

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

476 NAC 2

TITLE 476 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

CHAPTER 2 APPLICATION AND ELIGIBILITY

001. APPLICATION. To apply for the Low Income Home Energy Assistance Program, a household must complete an agency-approved application or ask the Department to add a request for the Low Income Home Energy Assistance Program to the household's current economic assistance case.

001.01 APPLICATION PROCESSING. If the household fails to provide requested documentation within the specified timeframe, the household application may be denied or an eligibility determination may be delayed.

001.02 APPROVAL. An approved application provides household eligibility for the remainder of the program year, notwithstanding changes in household income or composition.

001.03 RE-APPLICATION. To re-apply after a denial, a household must submit a new application or request.

002. ELIGIBILITY. To qualify for the Low Income Home Energy Assistance Program, a household must:

- (A) Be considered an economically-vulnerable household;
- (B) Meet income guidelines according to household size;
- (C) Meet citizenship and residency requirements; and
- (D) Not otherwise be disqualified or ineligible.

002.01 INCOME GUIDELINES. The total annual income of a household may not exceed 130% of the federal poverty level. For purposes of calculating and treating income for Low Income Home Energy Assistance Program eligibility, the Department applies the rules and regulations from the Supplemental Nutrition Assistance Program, Title 475 Nebraska Administrative Code (NAC).

002.02 CITIZENSHIP AND RESIDENCY. For purposes of determining Low Income Home Energy Assistance Program eligibility, the Department applies the residency and citizenship or alien status requirements from the Supplemental Nutrition Assistance Program, Title 475 NAC. A person who does not meet the citizenship and residency requirements must be excluded from a household for purposes of determining eligibility for Low Income Home Energy Assistance Program.

002.03 INELIGIBILITY. A household that includes a person who is ineligible under this section may still remain eligible for the Low Income Home Energy Assistance Program. Household

size will be reduced by the number of ineligible household members for purposes of determining eligibility and payments.

002.03(A) MISREPRESENTING RESIDENCE. Any person convicted in federal or state court of having fraudulently misrepresented his or her residence in order to obtain home energy assistance in two or more states is ineligible for the Low Income Home Energy Assistance Program for ten years from the date of conviction.

002.03(B) FLEEING FELON. A person is ineligible for the Low Income Home Energy Assistance Program during any period in which the person is:

- (i) Fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempting to commit a crime that is a felony under the law of the place from which the person is fleeing; or
- (ii) Violating a condition of federal or state probation or parole.

002.03(C) INTENTIONAL PROGRAM VIOLATIONS. A person who commits an intentional program violation is ineligible for the Low Income Home Energy Assistance Program as follows:

- (i) A person is ineligible for the Low Income Home Energy Assistance Program during the period the person is disqualified from receiving other economic assistance benefits due to an intentional program violation in another program.
- (ii) A person who commits a Low Income Home Energy Assistance Program intentional program violation is ineligible as follows:
 - (1) For a first intentional program violation, the person becomes ineligible for any Low Income Home Energy Assistance Program benefits for the remainder of the program year and the next full program year.
 - (2) For a second intentional program violation, the person becomes ineligible for any Low Income Home Energy Assistance Program benefits for the remainder of the program year and the next three full program years.
 - (3) For a third (and any subsequent) intentional program violation, the person becomes permanently ineligible for Low Income Home Energy Assistance Program benefits.

003. COOLING ASSISTANCE. To qualify for cooling assistance, a household must qualify for the Low Income Home Energy Assistance Program and include a household member who:

- (A) Is a child under age six who receives Aid to Dependent Children;
- (B) Is age 70 or older;
- (C) Has a severe illness or condition which is aggravated by extreme heat as verified by a medical statement signed by a licensed healthcare provider; or
- (D) Has received an air conditioner from the Department within four years of the application date.

004. CRISIS ASSISTANCE. To qualify for crisis assistance, a household must be eligible for the Low Income Home Energy Assistance Program, be in a crisis situation, and have an unanticipated inability to pay home energy costs within the most recent 90 days the household has experienced:

- (A) An unanticipated medical or household expense;
- (B) A significant, permanent and involuntary loss of work hours, wages, or employment;
- (C) The departure of a primary wage earner;

- (D) The inability of a primary wage earner to work because of illness or injury; or
- (E) A significant income loss because of the death of a household member.

004.01 DISCRETION. A household may also be eligible for an unspecified crisis related to a loss of income or inability to pay as determined in the Department's discretion.

004.02 INELIGIBILITY. Crisis assistance ineligibility reasons are listed below.

004.02(A) NON-COOPERATION. A household is ineligible for crisis assistance during any period a household member is under a sanction for non-cooperation with Child Support Enforcement or the Aid to Dependent Children-Employment First program.

004.02(B) OVERPAYMENT STATUS. A household is ineligible for crisis assistance to pay any bill incurred during any period a household is in overpayment status.

004.02(C) INTENTIONAL PROGRAM VIOLATION. A household is ineligible for crisis assistance to pay any bill incurred during any period a household member is under a sanction for an intentional program violation.

004.03 ALTERNATE SOURCES OF CRISIS ASSISTANCE. The Department provides a client who is denied crisis assistance with information about potential alternate sources of assistance.

004.04 DEPOSIT OR RECONNECT FEES. To qualify for assistance with a deposit or reconnect fee, the household must be eligible for crisis assistance and must have received no deposit or reconnect assistance for the same fuel type within the previous 36 months, unless extenuating circumstances exist in the Department's discretion.

005. FURNACE OR AIR CONDITIONER REPAIR OR REPLACEMENT ASSISTANCE. Qualifications for furnace or central air conditioner repair or replacement assistance and window air conditioner assistance are listed below.

005.01 FURNACE OR CENTRAL AIR CONDITIONER. To qualify for repair or replacement assistance for a furnace or central air conditioner in a home owned or being purchased by a household, the household must be eligible for Low Income Home Energy Assistance Program heating or cooling assistance, provide documentation that emergency repair or replacement is necessary, provide estimates for the cost of repair or replacement as requested by the Department, and have received no repair or replacement assistance for a furnace or air conditioner within the previous 60 months, unless extenuating circumstances exist as determined in the Department's discretion.

005.02 WINDOW AIR CONDITIONER. To qualify for assistance to purchase a window air conditioning unit, the household must be eligible for cooling assistance, provide estimates for the cost of purchase as requested by the Department, and have received no assistance to purchase a window air conditioning unit within the previous 60 months, unless extenuating circumstances exist as determined in the Department's discretion.

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006. NOTICE TO HOUSEHOLD. The Department sends written notice to households informing of eligibility determinations.

006.01 APPROVAL. When a household is approved for assistance, the Department sends written notice indicating:

- (A) The Department has made a payment to a provider on behalf of the household; or
- (B) The payment schedule by which the Department will make payment to the household.

006.02 DENIAL. When the Department denies a household's application or request, the Department will send to the household, written notice that states the reason for denial and notifies the household of its right to appeal.