CHAPTER 5-000 PAYMENTS

5-001 Payment Factors: Payment to eligible households for heating costs is established by four factors:

1. Fuel type;
2. Countable income of household;
3. Household size; and
4. Living arrangement.

If the household is receiving or has applied for and will be determined eligible for public assistance and all individuals in the household are in a single public assistance unit, the household is automatically income eligible for the maximum benefit. If not all members of the household are in the public assistance unit or the household consists of more than one unit, the household's income eligibility must be determined.

If the household received assistance from another state the amount received from the other state is deducted from the eligibility amount; the household receives the difference.

Payment may not exceed the amount determined from the payment chart unless the household is eligible for crisis assistance (see 476 NAC 5-006 ff.).

The household must provide verification of the utility provider name, account name, and number. Verification is not required again unless the client moves or requests assistance for another utility provider payment.

5-001.01 Living Arrangement: A single family living arrangement is eligible for a full benefit. This may be an individual or a family who occupies a single dwelling. A group of individuals (related or unrelated) who live together are considered a single family living arrangement if they-:

1. Live together as one economic unit;

2. Customarily purchase residential energy in common; and
3. Apply for energy assistance as a single household.

A multi-family living arrangement is eligible for a half benefit. This includes individuals residing in apartments, duplexes, triplexes, etc. A single dwelling can only be considered a multi-family dwelling if there is more than one utility (of same type) meter; or, if there is only one utility meter, the dwelling is divided into entirely separate apartments. For example, basement and main floor are divided into separate apartments with separate entrances. Otherwise, the clients must apply for energy assistance as a single unit, which would be considered a single-family dwelling.

Note: If the client has a personal care aide, the aide is not considered part of the household.

5-002 Method of Payment: Payment is made to the eligible household unless–:

1. The local office determines that payment to the provider is in the best interest of the household;
2. The household requests that payment be made to the provider; or
3. The client has not established a payment history or has only a brief payment history with the current provider.

Payment must go to the provider if crisis assistance was previously received by a household.

Exception: Even if s/he has previously received crisis assistance, payment is made to the client if s/he is renting and the utilities are included in the rent.

5-002.01 Payment to Household For Propane, Fuel Oil, or Kerosene: When payment is made for propane, fuel oil, or kerosene, the amount is paid by computer as follows:

1. When the payment amount is $500 or less, payment is made in one lump sum; and
2. When the payment amount is more than $500, the payments are divided equally over a two-month period (the current month and the following month).

5-002.02 Payment to Household for Electricity or Natural Gas: When payment is made for electricity or natural gas, the amount is paid by computer as follows:

1. When the payment amount is $150 or less, payment is made in one lump sum; and
2. When the payment amount is more than $150, the following percentages are applied to the payment amount to determine the amount of the monthly payment:

November	12 1/2 percent
December	25 percent
January	25 percent
February	25 percent
March	12 1/2 percent

5-002.03 Payment to the Provider: Payments are made to the provider when—:

1. The local office determines that the eligible household has a history of unpaid fuel bills;
2. Crisis assistance payment was received the previous year;
3. The household requests payment to the provider; or
4. The client has not established a payment history or has only a brief payment history with the current provider.

There must be a provider agreement. The worker shall must check the provider listing for the provider number. Payment to the provider is made as a one-time advance payment which remains as a credit until it is used.

5-002.03A Payment History: The worker can determine a history of unpaid fuel bills—:

1. By using local office records such as General Assistance (GA) or energy assistance records from a past year; and
2. From the indication on the current heating bill of a large past due amount.

5-002.04 Notice to Client

5-002.04A Approval Notice: Approval notice is printed by computer on the stub of the check. This includes notification of the payment schedule. If payment is made to the provider, a computer-generated notice is sent to the client.

5-002.04B Denial Notice: A computer-generated denial notice is sent from the Central Office when an ineligible case is entered on the system, unless the reason listed is "other." The worker ~~shall~~ must send ~~Form IM-8~~ a Notice of Action to cases with reason "other." The worker ~~shall~~ must also send ~~form IM-8~~ a Notice of Action on crisis assistance denials.

5-003 Lost or Stolen Checks, Refunds, and Cancellations

5-003.01 Lost or Stolen Checks: When a client reports that a check has been lost, stolen, destroyed, or not received the worker ~~shall follow these procedures:~~ will work with the Central Office to issue a duplicate check, if appropriate. See 476-000-302 for procedures for a lost or stolen warrant.

~~1. The local office shall determine the check date, warrant number and amount from the consolidated computer listing (HEA 210-2); complete Form FA-29, "Warrant Information Request;" and send the white and yellow copies of Form FA-29 to the Central Office, Division of Finance and Accounting.~~

~~2. If the check has not been cashed, a stop payment is placed on the warrant. The recipient must be advised to notify the local office immediately if the check is found after the "stop payment" notice is issued because the check will not be accepted for payment by the State Treasurer unless the "stop payment" is removed.~~
~~When Form FA-29 has been submitted to the Central Office and the check is found before the duplicate check is mailed, a telephone call must be made to the Division of Finance and Accounting so that the duplicate check can be stopped and the "stop payment" can be removed for the original check.~~

~~3. If the check has been cashed, the Division of Finance and Accounting shall send the local office a photocopy of the check for further action. After receiving a photocopy of the endorsed check, the worker shall determine if a forgery was committed. If the worker is reasonably sure that a forgery has been committed, the worker shall notify the Division of Finance and Accounting so that a duplicate warrant can be issued.~~

~~4. When the duplicate warrant is issued to replace a forged warrant, it is sent to the local office to be forwarded to the client.~~

~~The total time required to issue a duplicate check is about 30 days after the request is sent to the State Treasurer's Office.~~

5-003.02 Refunds: A utility provider may send a refund to the Central Office when the~~–~~:

1. Client has moved and left no forwarding address;
2. Client has discontinued service with the provider;
3. Utility provider has paid in error;
4. Client has an unused balance; or
5. Client has died.

When the Central Office receives a refund check, a copy of Form IM-12, "NLIEAP Refunds/Cancellations," is sent to the local office to report that a refund has been received. If the current address of the client is available in the local office, the local worker ~~shall~~ must notify Client Payments and Claims Processing, Central Office, so that the refund can be sent to the client.

5-003.02A Refund Not Returned to Client: A refund must not be returned to the client if~~–~~:

1. The current address is out-of-state;
2. The refund is from a previous program year;
3. Crisis assistance has been paid for the household; or
4. The client has died.

5-003.03 Cancellations: It may be necessary to cancel a client's energy check when the client has~~–~~:

1. Moved and left no forwarding address;
2. Died; or
3. Moved out-of-state.

When the post office returns a client's check to the Central Office, a memo is sent to the local office for follow-up procedures. The local office has ten days in which to notify Client Payments and Claims Processing in the Central Office of what action needs to be taken with the check.

Address changes must also be entered on the energy system. All addresses should be kept current.

5-004 Computing Heating Payment Amounts: To compute the heating payment, see the Heating Payment Chart (476-000-200).

Payment amounts according to the charts may be adjusted uniformly to allow for increased or decreased payments if projected funding or number of participants changes significantly.

5-005 Treatment of Energy Assistance Benefits: Benefits received from the Low Income Energy Assistance Program are not counted as income or resources in determining initial or continuing eligibility for other categorical assistance programs.

5-006 Energy Crisis Assistance: Crisis assistance is available continuously year round and/or as long as funds are available. A supervisor may authorize crisis payments not to exceed $500. The amount must be no more than is necessary to correct the crisis situation. See 476 NAC 5-006.03 for "Special Crisis" authorization.

The situation demanding crisis assistance must constitute a threat to client health and may result from the following types of emergencies:

1. Blizzard;
2. Extreme cold weather;
3. Power outage;
4. Fuel shortage;
5. Natural disaster; or
6. Outstanding fuel bill.

See 476 NAC 5-006.04 for timelines for processing crisis application.

5-006.01 Eligibility for Crisis Assistance: The household must meet the eligibility guidelines as outlined in 476 NAC 3-001 ff.

If mismanagement of funds has caused the crisis, the worker ~~shall~~ must make a referral to prevent a recurrence of the crisis. For example, if young children are involved, a referral to the child protective services unit may be necessary. If the client has income to cover his/her bills but is unable to manage them, the worker ~~shall~~ must consider a referral to the Community Action Agency for budget counseling. If ADC and/or AABD grants are involved, the worker ~~shall~~ must consider assignment of a protective payee.

An individual who is not cooperating with program requirements for another program is not automatically eligible for crisis energy assistance. The worker should evaluate the noncooperation circumstances to determine if crisis assistance is appropriate.

5-006.02 Payments Authorized: The Department must make crisis assistance payments directly to the provider; payments may be authorized to cover outstanding fuel bills, deposits, reconnect fees, or other related charges. In order to pay outstanding fuel bills, deposits, and reconnect fees from crisis funds, the worker must consider the following factors:

1. If records indicate the household has had a consistent payment history, but now has an emergency, a payment may be authorized. Consistent payment history is defined as - :

    a. Full or partial payment in each of the six preceding months; or
    b. Occasional payment made toward the total outstanding bill for the previous six months which defrays at least 75 percent of the bill; or
2. If records indicate an inconsistent payment history for a client who has an emergency, the Department may pay the remainder of the amount owed after the client has been informed of his/her responsibility to pay a specific portion of the bill and provides a receipt for payment of his/her portion. In extenuating circumstances, full payment may be authorized. The local office ~~shall~~ must document the extenuating circumstances in the case record.

Crisis payments should never be authorized in an amount greater than what is necessary to alleviate the crisis. If circumstances dictate that the crisis payment should be sent directly to the household, the Central Office should be contacted before issuance of the payment.

5-006.03 "Special Crisis" Authorization: A request for "special crisis" assistance above the $500 maximum may be made when - :

1. The household situation is not covered under crisis assistance;
2. Emergency furnace or air conditioner repair and/or replacement is necessary; or
3. The amount needed to correct a crisis situation exceeds $500.

Note: The Department ~~does not repair or replace central air conditioning units; it also does not pay for furnace repair or replacement for rental property.~~ will pay up to the amount of a window air conditioning unit for the repair or replacement of a central air unit. The household is responsible for the remaining amount and must provide receipts or a payment agreement before the Department will approve payment.

The Department does not pay for furnace repair or replacement for rental property.

If the property is rent to own, the request must be submitted to the Central Office for approval.

5-006.03A Approval for "Special Crisis" Assistance: To obtain approval for "special crisis" assistance, the worker ~~shall~~ must submit Form IM-18 to the Central Office or use an automated Form ASD-17 and include the following information:

1. Income of the household;
2. Size of the household;
3. Age of members of the household;
4. Shelter expense;
5. Six-months payment history if crisis is due to an outstanding fuel bill and/or deposit; and
6. Reason for the crisis or nonpayment.

Approval cannot be given unless information on circumstances requiring "special crisis" assistance is known.

5-006.04 Timelines for Processing Crisis Applications: An application for crisis assistance must be approved or denied within 18 hours after the household applies if a life-threatening situation exists; all other crisis applications must be acted on within 48 hours.

5-006.05 Alternate Sources of Crisis Assistance: The local office ~~shall~~ must have posted information concerning potential alternate sources of crisis assistance that a client could access when the local office is not open. Alternate sources could include Community Action agencies, programs established by local utility companies, or local law enforcement agencies.

5-006.06 Water Service and Water Heaters: Payment for water and water heater repair or replacement can be paid through a crisis payment. A water deposit can be made with LIEAP deposit funds. The client must be buying or own the home for water heater repair or replacement.

If the property is rent to own, the request must be submitted to the Central Office for approval.