Section 3.E.3, Page 12)

MaineHousing is proposing that the Primary Applicant be allowed to elect as to whether or not a dependent of the household who resides in the dwelling unit and who is a documented college student be included as a member of the household. If excluded as a member of the household, the student's income would not be counted for purposes of income eligibility for the program or for the calculation of the HEAP benefit.

2. Household Income – Self-Employment Income (Section 3.F.2.b, Page 12)

MaineHousing is proposing that in instances where the self-employment income of the Applicant or a household member cannot be documented through a filed tax return for the current or previous year, the income can be documented through the completion of a self-employed income statement/worksheet accounting for the last 365 days of income. Such statements must be supported with documentation of the Applicant or member's income. In these instances deductions or expenses normally allowed in tax filing to adjust the tax-payers gross income will not be factored into the income reported.

3. Household Income – Income Exemptions (Section 3.F.3, a, b, c, d, e, Page 14)

MaineHousing is proposing to exclude certain forms of income as noted below in order to increase the pool of eligible applicants, increase the amount of a household's HEAP benefit, align the income exclusions with other MaineHousing administered programs, and to align income exclusions with Department of Energy Income Exemptions used in the Weatherization Program. These recommended income exemptions are:

- Assets drawn down from financial institutions;
- Foster care payments;
- Adoption assistance;
- In-kind payments to an Applicant in lieu of payment for work, including the imputed value of rent received in lieu of wages or items received in barter for rent; and
- Capital gains.

4. Household Income – Income Deduction (Section 3.F.4, Page 16)

MaineHousing is proposing to subtract from the Applicant's gross income any court ordered child support that is documented as having been paid during the income verification period.

Section 6. TANF Supplemental Benefits

Sections 6.A through D (Page 21)

This Section has been added to describe the TANF Supplemental Benefits Program as noted in Definition WWW pursuant to 22 MRSA, Chapter 1053-B, § 3769-E. These supplemental funds are available to certified eligible HEAP households that have at least one member who is under the age of eighteen (18) and is not a household that resides in Subsidized Housing with heat included. This Section describes eligibility for the TANF Supplemental Benefit, benefit determination and the method of benefit payments. Except as expressly provided in any section of the Rule, the use and administration of TANF Supplemental Benefits is subject to the standards of HEAP benefits.

Section 8. Energy Crisis Intervention Program (ECIP)

1. ECIP Eligibility - Section 8.A (Page 23)

MaineHousing is proposing the removal of “or ability to receive credit from the vendor”. The purpose for this change is to prevent already financially vulnerable households from incurring debt that may further exacerbate their financial burden.

2. ECP Eligibility – Section 8.D (Page 24)

MaineHousing is proposing the removal of “An Eligible Household will receive an ECIP benefit equal to the maximum ECIP benefit or the cost of a standard minimum delivery of Home Energy, whichever is less”. The purpose of this change is to allow the subgrantee/CAA to issue the maximum ECIP benefit for a single delivery.

3. ECIP Payment to Vendors - Section 8.H.1 (Page 25)

In order align the Rule with provisions of the Vendor Contracts the proposed amendment to this Section requires the Vendor to “submit an invoice if the total amount of the delivery ticket is greater than the ECIP purchase order amount or the delivery ticket does not account for all the charges that were approved on the purchase order”.

Section 9. Central Heating Improvement Program (CHIP)

CHIP Eligibility: Section 9.A (Page 24)

Eligibility criteria for a Household to receive CHIP services has been more clearly defined in this section.

Section 10: HEAP Weatherization

Eligibility, Section 10.D (Page 30)

Clarification has been provided regarding Household eligibility for Households with income that exceeds HEAP guidelines for receipt of benefits. If a Households application for HEAP benefits was denied solely due to exceeding income limits, the Household may still be eligible for weatherization services provided the Household’s income does not exceed the Department of Energy (DOE) income threshold. Households denied benefits for reasons other than income eligibility are not eligible for weatherization services.