

**Chapter 32: STATE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM RULE**

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**Summary:** The rule governs the State Low Income Home Energy Assistance Program (“State LIHEAP”). State LIHEAP provides fuel assistance to low-income persons.

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**1. Definitions.**

- A. “Act” means the Maine Housing Authorities Act, 30-A M.R.S.A. § 4701 *et seq.*, as it may be amended from time to time.
- B. “Donated Resources” means resources given to MSHA by a source other than the State for the purpose of providing fuel assistance to low-income persons.
- C. “Federal LIHEAP” means the Home Energy Assistance Program established pursuant to the Federal LIHEAP Act, the Act, and the Federal Funds LIHEAP Rule.
- D. “Federal LIHEAP Act” means 42 U.S.C.A. §8621 *et seq.*, and the regulations promulgated thereunder, including 45 C.F.R. § 96.1 through 96.68 and 45 C.F.R. § 96.80 *et seq.*, all as may be amended from time to time.
- E. “Federal Funds LIHEAP Rule” means Chapter 24 of the Maine State Housing Authority’s rules, the Home Energy Assistance Program Rule.
- F. “Household” means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common.
- G. “MSHA” means the Maine State Housing Authority.
- H. “Program Year” means the period of time beginning October 1 and ending September 30.
- I. “Rental Unit” means a unit in any multi-family residential rental structure.
- J. “State” means the State of Maine.
- K. “State Funds” means funds appropriated by the State Legislature to MSHA to supplement Federal LIHEAP.
- L. “State LIHEAP Funds” means funds administered under this rule.

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2. **State Funds.**

- A. **Eligibility.** A Household is eligible for a State Funds benefit if it receives a Federal LIHEAP benefit greater than \$5.00 in the current Program Year and meets any additional restrictions imposed by law.
- B. **Allocation of State Funds Among Eligible Households.** MSHA shall allocate the State Funds among the Households eligible for State Funds according to the point system set forth in Section 5.A. of the Federal Funds LIHEAP Rule.
- C. **Use.** State Funds may be used in a manner consistent with the Federal LIHEAP Act and applicable law.

3. **Donated Resources.**

- A. **Eligibility.** Eligibility of a Household or an entity for Donated Resources shall be determined in a manner consistent with the terms of the Donated Resources and the Act.
- B. **Allocation of Donated Resources.** MSHA shall allocate Donated Resources among Households and entities eligible for the Donated Resources in a manner consistent with the terms of the Donated Resources and the Act.
- C. **Use.** Donated Resources may be used in a manner consistent with the terms of the Donated Resources and the Act.

4. **Disbursement of State LIHEAP Funds.** MSHA will disburse the State LIHEAP funds benefiting Households in the manner MSHA disburses Federal LIHEAP benefits.

5. **Additional Provisions.**

- A. **Other Laws.** If this rule conflicts with any provision of applicable federal or State law, including without limitation the Act, such federal or State law shall control.
- B. **Additional Requirements.** This rule does not preclude such additional or alternative requirements as may be necessary to comply with the Act.
- C. **Pool of Eligible Households.** This rule establishes a pool of eligible applicants but does not preclude additional reasonable criteria and does not confer any automatic right or entitlement on any person or entity eligible hereunder.
- D. **Availability of Funds.** Assistance provided pursuant to this rule is conditioned on the availability of State LIHEAP funds.
- E. **Waivers.** Upon determination for good cause, the Director of MSHA or the Director's designee may, subject to statutory limitations, waive any provision of this rule. Each

waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds for the waiver.

- F. **Final Action.** The Director of MSHA, individually or by exercise of the delegation powers contained in the Act, shall make all decisions and take all action necessary to implement this rule. Such action of the Director shall constitute final agency action.

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**FISCAL IMPACT NOTE:** The rule will not impose any cost on municipalities or counties for implementation or compliance.

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STATUTORY AUTHORITY: 30-A M.R.S.A. § 4722.1.W and § 4741.15

EFFECTIVE DATE:

December 28, 2005 – filing 2005-538 (EMERGENCY)

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