

**State of Utah
Department of Workforce Services
Housing and Community Development Division**

HEAT PROGRAM POLICY MANUAL

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GENERAL PROVISIONS

The HEAT policies and procedures in this manual are rules for determining eligibility, delivering benefits and administering the program. It is impossible to foresee all situations. HEAT staff should use reason and good judgment in making decisions when rare or unusual situations come up based on common sense and the best information available. In these situations, document the rationale used to make the decision along with applicable policy manual references.

A. CLIENT RIGHTS

Any person living in the State of Utah has the right to apply or reapply for HEAT assistance during the heating season and is entitled to the following rights:

1. To receive reasonable assistance from agencies, if needed, to complete an application including having an outreach worker come to his/her home upon permission.
2. To have a case worker clearly identify themselves.
3. To have confidential, personal information safeguarded. (See E. Confidential Information below.)
4. To be notified in writing of any decisions affecting his/her case and to be provided with a reason for denial.
5. To discuss his/her case with a supervisor.
6. To request a Fair Hearing in writing if he/she disagrees with any action taken on his/her case. (See I. Fair Hearings below)
7. Access to the HEAT Policy Manual.
8. To receive one HEAT benefit per household per season if eligible.
9. To reapply if an application is denied any time prior to the end of the current HEAT season.

B. CLIENT RESPONSIBILITIES

Any person wishing to apply for HEAT assistance is responsible for the following:

1. To complete and sign an application and submit it to the HEAT Office. If applying through a local HEAT office or online, the application may be signed with an electronic signature. The applicant must acknowledge that they have read the disclaimer and agree with it.
2. To provide complete and accurate information and requested verifications in order to determine eligibility.
3. To immediately report any address changes while he/she is under moratorium protection. (See MORATORIUM SECTION below.)
4. To repay the State of Utah any overpayment of HEAT assistance if required.

C. AUTHORITY OF STATE HEAT PROGRAM MANAGER

The State HEAT Program Manager or designee will make policy decisions when situations arise that are not specifically covered in the HEAT Policy Manual. These decisions and the person making them must be noted in eREP. The State Heat Program Manager has sole authority to make policy exceptions that do not contradict federal LIHEAP regulations.

D. SAFEGUARD PROTECTED INFORMATION

The HEAT Program must safeguard client information. Strict rules exist for the treatment of data from the Income Eligibility Verification System for Medicaid and food stamp clients. Information kept in the case record, in the computer system (eREP), Department of Workforce Services Information sharing systems (i.e., eVerifs), or anywhere else, cannot be shared except as described in Sections E, F and G. Any person who fails to safeguard information is subject to both civil and criminal penalties and termination from employment in the HEAT Program.

E. CONFIDENTIAL INFORMATION

Workers will have access to confidential information. All HEAT client records are considered confidential and are open only to State and local agency personnel carrying out eligibility and audit functions. Such information cannot be shared with unauthorized personnel. Private/Non-Public information includes the following:

1. Social Security number
2. Birth date
3. Home phone number
4. Home address
5. Health records
6. Income information
7. Citizenship
8. Veteran and Disability status
9. The name of a person who has disclosed information about a household without the household's knowledge
10. Any data regarding the nature or status of a pending criminal prosecution

F. RELEASING INFORMATION TO THE CLIENT

1. Information that can be released to the client:
Upon presentation of government issued photo identification, client may view and copy anything to do with the case record unless it has been obtained from a third party. The client or their representative **cannot** remove the client file from the HEAT office.
2. Information that cannot be released to the client:
Information obtained from third-party sources (i.e., eVerifs, CUBS, anonymous reports, etc.) cannot be released to the client or representative.

G. RELEASING INFORMATION TO SOURCES OTHER THAN THE CLIENT

1. If the client names an authorized representative in writing, case record information may be released to that person as if he/she were the client. Written authorization must be signed in the presence of a HEAT worker or must be notarized. Anything mailed by the HEAT Program will be mailed to the client's address of record unless client provides reasonable explanation of alternate address.
2. Information about a HEAT or Moratorium client can be released **only** when that information is to be used in the following ways:
 - a) Administration or enforcement of the HEAT or Moratorium Programs.

- b) Administration or enforcement of any means-tested methods program.
 - c) Audit or review of expenditures in connection with the HEAT or Moratorium Programs.
 - d) Criminal or civil proceedings connected with the administration of the HEAT or Moratorium Programs.
 - e) When an outside source subpoenas a file. The State HEAT Program Manager must be contacted immediately so legal counsel can be consulted.
 - f) In the event of an emergency. (The State HEAT Program Manager or his/her designee is responsible to decide if an emergency actually exists and may give a supervisor permission to release the information prior to obtaining the client's permission. The client must be informed as soon as possible. Details about the nature of the emergency must be documented in eREP.)
3. Who information can be released to:
The HEAT Program can release case record information to an authorized outside source that safeguards the case record information on clients. This includes community groups who have written internal confidentiality policies.
4. Who information cannot be released to:
- a) Anyone requesting information for commercial or political reasons.
 - b) Any outside source for any reason not previously listed.
 - c) The general public. There are no provisions for taxpayers to see HEAT or Moratorium client files.

H. COMPLAINTS

The client may make a complaint in person, by phone, or in writing. The complaint can be taken in the local office or be referred to the State HEAT Program Manager or his/her designee. A response to a complaint will be provided in person, by phone, or in writing.

I. FAIR HEARINGS

The client has the legal right to ask for a Fair Hearing any time he/she does not agree with an action taken on his/her HEAT case. The client has the right to have the policy and the action explained to him/her upon request and to speak directly with a supervisor and/or a member of the State HEAT Program staff. If a client wants to apply for a Fair Hearing, the following conditions will apply:

1. The client must request a Fair Hearing in writing within 60 days of the effective date of the case action with which he/she disagrees.
2. Requests must be submitted to the local or State HEAT Office or mailed to the Division of Adjudication, P. O. Box 45244, Salt Lake City, Utah 84145-0244.
3. The Hearing Examiner must inform the client and the State HEAT Office about the time, date, place and reason for the hearing. This notice should be mailed at least ten (10) days prior to the hearing.
4. The client may ask for a postponement of the scheduled hearing. This postponement cannot exceed a total of 30 days. Postponement of the scheduled hearing will not be granted beyond the 30 days for any reason.
5. Legal counsel will be provided for the HEAT Office by calling the County Attorney or the Utah Attorney General.

6. Fair Hearings are not open to the public. The only parties that may attend are the Hearing Examiner, representatives and witnesses for the State HEAT Program, and representatives, witnesses, friends and relatives of the client. The Hearing Examiner may limit the number of people at a hearing if there is not sufficient room for everyone wishing to attend.
7. What happens during a Fair Hearing:

The Hearing Examiner conducts the hearing informally. All parties will have the opportunity to tell their side without undue interference. They may also examine, question, or refute any testimony or evidence. All parties may confront and cross-examine witnesses. All evidence must be pertinent and acceptable. Some examples are:

 - a) Papers signed or completed by the client.
 - b) Recent official or business documents that verify current facts in the case.
 - c) Personal testimonies from a person having first-hand knowledge of the case. The person can testify only as to what he/she knows or has observed. He/she cannot testify as to what someone else told him.
 - d) Signed statements by persons willing to testify at a hearing.
8. Written statements submitted after the hearing to be considered in the decision:
 - a) If any written statements from an outside party are sent to the Hearing Examiner after the hearing, a copy must be sent to the client and his/her representative at the same time. The client has five (5) working days to reply, and his/her reply must be in writing.
 - b) If the client or his/her representative sends any written statements to the Hearing Examiner after the hearing, they must send the HEAT Office a copy at the same time. The HEAT Office has five (5) working days to reply and it must reply in writing.
 - c) If more facts are found in his/her process, the Hearing Examiner will call all parties back for another hearing.
9. Fair Hearing decisions:
 - a) The Hearing Examiner must issue a written decision within 60 days of the date the hearing request. However, if the client received a postponement, the 60-day time limit starts at the end of the postponement period.
 - b) The Hearing Examiner must send a copy of the decision to the State HEAT Program Manager or designee, the client and the client's authorized representative. The decision must be based on more than just hearsay evidence. The written decision must include:
 - i. The evidence that was presented.
 - ii. Findings of fact based on the evidence.
 - iii. Laws and rules upon which the decision was based.
 - iv. Reasons such laws and rules apply to these facts and result in this decision.
 - v. The client's right to appeal and the potential for free legal help.
10. When a hearing decision is received:
 - a) The HEAT Office must comply within ten (10) days of a hearing decision. A hearing decision is binding on both the state and local HEAT offices.
 - b) The State HEAT Program Manager, or his/her designee, must review the case within thirty (30) days to make sure the action has been taken.
 - c) The State HEAT Office will also look at corrective action if a decision indicates a statewide problem.
11. Appealing a decision
 - a) The HEAT office can appeal a hearing decision only by filing a petition in District Court within 30 days of a hearing decision.

- b) The client can appeal a hearing decision to the Division of Adjudication or to the District Court within 30 days of a hearing decision.
12. Holding records of hearing decisions and who can see them
- a) The Division of Adjudication keeps a record of the hearing request, the content of the hearing and the hearing decision. These detailed records are safeguarded. They are available under the same conditions as any other eREP information.
 - b) The Division of Adjudication also keeps summary records of hearing decisions. Specific clients cannot be identified in the summaries, as these are available to the public.

J. CONFLICT OF INTEREST

Anyone employed by the HEAT Program may not approve a HEAT application for a relative, friend, or self (exception for some rural areas is outlined below). HEAT workers have the right to apply for and receive HEAT assistance, but the application must be taken by the HEAT Supervisor and edited by a member of the State HEAT Program staff with whom there is no conflict of interest. To prevent any perceived conflict of interest, if a relative or someone known by a HEAT worker applies for HEAT assistance, the HEAT application must be approved by an unrelated HEAT worker, with the following exception:

- 1. If a HEAT intake worker receives an application from a relative for HEAT benefits in a rural service area where no other worker is available, he/she must do the following:
 - a) Notify his/her supervisor immediately.
 - b) The supervisor must approve or deny the employee to access the case and process the HEAT application.
 - c) If approved by the supervisor, the employee will enter the information into eREP along with any supporting documentation and note the relationship with the applicant and the approval from the supervisor.
 - d) The initial intake will then be forwarded to an editor in a separate office to determine eligibility.
 - e) A violation of conflict of interest can lead to immediate termination from DWS programs.

K. ZERO TOLERANCE

Anyone working in the HEAT Program who accesses, compiles, distributes, discloses, alters, destroys, removes, reproduces, or misuses confidential department information without a legitimate business purpose will be discharged. With the exception of HEAT intake in rural offices, there is never a legitimate business purpose for working on a case or accessing records for oneself, a family member, friend, close acquaintance, or anyone who could be perceived to create a conflict of interest. A worker who is aware or suspicious of a violation of this policy is obligated to report it to his/her supervisor. In case of inadvertent access, notify a supervisor immediately. There is zero tolerance for violation of this policy. Violation of Zero Tolerance Policy will result in termination from DWS programs.

PROGRAM STANDARDS

A. OPENING AND CLOSING DATES FOR HEAT PROGRAM

The HEAT Program year begins October 1st and ends the following September 30th of each year or when federal LIHEAP funds are exhausted, whichever comes first. The HEAT Program conducts outreach during the month of October. Outreach and application processing in October includes elderly, disabled and households with children under six years of age. Applications for the general public will be processed beginning November 1st of each year. Applications taken on or before the program closing date will be processed. If funds are exhausted before all applications are processed, notice of non-payment will be sent to those households whose applications could not be processed.

B. ELIGIBILITY STANDARDS

Benefits are available to all eligible Utah residents regardless of race, religion, national origin, sex, age, or political belief. Utah households that meet the following three points of eligibility are eligible for LIHEAP/HEAT benefits:

1. Total household income is at or below 150% of the federal poverty level after allowable deductions.
2. The household is “vulnerable,” meaning they are responsible (either directly or indirectly) for paying their home heating costs.
3. The household has at least one person who is a U.S. citizen or a “qualified non-citizen.” To be eligible for HEAT assistance, a person must be a U.S. born citizen, a naturalized citizen, or qualified non-citizen as documented by the U.S. Citizenship and Immigration Services (USCIS). Ineligible residents are listed below in PROGRAM STANDARDS, Section C.
INELIGIBLE RESIDENTS.
4. U.S. citizenship verification for a household is confirmed by completion of the following:
 - a) The applicant must declare citizenship status for all household members by (1) marking the box next to “Yes” on the HEAT application form at the question, “Are you a U.S. Citizen?” and (2) marking “Yes” in the “Citizen” column on the HEAT application form next to the household members’ names and (3) signing the HEAT application form; OR
 - b) If the application is being taken in-person or by telephone/over the phone, the applicant must (1) verbally declare the citizenship status for all household members by stating all household members’ names and “Yes” or “No” for each household member and (2) worker must read the declaration from the bottom of the HEAT application form to the client and (3) the applicant must either sign the eREP Benefit Calculation Summary or HEAT application form or provide a verbal signature as listed under the ELIGIBILITY DETERMINATION SECTION, B. APPLICATION SIGNATURES or INCOME ELIGIBILITY SECTION, E. COUNTABLE INCOME AND OTHER EXCEPTIONS DURING A STATE OF EMERGENCY OR PUBLIC HEALTH EMERGENCY, 5. Application Signatures of the HEAT Policy Manual; AND
 - c) The household members’ Social Security Numbers (SSNs) must be verified in eVerifs OR the applicant must provide for each U.S. citizen household member a valid Social Security card or present any of the documents listed under the PROGRAM STANDARDS

SECTION, I. SOCIAL SECURITY NUMBERS, 1. Social Security Cards of the HEAT Policy Manual.

5. Individuals from these U. S. Territories are U.S. citizens and are eligible for HEAT assistance:
 - a) Guam
 - b) American Samoa
 - c) Northern Marianas Islands
 - d) U.S. Virgin Islands
 - e) Puerto Rico
6. Any of the following documents are proof of naturalized citizenship or qualified resident status. Examples of most of these documents may be viewed in the U. S. Immigration and Customs Enforcement 11/2011 “Guide to Selected U.S. Travel and Identity Documents” — page numbers referenced if available.
 - a) A current U.S. Passport—p.2
 - b) A valid Certificate of Naturalization (Form N-550)—p.7
 - c) A Permanent Resident Card (Form I-551)—p.10-12. (Expired is acceptable)
 - d) A valid Employment Authorization Card (Form I-766)—p.13 only if it is one of the following categories: A03, A04, A05, A10, C11, C25, RE1, RE2, RE3, RE4, RE5.
 - e) A valid Arrival/Departure Record (Form I-94)—p.20 only if the Customs and Border Protection endorsement stamp is marked with one of the following classes: I-551, 203A7, 207, 208, 212D5, RE1, RE2, RE3, RE4, RE5.
 - f) A valid Approval Notice (Form I-797A)—p.21 only if issued with one of the following classes: I-551, 203A7, 207, 208, or 212D5.
7. Special Classes of Immigrants: Some immigrants have been granted special status and may not have the documents listed above. These could include Asylees, Cuban or Haitian entrants, Battered Alien Spouses, Trafficking Victims, Amerasians and certain immigrants from Iraq and Afghanistan. If a client claims special status as part of one of these groups contact the state office for assistance determining necessary documentation.

C. INELIGIBLE RESIDENTS

1. Persons ineligible to participate in the HEAT Program are:
 - a) Persons who hold an USCIS I-94 who are admitted as temporary entrants (such as students, visitors, tourists, diplomats, etc.).
 - b) Non-citizens who have none of the documents listed in PROGRAM STANDARDS, Section B. ELIGIBILITY STANDARDS, 3. b) of the HEAT Policy Manual.
 - c) Persons possessing an Individual Taxpayer Identification Number (ITIN) are not considered legal residents. An ITIN is issued by the U.S. Internal Revenue Service to individuals who are required to have a U.S. taxpayer identification number but who do not have and are not eligible to obtain a Social Security Number issued by the Social Security Administration. The ITIN is for tax purposes only and may be used if an individual is listed as an applicant, dependent or spouse on a U.S. Tax form.
 - d) Immigrants from the Marshall Islands, Palau and Micronesia are not eligible for HEAT or any other federal benefit unless they have one of the documents listed in PROGRAM STANDARDS, Section B. ELIGIBILITY STANDARDS, 3. b) of the HEAT Policy Manual. The

U.S. treaty with the Marshall Islands, Palau and Micronesia that gives special privileges does not allow access to benefits. Contact USCIS to apply for a Permanent Resident card.

D. ELIGIBILITY DETERMINATION OF A HOUSEHOLD CONTAINING AN INELIGIBLE RESIDENT

1. Verify that the household is vulnerable to home heating costs.
2. Count the income of all household members, including the ineligible resident.
3. Allow the 20% disregard on the earned income of all household members, including the ineligible resident.
4. Allow an eligible deduction for medical payments and child support payments of all household members, including the ineligible resident.
5. Do not count ineligible residents in determining the total household size, or to determine the poverty level for household size; however, all income must be counted. **Example:** A household has seven members, two of which are ineligible residents. All members' income is counted, but the poverty table is only used for a household size of five, and the total household size is counted as five.
6. The application should be put in the name of one of the eligible **adult** household members, unless the following conditions apply:
 - a) If all the adults in the household are undocumented, open the HEAT file using the adult's name and enter zeroes for social security numbers. Primary applicant must be over 18 or emancipated.
 - b) If needed, call the State HEAT Office for instructions on a case-by-case basis.
7. Target group credit will not be given for ineligible residents.

E. UTAH RESIDENTS - LENGTH OF RESIDENCY

Only Utah residents with a current physical address in Utah are eligible. There is no length of residency requirement in the State of Utah.

F. UTAH TRIBAL RESIDENTS

Members of Utah's five Native American Tribes may apply at the HEAT agency in their area, or may apply directly through their local tribal LIHEAP program, if available. They cannot, however, apply at both offices and cannot receive assistance from both programs in the same program year. Local HEAT offices must attempt to verify that tribal members have not received tribal LIHEAP assistance prior to applying for HEAT and document in case notes in eREP. If it is identified that a customer received a LIHEAP benefit from their local tribal LIHEAP program and the State of Utah HEAT Program in the same program year, the State HEAT Office will contact the utility vendor to recoup the duplicate payment. If the State HEAT Office is unable to recoup the duplicate payment from the utility vendor, they will contact the customer to recoup the duplicate payment.

G. ELIGIBLE HOUSEHOLDS

1. What is an Eligible Household
 - a) An eligible household is any individual or group of individuals who are living together under one roof and sharing a single heat source. This includes, but is not limited to, a person or persons who live together as one economic unit for whom residential heating

- is customarily purchased in common, or as separate economic units (e.g., roommates) sharing the cost of heat, or who make undesignated payments for heat in the form of rent. Eligibility is based on the situation that exists on the date of application.
- b) The applicant must be living in the residence on the day of application.
 - c) Household members need not be related.
 - d) Multiple family dwellings (duplexes, apartment buildings, etc.) are considered separate households.
- 2. One HEAT Benefit Per Program Year
 - a) A household member can receive HEAT benefits only once during any program year. If an applicant household contains anyone who has already received a HEAT benefit in any other household during the program year, the HEAT application will be DENIED. An exception can be made if custody of a minor child is in question. An entire household does not have to be denied if it claims a minor child that has already been claimed as part of another household; however, the child can only count once per program year.
 - 3. Age and Emancipation
 - a) Household members are considered adults if they are 18 years of age or older or are emancipated. A child can be emancipated (considered an adult) by age, marriage, or court order.
 - 4. Temporary Household Guests
 - a) A temporary guest is defined as someone who has resided in the household less than three consecutive months and who the applicant certifies will be in the home less than three consecutive months.
 - b) Temporary guests are not to be included on the application. They are not counted as a member of the household or as part of the income calculations. If an applicant wishes to count a temporary guest as a part of the household, the applicant must wait and apply after the guest has reached the three-month requirement. If a person resides or is expected to reside in the household more than three consecutive months, that person should be considered as any other household member.
 - 5. Length of Time in Household
 - a) If a household member is absent from the home for more than three consecutive months that person is not counted as part of the household.
 - b) If there is a question on the part of the local HEAT office as to the status of any household member the local HEAT office may require address documentation or a collateral contact. This could be in the form of a note or statement from a neighbor, friend, or relative as to the living situation of the person(s) in question.

H. VULNERABILITY

An eligible household is considered vulnerable if it is responsible for home heating costs either directly or indirectly.

- 1. Households Considered Responsible for Home Heating Costs:
 - a) Households that are presently paying heating costs directly to energy vendors on currently active accounts (verification of utility costs must be in eREP).
 - b) Households that are currently paying heating costs indirectly through rent (copy of Lease Agreement or Landlord Statement Form must be in eREP) or provide their own wood for a stove or fireplace (worker must note in eREP).

2. Households NOT Considered Responsible for Home Heating Costs:
 - a) Persons found living in the following places or circumstances on the date of application ARE NOT eligible (unless the situation is temporary and they meet the requirements listed in 1 a or b above):
 - i. Nursing homes
 - ii. Hospitals
 - iii. Skilled Nursing Facilities
 - iv. Rehabilitation Centers
 - b) Persons found living in the following places or circumstances on the date of application ARE NOT eligible:
 - i. Alcoholism and Drug Treatment Centers
 - ii. Prisons and Jails
 - iii. Group homes administered under a contract with a governmental unit or administered by a government unit
 - iv. Households not connected to a heat source (a wood fireplace or stove is considered a heat source)
 - v. If living in a motor home, trailer, or fifth wheel with an electrical source connected to a residence, the occupants are considered part of the permanent household residence.
 - vi. Automobiles
 - vii. Tents
3. Subsidized Housing:

Housing or utility subsidies are NOT counted as income. A household living in government subsidized (federal, state, or local) housing pays an amount for rent based on a percentage of the household income. In order for a household living in government subsidized housing to be considered vulnerable and, thus, eligible for the HEAT Program, they must pay a utility bill for heat costs directly to a utility provider. If the utility bill is in the name of the landlord or property management agency, the client may provide acceptable documentation (e.g., Lease Agreement, billing, or master meter statement) to show that they are responsible for the utility charges above or in addition to the subsidized rent.

I. SOCIAL SECURITY NUMBERS

1. Social Security Cards

Each household member must submit their correct Social Security Number (SSN). Social Security cards and numbers are required for all household members before completing the application. An exception may be made for infants under twelve (12) months old if they have a valid birth certificate and for children adopted within the past twelve (12) months if legal proof of adoption is presented. There are four ways to provide a correct SSN. The client may submit one of these documents:

 - a) An official Social Security card.
 - b) Other official documents from Social Security Administration (SSA) such as SSA or SSI award letters and SSA or SSI checks.
 - c) An SSA receipt (Form 5028 or 2880) on which the SSA lists the SSN for that person. If SSA does not write the number on the receipt, request any other official document with the number on it along with the receipt.

- d) Other official documents including Veterans Administration cards, eVerifs printout for the individual, W-2. Exceptions must be approved by the State HEAT Office.
- 2. If the verification listed above shows a social security number with a claim letter/number at the end, that letter/number must be one of the combinations listed below:

A M M1 T TA HA J1 J2 J3 J4

Any other combination means that the Social Security number does not belong to the client whose name is on the Medicare card, award letter, or check.

- 3. SSNs must:
 - a) Have 9 digits, appear to be a plausible SSN (Not 000-00-0000 for example)
 - b) Not conflict with another SSN in eREP
 - c) Not be impossible—one that has not yet been assigned by SSA
 - d) Be divided as follows:
 - i. Area number = first 3 digits
 - ii. Group number = 4th and 5th digits
 - iii. Serial number = last 4 digits
- 4. Here are examples of SSNs that are impossible:

Area Number	Group Number	Serial Number
000		
666		
900 to 999		
	00	
		0000

J. BILLS EXCEEDING AVAILABLE FUNDS

If the HEAT benefit, combined with other available funds, will not prevent shut-off or reconnect a utility that has already been disconnected, the application may be denied.

K. HEAT CRISIS ASSISTANCE

(Please note: These are minimum State requirements; individual agencies may have more stringent crisis rules. Verify crisis policies and procedures with the local HEAT office.)

- 1. A client must be HEAT eligible in the current program year in order to receive HEAT Crisis assistance.
- 2. Bills Exceeding Available Funds - If the Crisis HEAT benefit, combined with other available funds, will not prevent shut-off or reconnect a utility that has already been disconnected, the application may be denied.
- 3. A crisis exists when a household receives a 48 hour shut-off notice, does not have active service, or is within 10% of depleting deliverable fuel and faces an event beyond their control resulting in the inability to pay household heating costs.
 - a) A crisis may be caused by:
 - i. Medical conditions—high costs or essential equipment
 - ii. Sudden loss of job, public benefits, or other income
 - iii. Malfunction of heating equipment
 - iv. Other circumstances that may pose a potential health and/or safety threat
 - b) Circumstances which do not necessarily qualify as a crisis include:

- i. Non-payment of utility/fuel costs
 - ii. Unexplained or excessively high utility/fuel costs
 - iii. Other situations which are not sudden, unexpected, or beyond the control of the household.
 - c) If a state of emergency or public health emergency is declared within the state, county, city, or town where a Crisis HEAT application is being received and the local energy companies have put a temporary hold on shut-off notices, the HEAT agency may serve a crisis household without a 48-hour shut-off notice.
 - d) In the limited instance that inoperable heating/cooling appliances or supply of power to a HEAT eligible dwelling is disrupted—causing temporary evacuation of household members, Crisis funds may be used to help defray some costs associated with providing temporary living space in apartments, hotels, shelters, etc. The temporary period should not exceed 14 days, and the amount should not exceed \$500.00 per household. The purpose is to place people in safe havens, and preserve health and safety, in an attempt to move them from the crisis situation. In this case, the payment of lodging costs is tied to home energy and home energy crises.
 - e) A window air conditioner may be provided to a HEAT qualified household with the presentation of a doctor's note. Only one window air conditioner can be provided to each household within a ten (10) year period. Exceptions may be made by local HEAT agencies when it is deemed that the household is in need of an air conditioning unit. For example, extremely hot summers, households with a target group, etc.
 - f) Examples of non-approvable expenditures from Crisis include:
 - i. Payments that create a credit balance on a utility account.
 - ii. Payments for legal fees, tampering fees, or collection fees.
 - iii. Payments to a collection agency.
 - iv. Capital improvements to rental property.
4. Guidelines for Crisis Assistance
- a) HEAT offices must respond to crises year round or until federal LIHEAP funds are exhausted. If funds are exhausted before March 15th staff must be available to assist households in crisis by providing information, referral, advocacy and/or case management services.
 - b) Households facing energy related emergencies must be served by a “fast track” or expedited procedure which ensures that:
 - i. For life-threatening emergencies, some form of assistance will be provided within 18 hours of completed application that will resolve the energy crisis. A life threatening emergency is defined as a crisis situation (as defined above) that exists in a household which has a written notice from the Division of Public Utilities (DPU) that the residence has “life supporting equipment.”
 - ii. For crisis situations (as defined above) that involve non-life threatening emergencies, some form of assistance will be provided within 48 hours of completed application to resolve the energy crisis.
 - iii. If verifications are required to complete the crisis application, worker must request that all verifications be provided within ten (10) days of the crisis application date. If worker has not received all verifications within ten (10) days, worker must deny the crisis application.

- c) In the event of household energy related emergencies, in-kind benefits may be used to augment crisis assistance. These include but are not limited to sleeping bags, clothing, blankets and emergency disaster kits.
- d) If any portion of the annual HEAT benefit was paid directly to the client, the household is not eligible for crisis assistance during that program year. Any exceptions must be approved by the local HEAT supervisor or their designee and documented in eREP case notes. An exception can be made for wood or deliverable fuel clients.
- 5. If the local office determines that a household is eligible to receive HEAT Crisis assistance, the following procedures must be followed:
 - a) Client must qualify for the HEAT Program. (If a HEAT worker wishes to apply for crisis assistance, the application must be taken by the HEAT supervisor and edited by a member of the state HEAT staff with whom no conflict of interest exists).
 - b) The HEAT supervisor or designee must approve all crisis payments.
 - c) A crisis application must be completed and notes documenting the crisis must be included in eREP each time crisis funds are used.
 - d) Each household may apply for HEAT Crisis assistance up to a maximum of \$2,000 per program year (October 1 through September 30). A household cannot receive more than \$2,000 in Crisis benefits per program year, unless prior approval is received from the State HEAT Office.
 - e) If the applicant is paying an amount towards the current bill, proof of payment is required either attached as a document or noted in the case notes section.
 - f) All crisis applications must be entered into eREP.
 - g) Crisis assistance benefit payments must be paid directly to a utility vendor and may not be paid to a client.
 - h) Allowable/Not Allowable charges:
 - i. Water, sewer and garbage charges are allowable only if they are required as part of the energy portion of the vendor bill to keep the energy source to the household.
 - ii. Cable TV and/or internet are not allowable Crisis charges. If either is included in the energy bill, that amount must be paid prior to the Crisis payment.

L. WEATHERIZATION

Participation in the Weatherization Program is not a condition of eligibility for HEAT. If a HEAT client requests weatherization, they can be referred to one of the local Weatherization Offices listed on our website under Weatherization Agencies.

M. UTILITY COMPANIES AND HEATING SUPPLY VENDORS - SECURITY DEPOSITS

1. Public Service Commission (PSC) regulated utilities
 - a) Monies received by a regulated utility from third-party sources (such as HEAT or similar programs) shall not be applied to the security deposit, but shall be applied only to the cost of energy service.
 - b) A PSC regulated utility is required to waive the security deposit requirement for all moratorium clients during the period of the moratorium. They are also required to waive the security deposit for HEAT customers for the period of the moratorium.
2. Non-regulated utilities

- a) The security deposit policy for a non-regulated utility is set by the local governing board such as the city council, the company owner, or other policy board.
3. If the utility company has signed a HEAT contract, the company agrees to waive any security deposit billed to households for the HEAT Program. This does not apply to service initiation fees that are routinely charged as a condition of service.

N. CONSUMER COMPLAINTS AGAINST UTILITIES

1. Public Service Commission regulated utilities
Consumer complaints against a PSC regulated utility should be referred to the Public Service Commission at 801-530-7622, or toll free at 1-800-874-0904.
2. Non-regulated utilities
Consumer complaints against a non-regulated utility should be referred directly to the individual utility company.

O. BENEFIT REFUNDS

1. A refund occurs when a HEAT benefit was paid, but the utility account was subsequently closed leaving a credit balance on the account.
2. If a household discontinues service with a vendor, the vendor may forward to the new vendor any credit balance remaining on the account as long as the new utility account is in the name of the HEAT client or a HEAT household member and the new service address is located in Utah. The client must furnish the name and address of the new vendor together with his/her account number within six months after termination of service.
3. If the vendor is unable to forward the funds to the new vendor, the refund should be returned to the State HEAT Program. The client may contact their local HEAT agency and request that the credit balance be forwarded to their new utility vendor as long as the new utility account is in the name of the HEAT client or a HEAT household member and the new service address is located in Utah. The client must furnish the name and address of the new vendor together with his/her account number within six months of termination of service.

P. UTILITY COMPANY PROGRAMS

Any utility vendor programs which benefit the qualifying population can be evaluated and counted as leveraged funds. This may include utility company fee waivers, discounts, deposit waivers, arrearage forgiveness and/or the value of any other household benefit provided.

Q. ALLOWABLE/NOT ALLOWABLE CHARGES

Water, sewer and garbage charges are allowable only if they are required as part of the energy portion of the vendor bill to keep the energy source to the household.

INCOME ELIGIBILITY MONTH

A. HEAT INCOME ELIGIBILITY MONTH

1. The “Income Eligibility Month” is the month prior to the date of application entered into eREP. (See ELIGIBILITY DETERMINATION SECTION, E. Date of Application, for the date of application to be entered into eREP for each application type.)
2. All countable income for the applicant household will be used to determine the HEAT payment. If the client does not verify ALL income received by current household members in the income eligibility month, the application will be denied.
3. To verify countable income in the income eligibility month, documentation that represents the actual income received will be used.

B. COUNTABLE HOUSEHOLD INCOME IN THE INCOME ELIGIBILITY MONTH

1. Subtract all verified medical, child support and alimony payments from the monthly income amount.
2. In calculating income, **DO NOT** round any amounts. Use actual amounts for all calculations including the total income.
3. Income will be counted as received at the time: a) it is automatically deposited into a financial institution, or b) it is dated.
4. Use the income (after adjustments for the 20% earned income disregard, the medical deduction and the child support/alimony paid deduction) to compute the household’s HEAT benefit as per the HEAT Benefit Formula. If income is less than zero, enter zero.
5. Terminated income is treated like all other income.

C. INCOME DEFICIT/ZERO INCOME

1. When a household claims little or no income, the HEAT worker will need to ask them how they are meeting their expenses and note their response in eREP.
2. An Income Deficit Statement must be completed by each adult or each couple in the household. If additional documentation is required to verify income, the client will be given a list of required documents and will have ten (10) days from that date to return the needed verifications or the case will be denied.
3. Any adult reporting zero (0) income may be asked to complete an Income Deficit Statement.

D. ASSET STANDARDS

The value of any household assets, either real or personal property, is not considered when determining eligibility for the HEAT Program. Payments received or drawn down from assets on a regular basis will be counted as income (e.g., reverse mortgages or withdrawals from accounts).

E. COUNTABLE INCOME AND OTHER EXCEPTIONS DURING A STATE OF EMERGENCY OR PUBLIC HEALTH EMERGENCY

A state of emergency or public health emergency is any situation of danger or disaster in which normal government operations are limited or suspended in order to address the emergency and regain control of normal operations.

If a state of emergency or public health emergency is declared within the state, county, or city where HEAT applications are being received, point-in-time income will be accepted. The following income verification exceptions may be made by the local HEAT agency:

1. Unemployment Benefits:
 - a) Count all projected unemployment benefits to be received in the month of application.
 - b) All temporary supplements to unemployment benefits must be disregarded.
2. Income deficit/zero income:
 - a) An income deficit or zero income statement may be accepted through email.
 - b) An acceptable verification must include a client statement in the body of an email, or a filled out pdf form of the income deficit statement, or a clear picture of the filled out paper form uploaded and attached to the email.
 - c) If using a client statement in the body of an email, the email must include all of the applicable information from the income deficit form.
 - d) The HEAT worker must document in case notes the state of emergency or public health emergency and which verification method is being accepted.
3. Self-employment income:
 - a) An agency may forego gathering income from the previous 12 months as an income estimate.
 - b) Any income received in the month of application must be counted on the application.
 - c) Self-declared income projections for the application month is acceptable verification.
4. Lay-offs/reduction in income:
 - a) An agency must verify that the individual is no longer employed and that the prior month's income has been terminated.
 - b) Any income received in the month of application must be counted on the application.
 - c) All other sources of income must be accounted for.
 - d) Telephone verification via collateral contact to the employer is an acceptable method of verification and must be documented in case notes. Case notes will include the date of contact, name and title of the person contacted and the date income was terminated.
 - i. If the employer cannot be reached, a customer statement is acceptable verification.
5. Application signatures:
 - a) Signatures may be waived for applications conducted by telephone/over the phone; however, the HEAT worker must read the declaration from the HEAT application over the phone and the client must provide a voice signature over the phone to certify that the information provided is true and accurate.
 - b) When a telephone/over the phone application is taken, worker must document in case notes that the client responded in the affirmative to the declaration and asked to sign the application verbally.

INCOME STANDARDS

A. INCOME

1. For HEAT assistance cases, the local HEAT office shall determine the net income of the household received in the income eligibility month. (See INCOME ELIGIBILITY MONTH SECTION, A1 HEAT Income Eligibility Month). Net income is gross income minus exclusions, disregards and deductions. (See INCOME STANDARDS SECTION, E. Income Exclusions, F. Income Disregards and G. Medical, Child Support, Alimony and Target Group Qualified Deductions.) This amount must be at or below 150% of the federal poverty level for the household size. Verification of income must be maintained in eREP. Income that is received on a “regular” basis (i.e., quarterly, monthly, bi-weekly, etc.) is considered countable.
2. Information reviewed in eVerifs related to income including unemployment insurance, General Assistance benefits and child support benefits must be accounted for as unearned income.
3. Social Security income amount to be reported (Social Security Retirement; Supplemental Security Income [SSI]; Social Security Disability Insurance [SSDI or SSD]; Retirement, Survivors and Disability Insurance [RSDI]):
 - a) Workers must use the actual amount of Social Security income received in the income eligibility month, except as noted in 3 b below.
 - i. If an overpayment is being deducted from a client’s monthly Social Security payment, the worker must count the actual amount the client received as unearned income.
 - ii. If a client provides a bank statement showing their Social Security deposit for the income eligibility month, the worker may accept that as proof of Social Security unearned income.
 - b) If a client receives two Social Security payments in a month, one at the beginning and one at the end of the month due to a holiday or the pay date falling on a weekend, the unearned income amount must be applied to the month it was intended for. Example: A client receives a payment on 12/1 for December and another payment on 12/29 for January because 1/1 is a holiday. Count the amount received on 12/29 toward January unearned income.

B. UNEARNED INCOME

Unearned income is money received by an individual for which he/she does not incur costs related to “going to work.” Unearned income includes but is not limited to the following:

1. Pensions and annuities such as Railroad Retirement, Social Security Retirement, Veterans Assistance, Civil Service.
2. Supplemental Security Income (SSI).
3. Disability benefits such as Social Security Disability Insurance (SSDI), Workers Compensation, mortgage insurance, paycheck insurance.
4. Unemployment Compensation.
5. Strike or union benefits.
6. Veterans Administration Benefits (VA).

7. Child support or payments made in lieu of child support (e.g., rent, car payment, mortgage payment, etc.).
 - a) If there is reason to believe that the question of child support should be addressed (e.g., a single-parent household with one or more children under the age of 18 living in the household), worker must address child support as possible unearned income. You may use the following website to verify child support:
<https://ors.utah.gov/housingverification.html> or the HCD-884 Child Support/Alimony Statement Form.
8. Alimony, or payments made in lieu of alimony (e.g., rent, car payment, mortgage payment, etc.).
9. Veterans Educational Assistance intended for family members of the student. (The student's portion is exempt.)
10. Trust payments, withdrawals and/or dividends received on a regular basis.
11. Money from sales contracts and mortgages.
12. Personal injury settlements.
13. General Assistance (GA), Transitional Cash Assistance, or other financial payments made by the Department of Workforce Services or other agencies.
14. Emergency Work Program (EWP) Work allowances (including WEAT).
15. Foster care payments.
 - a) The household may choose to count foster children in the household. If they are counted then the stipend for the children, received in the income eligibility month, is counted as household income.
16. Rent amount when a client works for rent.
17. Rental Property Income. If the client also manages the property but does not live in the property, the income is earned. (See Item D Self Employment Income below.) Call the State HEAT Office for clarification if you have questions.
18. 401K payments.
19. Retirement income.
20. Payments received or drawn down from assets (e.g., reverse mortgages or withdrawals from accounts).
21. Gifts received, or payments made on client's behalf, on a regular basis.

C. EARNED INCOME

Earned income is income in cash or in-kind received by an individual for which a service is performed. Earned income includes but is not limited to the following:

1. Wages, including military base pay.
2. Salaries.
3. Commissions.
4. Monies from self-employment, including babysitting.
5. Tips and gratuities.
6. Sale of livestock and poultry.
7. Military payments to cover Basic Allowance for Quarters (BAQ) and Basic Allowance for Subsistence (BAS).
8. Money the employee chooses to have withheld for benefit plans such as Health Savings Accounts (HSAs), Flex Plans and Cafeteria Plans.

9. Income from rental property if the client manages the property but does not live there.

D. SELF-EMPLOYMENT INCOME

A self-employed person actively earns income directly from his/her own business, trade, or profession, rather than as a salary or wages from an employer. A self-employed person will use the estimated monthly income from last year to determine eligibility for HEAT.

Estimated Monthly Income can be determined in one of two ways:

1. Previous Year's Federal Tax Return
 - a) The preferred option is to use the previous year's Internal Revenue Service (IRS) 1040 Schedule 1 (Additional Income and Adjustments to Income) to determine a self-employed person's income when applying for HEAT. The supervisor can choose to require the applicant to file their previous year's tax return prior to applying for HEAT benefits. Add Line 3 (business income) + Line 5 (rental real estate, royalties, partnerships, S corporations, trusts, etc.) + Line 6 (farm income) from IRS 1040 Schedule 1 to get total self-employment income. Divide by 12 to determine estimated monthly income. If amount is less than zero, enter zero as estimated monthly income. Subtract the 20% disregard from estimated monthly income, then subtract any eligible medical expenses, alimony, or child support paid during the income eligibility month to determine eligibility. If amount is less than zero, enter zero.
2. Self-Employment Income Worksheet (DWS-HCD 877)
 - a) The client is responsible to fill out the Self-Employment Income Worksheet (DWS-HCD 877) in its entirety. The total net income for the year is divided by 12 to determine the estimated monthly income. (If documentation shows that the business is less than a year old, divide total net income by number of months business has been operating to determine estimated monthly income.) If amount is less than zero, enter zero as estimated monthly income. Use the estimated monthly income to calculate the 20% disregard. Subtract the 20% disregard then subtract any eligible medical expenses, alimony, or child support paid during the income eligibility month to determine eligibility. If amount is less than zero, enter zero. When the Self-Employment Income Worksheet is used, IRS Form 8821 may be completed and signed for each adult household member and for each business owned by the household members. The local Heat office may request a copy of client's IRS tax transcripts if they deem it necessary.
3. Self-Employed Health Insurance Deduction
 - a) Use line 16 of the 1040 Schedule 1 and divide by 12 for the monthly medical deduction amount for self-employed clients.
4. Income from Odd Jobs
 - a) If a HEAT worker determines that a client earns income from odd jobs rather than from his or her own business, the client can provide a list of income and sources for the relevant month. Additional verification may be required.

E. INCOME EXCLUSIONS

Certain kinds of income or benefits are excluded from being counted as income when determining HEAT eligibility. Excluded income includes, but is not limited to, the following:

1. Earned income of a child 18 years or younger who is enrolled as a K-12 student. Worker must note in eREP.
2. Funds that are not paid on a regular basis. Examples of this would include a Christmas bonus, tax refund and lump sum severance pay.
3. Reimbursements for expenses directly related to employment, training, schooling and volunteer activities.
4. Temporary Assistance to Needy Families (TANF) and Family Employment Program (FEP).
5. Reimbursements for other expenses incurred, such as medical expenses.
6. Supplemental Nutrition Assistance Program benefits (food stamps).
7. Special Supplemental Nutrition Program for Women, Infants and Children benefits (WIC).
8. Federal student aid.
9. Bona fide loans of money that must be repaid by the client. Executed loan documents and repayment schedule may be required.
10. Compensation paid to individual volunteers under the Retired Senior Volunteers Program (including Green Thumb) and the Foster Grandparent Program established under the Older Americans Act of 1965.
11. Incentive and training expenses paid by self-sufficiency programs.
12. Earned Income Tax Credit refunded to the household.
13. Job Training Partnership Act (JTPA) or equivalent youth work experience.
14. Value of Food Stamp benefits, Food Stamp Cash Out checks and surplus commodities donated by the U.S. Department of Agriculture and WIC coupons.
15. Student portion of Veterans Educational Assistance (portion of Veterans Educational Assistance intended for family members of the student are not excluded).
16. Bank Interest.
17. Subsidies for adoption of the hard-to-adopt child including Title IVE Adoptive Assistance for Disabled Children.
18. Compensation or reimbursement paid to AmeriCorps volunteers, Senior Health Aides, SCORE, Senior Companions and ACE or programs under Section 418 of P. L. 93113.
19. Church cash assistance and voluntary cash contributions by others if not received on a regular basis.
20. Rental subsidies and employer relocation assistance.
21. Utility subsidies.
22. Monetary allowances for certain children of Vietnam War veterans.
23. The full military pay for an active duty soldier not in the home. However, you must count as income any allotment that is taken out of his/her military pay and sent home for the family's support.
24. Payments made under the Alaska Native Claims Settlement Act, Public Law 92203.
25. Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240.
26. Payments made under the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the Re Agent Orange Product Liability Litigation, Public Law 101-201, Section 10405 of Public Law 101-239.

27. Payments under Public Law 100-383 to Japanese and Aleut people who were relocated during wartime.
28. Payments made from the Radiation Exposure Compensation Act. These are exempt under Public Law 101-426.
29. Payments under the Disaster Relief and Emergency Assistance Amendments of 1988. Public Law 100-707.
30. Distributions from Tribal Trust Funds (per-capita payments) are not to be considered income or used as a basis for denying or reducing HEAT benefits to Native Americans.
31. Educational assistance or college work-study payments.
32. Easter Seals.

F. INCOME DISREGARDS

Twenty percent (20%) of the total household gross earned income, including self-employment earned income, shall be disregarded (or subtracted) to determine the income for HEAT eligibility. The 20% disregard for self-employed households will be subtracted from the Estimated Monthly Income, either from the Self-Employment Income Worksheet or from IRS Form 1040, along with IRS Schedule 1 (as noted in the Income Standards Section under Self-Employment Income above). This 20% disregard is applied to all households with earned income. The purpose for the disregard is to help working persons cover expenses related to having to go to work.

G. MEDICAL, CHILD SUPPORT, ALIMONY AND TARGET GROUP QUALIFIED DEDUCTIONS

The below expenses are allowed as deductions from the total income in determining HEAT eligibility for all households. To be eligible for the deductions, the amounts must be PAID in the income eligibility month. Proof of payment must be in the client's file. Copies or scans of all receipts for paid expenses are required.

1. Medical Deductions

Allow a deduction for payments on uncompensated medical bills when those payments are actually made by a member of the household, including an ineligible household member, during the income eligibility month. To allow this deduction, the client must verify the payment was made directly to a medical provider by a member of the household, for a member of the household, in the income eligibility month, and that they will not be reimbursed by a third party.

a) Allowable Medical Deductions

- i. Health insurance, dental insurance and vision insurance premiums.
- ii. Payments made to doctors, hospitals, health professionals, or medical/dental clinics.
- iii. Prescriptions written by a health professional and filled by a pharmacy or an authorized facility such as a state or privately run medical facility. A medical cannabis facility is an allowable facility. A link to Utah medical cannabis facilities is here: <https://medicalcannabis.utah.gov/pharmacies/pharmacy-locations/>.
- iv. Payments for prescription eyeglasses, contact lenses, hearing aids, oxygen, oxygen and blood pressure monitors, diabetic supplies and medical supplies that require a

prescription with an itemized receipt attached to the case. Deduct sales tax from the receipt total.

- b) Examples of Unallowable Medical Deductions
 - i. Payments made to lending institutions on money borrowed for medical expenses are not an allowable deduction.
 - ii. Vitamins, herbs and health drinks.
 - iii. Food or groceries for special diets are not deductible, even when prescribed by a doctor.
 - iv. Medicare tax deducted from a person's paycheck is a tax and is not a medical deduction.
 - v. Contributions to a Health Savings Account (HSA) or Flex Spending Account (FSA).
 - vi. Supplemental insurance plan premiums (e.g., AFLAC, long-term disability insurance, short-term disability insurance). Please note that a Medicare supplement is a health insurance policy, not a supplemental policy, and is an allowable deduction.
 - vii. Payments for over-the-counter medicines and remedies such as aspirin, cold remedies and Depends are not deductible.
- 2. Child Support and Alimony Deductions
 - a) Deductions for child support/alimony payments are allowed when those payments were made by a member of the household during the income eligibility month. Alimony/child support payments that are made directly to a mortgage or car company can also be deducted. Worker must verify payment and document in eREP.
- 3. Target Group Window or Room Air Conditioner Unit Qualified Deduction
 - a) Target groups may apply the purchase of a window or room air conditioner unit as a deduction to qualify for the HEAT Program.
 - b) Requirements for a target group window or room air conditioner unit qualified deduction are listed below:
 - i. A member of the applicant's household must meet one of the three target groups:
 - a. Disabled
 - b. Sixty (60) years of age or older
 - c. Under age six (6) years
 - ii. The applicant's total household income must fall within 150% FPL (after all qualified deductions).
 - iii. A household member must purchase a window or room air conditioner unit within the month of eligibility.
 - iv. Proof of payment:
 - a. The applicant must provide a receipt showing a household member purchased the unit.
 - b. The unit must be purchased within the month of eligibility AND between April 1 through September 30. Exceptions may be made for units purchased in a different month and must be approved by the State HEAT Office.
 - c) Regardless of the price of the unit, the HEAT Program will only allow a deduction up to \$500.
- 4. Target Group Space or Unit Heater Qualified Deduction
 - a) Target groups may apply the purchase of a space or unit heater as a deduction to qualify for the HEAT Program.
 - b) Requirements for a space or unit heater qualified deduction are listed below:
 - i. A member of the applicant's household must meet one of the three target groups:

- a. Disabled
 - b. Sixty (60) years of age or older
 - c. Under age six (6) years
- ii. The applicant's total household income must fall within 150% FPL (after all qualified deductions).
- iii. A household member must purchase a space or unit heater within the month of eligibility.
- iv. Proof of payment:
 - a. The applicant must provide a receipt showing a household member purchased the unit.
 - b. The unit must be purchased within the month of eligibility AND between October 1 through March 31. Exceptions may be made for units purchased in a different month and must be approved by the State HEAT Office.
- c) Regardless of the price of the unit, the HEAT Program will only allow a deduction up to \$500.

ELIGIBILITY DETERMINATION

The local HEAT office shall determine a household's eligibility by applying the program and income standards in the HEAT Policy to the household's circumstances and by establishing the validity and accuracy of the information given by the applicant's household.

A. APPLICATION TYPES

In order to determine eligibility, the client must submit a completed application with the required documents to the local HEAT office. There are four (4) ways to apply for HEAT benefits:

1. In-Person (In-Office, Outreach, Community Partner Outreach Events): Each office holds appointments for clients to apply in-person throughout the HEAT Program year. Appointments are made through the local HEAT office. In-person appointments are also conducted by HEAT workers at outreach events and by Community Partner Outreach Workers.
2. Mail-In/By Mail: To apply by mail, the client must obtain and complete an application, gather all required documents and mail them to the local HEAT office for processing. If all documents are not received with application, client will be notified to submit required documents or application will be denied.
3. Online: To apply online, client must meet the online application requirements, register for a username and password, log into the online system, complete and submit an application and provide all required documents to the local HEAT office for processing. If all documents are not received with application, client will be notified to submit required documents or application will be denied.
4. Telephone/Over the Phone: The local HEAT office may take HEAT applications by telephone/over the phone, based on agency capability. See B. APPLICATION SIGNATURES below for information on storing the verbal application signature.

B. APPLICATION SIGNATURES

1. Signatures may be waived for applications conducted by telephone/over the phone; however, the HEAT worker must read the declaration from the HEAT application over the phone and the client must provide a voice signature over the phone to certify that the information provided is true and accurate.
2. The agency must keep a recording to document the voice signature. The recordings must be stored in a safe location and be available for retrieval, when needed, for case file reviews. Worker must document in case notes that the voice signature was recorded and the location of the recording.
3. When a telephone/over the phone application is taken, worker must also document in case notes that the client responded in the affirmative to the declaration and asked to sign the application verbally.

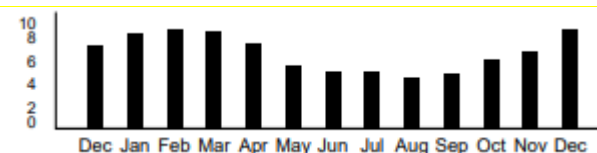
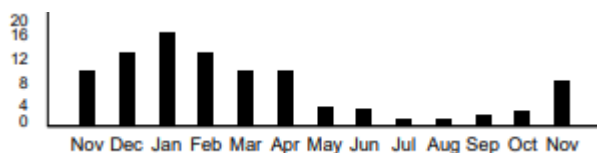
C. ACCEPTABLE VERIFICATION

1. All factors of eligibility must be verified and documented in eREP.

2. It is the applicant's responsibility to obtain acceptable verification. Acceptable verification may include, but is not limited to, any official document, such as SSA letter, eVerifs or other approved system verification, bank statement, blessing certificate, etc.
3. The client has ten (10) days to provide the requested verification.
4. Copies of all documents must be maintained in eREP including SSN documentation. If verification is provided through an outreach worker, case notes itemizing information from each document may be accepted as verification.
5. If the household refuses to present the required documentation the application will be denied.

D. DETERMINING THE PRIMARY AND SECONDARY HEATING SOURCES/FUEL TYPES

1. Clients self-declare their current primary and secondary heating sources/fuel types on their HEAT application. Types of heating sources/fuel types listed in eREP are: coal/steam, electricity, natural gas, oil, other, propane/kerosene and wood.
2. If Client Lists Natural Gas as Primary Heating Source:
 - a) If the client reports natural gas as their primary heating source and none or other as their secondary heating source, worker must select “electricity” as the secondary heating source, if the client has electricity service. (This does not apply if the client does not have electricity service.) Worker should make a note in case notes explaining the discrepancy.
 - b) If the client reports natural gas as their primary heating source and enters wood, coal/steam, propane, or oil as their secondary heating source/fuel type, worker must list what the client reported on their application.
3. If Client Lists Electricity as Primary Heating Source:
 - a) If the client reports electricity as their primary heating source and natural gas as their secondary heating source, worker must verify if electricity is their primary heating source by reviewing the client’s usage history on their natural gas bill (see 4 below). If worker verifies that natural gas is actually the client’s primary heating source, worker must correct the heating source(s) in eREP and make a note in case notes explaining the discrepancy.
4. To Review Natural Gas Bill
 - a) Look at client’s usage history on their natural gas bill. If natural gas is the primary heating source in the client’s home, there will be a large spike in usage during winter months. If natural gas is not the primary heating source in the client’s home, the natural gas usage will be close to the same every month.
 - i. See examples below of gas bills showing usage that indicates natural gas is the primary heating source. Note the high natural gas usage in the winter months:



5. Not vulnerable for cost of the primary or secondary heating sources
 - a) If the household is not responsible for paying the primary or secondary heating sources, the household is not eligible for the HEAT Program.
6. If a HEAT worker changes the primary and/or secondary heating source/fuel type from what the client reported on their application, the worker must document the discrepancy in case notes in eREP.
7. Examples:
 - a) A client's home may be heated with electricity; however, the client may also have natural gas service that is only used to operate the gas stove and not used to heat the home. When a client has both natural gas and electricity as heating sources, worker must review the natural gas bill (as noted in 4 above) to determine the primary heating source.
 - b) If a client normally heats their home with natural gas, but is currently heating with wood because their natural gas furnace is broken, worker should select wood as the primary heating source.

E. DATE OF APPLICATION

1. Mail-In/By Mail Applications:
 - a) Should be stamped in and dated the date the application is received in the local HEAT office.
 - i. The date stamp must always be used as the date of application in eREP (except as noted in E. 1 (a) ii. below). The income eligibility month is the month prior to the date of application entered into eREP. (See INCOME ELIGIBILITY MONTH SECTION, A1 HEAT Income Eligibility Month.)
 - ii. Exception to date of application to be entered into eREP: When an application is received during the first seven (7) days of a month and includes verification document(s) for the month prior to the signature date on the application, the worker may use the signature date as the date of the application in eREP and must narrate an explanation in eREP case notes. In extenuating circumstances supervisors have the flexibility to make a determination on the application date and must narrate an explanation in case notes.
 1. Example: Mail-In application received during the first seven (7) days of the month that includes verification document(s)
 - a. Agency received a mail-in HEAT application on April 3 that was signed on March 30. Included with the application were verification documents from February. Since the application was received during the first seven (7) days of the month and included verification document(s), the worker may use the signature date as the date of application in eREP and February as the income eligibility month. Worker must narrate an explanation in eREP case notes.
2. In-Office Applications:
 - a) Date of the initial office visit.
3. Online Applications:
 - a) Date the application is submitted online by the client.
4. Outreach Applications (applications taken at outreach events by HEAT workers):

- a) Date the application is taken at the outreach event (e.g., the date the HEAT worker meets with the client, which is also the date the client completes and signs the application).
- 5. Community Partner Outreach Worker Applications:
 - a) Date the application is received in the local HEAT office. An exception to the income eligibility month may be made on Community Partner Outreach Worker applications that are received.
- 6. Over the Phone/Telephone Applications
 - a) Date the application interview is conducted by telephone/over the phone.
- 7. The application process must be completed within 45 days of the date of application entered into eREP unless an acceptable reason for the delay has been documented in eREP case notes. Office delay or backlog in editing/processing is not an acceptable reason.
- 8. The HEAT application type must be narrated in eREP case notes.

F. DATE OF PAYMENT

The payment date is the date the HEAT check is actually issued. Generally the check is mailed the working day following the check date.

G. INTERNAL CONTROLS

Each local HEAT office must abide by the written policies in the HEAT Policy Manual provided by the State HEAT Office to ensure accurate client eligibility determination, benefit approval and protection of the funds from fraud, waste and abuse. Individual HEAT offices must be able to show that they have procedures in place that outline the local HEAT office's process for completing appointments, processing mail-in applications, processing online applications and calculating benefits. Validation of these procedures is completed through HEAT agency monitoring reviews. The procedures must be available at any time during the HEAT season and will be reviewed during monitoring to ensure total internal compliance.

PAYMENT CALCULATION

A. HEAT BENEFIT CALCULATION

See Table I, HEAT Benefit Calculation, (below) for a worksheet to calculate a HEAT benefit payment. The HEAT benefit payment calculation is based on a household's income (percent of poverty), energy burden and target groups (see Tables I, II and III below). Households with the lowest income and the highest energy burden will receive a higher HEAT payment. Households with children under age six years, elderly sixty (60) years of age or older, disabled persons and/or propane/fuel oil users receive an additional energy assistance benefit amount.

B. PERCENT OF POVERTY

To determine a household's percent of poverty, divide the household's net monthly income by the amount shown for the household's size in Table II, 2022 Federal Poverty Level & Monthly Income Limits, (below) under the column labeled, "**100% of Poverty.**" Net income is gross income minus exclusions, disregards and deductions. Remove the decimal point, rounding the product up to the nearest whole number. This is the household's Percent of Poverty. Households above 150% of poverty are not eligible.

C. ENERGY BURDEN

Energy burden is the proportion of a household's income used to pay for home heating. To determine a household's energy burden, divide the household's monthly energy cost (listed in Table III - Monthly Energy Cost Standards below) by the household's NET monthly income (Net income is gross income minus exclusions, disregards and deductions as noted in the INCOME STANDARDS SECTION, E. Income Exclusions, F. Income Disregards and G. Medical, Child Support, Alimony and Target Group Qualified Deductions.) Remove the decimal point, rounding the product to the nearest whole number. This is the household's energy burden. The maximum Energy Burden allowed is 25%.

1. Households who pay all of their own energy costs
 - a) Households who pay all of their own energy costs directly to utility vendors must use Table III - Monthly Energy Cost Standards (below) to determine their monthly energy burden. Determine the primary heating source/fuel type the household uses for heating to decide what heating source/fuel type to use from Table III. Use the monthly energy cost standard amount from Table III to compute the household's energy burden. The household must provide their most recent energy bills in order to be determined vulnerable.
2. Households who pay all their energy costs as part of their rent
 - a) Households who pay all their energy costs as part of their rent directly to their landlord must use Table III - Monthly Energy Cost Standards (below) to determine their monthly energy burden. Determine the primary heating source/fuel type the household uses for heating to decide what heating source/fuel type to use from Table III. Use the monthly energy cost standard amount from Table III to compute the household's energy burden. The household must provide the Landlord Statement Form or lease agreement completed by their landlord in order to be determined vulnerable.

D. TARGET GROUPS

If a household has at least one eligible member of a target group (listed in 1-3 below), an additional benefit amount of \$150, called a target group credit, will be added to the HEAT benefit calculation. Only one target group credit is allowed per household even if more than one target group is met. The target group credit will not be given to ineligible non-citizens.

1. Young children

The household is eligible for the target group credit if it includes a child under age six (6) years. The household must provide documentation, such as a birth certificate, blessing certificate, or immunization record in order to be eligible for this additional benefit.

2. Elderly persons

A household is eligible for the target group credit if it has at least one person sixty (60) years of age or older. Date of birth on the application is sufficient proof of age for the elderly.

3. Disabled persons

a) Persons age sixty (60) years and older may self-declare their disability. They do not need to provide 3rd party documentation of the disability, but the worker must make note of what the client says the disability is.

b) For those under age sixty (60) to qualify for the disability target group credit, eREP must include **one** of the following:

- i. Proof of SSD, SSI, General Assistance, an active ABD case in eREP (Aged, Blind, Disabled Medicaid), a veteran disability document, proof of Medicare enrollment, or DMV Registration with permanent disability designation.
- ii. A completed HEAT Program Release of Medical Information and Disability Verification form (or letter from licensed physician on physician office letterhead which includes the same information that is required on the HEAT Program Release of Medical Information and Disability Verification form) signed by a licensed physician and faxed, emailed, or mailed from the doctor's office. The form must be signed in the current program year or we must have the form on file from a previous year indicating the disability is permanent.
 - A person cannot walk two hundred feet without stopping to rest;
 - Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistive devices. This does not include temporary injuries such as a broken leg, a sore back, etc.;
 - Is restricted by lung disease to such a degree that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; Uses portable oxygen;
 - Has a cardiac condition to the degree that the person's functional limitation is classified (according to American Heart Association standards) in severity as Class III or Class IV;
 - Is severely limited in their ability to walk due to an arthritic, neurological or orthopedic condition;
 - Has a medically determined mental or physical disability **expected to last longer than six months; OR**
 - Other visible condition that suggests a disability.

E. PROPANE OR FUEL OIL

If the household's primary heating source/fuel type is propane or fuel oil, an additional payment of \$150 will be added to the benefit.

F. SUPPLEMENTAL PAYMENTS

1. Supplemental payments are created to correct the amount of a HEAT benefit paid or to re-process a rejected HEAT benefit payment. Corrections may be the result of a miscalculated HEAT benefit or to provide additional HEAT benefits if the benefit matrix is changed after the start of the HEAT season. If the supplemental payment is a result of a benefit matrix change, a credit balance may be created on an account that has previously received both a HEAT benefit and a crisis benefit.
2. A supplemental payment may also be a benefit payment to HEAT-qualified households when funding permits and/or there are circumstances that warrant a supplemental payment to be paid out. This may be a flat benefit across the board or a benefit determined by energy burden and target group eligibility.

G. TABLE I – HEAT BENEFIT CALCULATION

TABLE I HEAT BENEFIT CALCULATION		
1. INCOME FORMULA Total NET Income \$ _____ divided by 100% of the Poverty Amount for a household size of _____ (see Federal Poverty Chart, Table II below) \$ _____ = _____ % (Ineligible if over 150%) Subtract the % amount from \$300.00 = \$ _____ Total #1: \$ _____	2. ENERGY BURDEN HEATING SOURCE/FUEL TYPE: _____ Household Energy Cost (Select one): House Standard \$ _____ Apt. Standard \$ _____ (see Monthly Energy Cost Standards, Table III below) Divide Energy Cost selected above by total NET income _____ = _____ X \$10.00 = _____ (Max. of 25) Total #2: \$ _____	3. TARGET GROUPS Child under 6 _____ Disabled _____ Over 60 _____ If household has any members in a target group listed above, add \$150. Only one target credit is allowed even if more than one target group is met. PROPANE: If household's main heating source/fuel type is propane, add another \$150 Total #3: \$ _____
Add totals from boxes 1, 2 & 3 for estimated Total HEAT Benefit: \$ _____		

H. TABLE II – FEDERAL POVERTY LEVEL

TABLE II						
2022 FEDERAL POVERTY LEVEL (FPL) & MONTHLY INCOME LIMITS						
Effective 3/1/2022						
Household Size	100% of Poverty	150% of Poverty		Household Size	100% of Poverty	150% of Poverty
1	\$1,133	\$1,699		8	\$3,886	\$5,829
2	\$1,526	\$2,289		9	\$4,279	\$6,419
3	\$1,919	\$2,879		10	\$4,673	\$7,009
4	\$2,313	\$3,469		11	\$5,066	\$7,599
5	\$2,706	\$4,059		12	\$5,459	\$8,189
6	\$3,099	\$4,649		13	\$5,853	\$8,779
7	\$3,493	\$5,239		14	\$6,246	\$9,369
				Family over eight add \$	\$393	\$590

For households with more than 8 persons, add \$590 for each additional person (for 150% of FPL).

An additional \$150 will be awarded to households that have at least one person who is disabled, age 60 or older, or a child under the age of 6.

An additional \$150 will be awarded to households with propane/oil as primary heat source.

I. TABLE III – MONTHLY ENERGY COST STANDARDS

TABLE III MONTHLY ENERGY COST STANDARDS		
HEATING SOURCE/ FUEL TYPE	HOUSE STANDARD Single-Family, Mobile Home, Basement Apartment and Duplex Residences	APARTMENT STANDARD Multi-Family Complex (Three or More Residences, including Condos and Townhouses) and Small Trailer-Homes
Natural Gas	\$211	\$161
Propane/Kerosene	\$541	\$408
Oil	\$468	\$354
Electricity	\$287	\$218
Coal/Other/Steam	\$92	\$71
Wood	\$343	\$260

PROGRAM BENEFITS

A. PROGRAM BENEFITS

Program benefits are limited to a one-time payment per household, per program year. If an applicant household contains anyone who has already received a HEAT benefit in any other household during that program year, the application will be denied. An exception can be made if custody of a minor child is in question. An entire household does not have to be denied if it claims a minor child that has already been claimed as part of another household; however, the child can only count once per program year.

B. FORMS OF HEAT PAYMENTS

1. HEAT benefit payments are payable directly to the household's fuel vendor except in the following cases:
 - a) A portion of the payment can be paid to the applicant if utilities are included in the rent.
 - b) When the household's fuel vendor does not have a vendor contract with the state.
2. A direct client payment is allowed when we cannot obtain a contract with the primary utility vendor or if the primary utility vendor is the landlord. A check will be issued for the client or a percentage will be sent to the client and a percentage to the secondary utility vendor, according to the client's request. Otherwise all other payments will be made under the following guidelines:
 - a) Households who pay all energy costs indirectly through rent:
These households can receive direct HEAT payments only after they furnish a copy of their lease agreement or Landlord Statement Form, signed by their landlord stating a portion of the rent is applied toward utilities.
 - b) When the State of Utah has contracts with household utility vendors:
Payments shall be made directly to the vendor of an active account. Payments to the household are not allowed except as noted elsewhere in policy.
 - c) When the State of Utah has a contract with only the primary utility vendor and not with the secondary utility vendor and the primary utility account is current, up to 50% of the HEAT benefit may be paid to the client.
 - d) When the State of Utah has a contract with only the secondary utility vendor and the utility account is current, at least 25% of the benefit must go to the secondary utility vendor and the remaining 75% may go to the client.
3. Any request for an exception to these HEAT Payment rules must be approved by a member of the State HEAT Program and noted in eREP.
4. Split Payments
 - a) HEAT Payments may be split only in the percentages listed below:
 - 100%
 - 75%/25%
 - 50%/50%
 - 25%/75%
5. After a HEAT benefit has been awarded, neither the vendor nor the percentage of the HEAT payment may be changed.

RECORDS AND BENEFIT MANAGEMENT

A. CASE RECORDS

1. All documentation used to determine eligibility must be kept in eREP. If phone application recordings are unable to be stored in eREP, the agency must store the recordings in a safe location and they must be available for retrieval when requested.
2. HEAT case records shall not be removed from the local HEAT office **except** by subpoena or request of the State HEAT Office, the Office of Recovery Services, or in accordance with the Archives Schedule.

B. NOTIFICATION

1. The HEAT Program will notify HEAT applicants of the final determination on their case. The notification will be mailed to the last known address of record.
2. The notification letter will explain the applicant's hearing rights and how to file for a hearing if the applicant is not satisfied with the decision on his/her case.
3. If the client is denied they are eligible to reapply any time prior to the end of the current HEAT season.

C. HEAT PAYMENTS

1. Payments appear on a daily warrant register. Each warrant register must be compared with actual applications to prevent unsubstantiated or unauthorized information from entering the HEAT system and ensure that warrants are generated for all authorized cases. Any discrepancies must be reported to the State HEAT Office immediately.
2. Lost or stolen HEAT checks:
 - a) The client must report a lost or stolen HEAT check to their local HEAT Agency and request a replacement within one year of issue date. The local HEAT agency will enter a Correction into eREP to request that a new check be issued.
 - b) Lost or stolen checks may be reported 21 days after issuance.
 - c) A check that has been cashed will not be replaced.

D. APPLICATION, DOCUMENTATION AND PAYMENT ERRORS

1. Wrong Account Numbers
 - a) The State HEAT Office must be notified immediately and the local HEAT office must update case evidence and narrate a correction explanation in case notes in eREP when the wrong account number has been posted on a pay run.
 - b) The local HEAT office must reconcile the error with the respective utility companies and narrate an explanation in eREP case notes.
2. Underpayments
 - a) The State HEAT Office must be notified and the local HEAT office must narrate a correction explanation in case notes in eREP documenting the reason for the underpayment as soon as an underpayment error is discovered.
 - b) All underpayments, regardless of the amount, will receive a supplemental payment.
 - c) Supplemental payments can only be made by the State HEAT Office.

3. Overpayments

- a) The State HEAT Office must be notified and the local HEAT office must narrate a correction explanation in case notes in eREP documenting the reason for the overpayment as soon as an overpayment error is discovered.

1. Overpayment When Benefit is Paid to a Utility Vendor

- a. If a mistake is discovered resulting in an overpayment of any amount on a benefit paid to a utility vendor, the local HEAT office must reconcile the overpayment error with the respective utility companies and request that the overpayment amount be mailed to the State HEAT Office, along with the Vendor Return Funds to State Form. The local HEAT office must narrate a correction explanation in case notes in eREP including the name of the person they talked with at the utility company and the amount the utility company is returning to the State HEAT Office.

2. Overpayment When Benefit is Paid Directly to a Client

a. When Overpayment Amount is Less Than \$300

- i. If a mistake is discovered resulting in an overpayment of less than \$300 on a benefit paid directly to a client, the client will not be held responsible for the overpayment. The local HEAT office must narrate a correction explanation in case notes in eREP stating that an overpayment occurred but client is not responsible to repay the amount since it is less than \$300.

b. When Overpayment Amount is \$300 or More

- i. If a mistake is discovered resulting in an overpayment of \$300 or more on a benefit paid directly to a client, the client will be held responsible for the overpayment. The local HEAT office must contact the HEAT Program Manager at the State HEAT Office who will send a client repayment request letter to the client. The local HEAT office must narrate a correction explanation in case notes in eREP and add an alert to the client's PID stating that an overpayment occurred and that client is responsible to repay the amount since it is \$300 or more. The eREP correction note and alert should also state that the client is not eligible to receive any future benefits until the full overpayment amount is repaid to the State HEAT Program.

4. Other Errors

- a) Local HEAT office enters a correction in eREP; reconciles the error with the utility vendor, client, or anyone else who needs contacting; and works with the State HEAT Office to make sure all necessary steps are taken to resolve the error.

E. ENERGY CONSUMPTION DATA TRACKING

Agencies must ensure that all clients who are up for disconnect, already disconnected, nearly out of fuel or are completely out of fuel are documented appropriately in eREP at the time of their initial application. The State of Utah will use this information in conjunction with data collected from the state's top ten (10) utility vendors to track services provided to clients in crisis. Ultimately, this information will be used to calculate the average annual energy use by household to ensure HEAT benefits are distributed to clients with the lowest income and highest Energy Burden.

FRAUD

A. OVERVIEW

Fraud occurs when a HEAT applicant, vendor, grantee, sub-recipient or employee knowingly and willfully misuses or withholds information, or provides false information to receive assistance to which he/she is not entitled, or distributes funds or benefits improperly.

1. If client fraud is suspected, the agency or the public can email dws_fraud@utah.gov. All allegations of fraud will be investigated by the local HEAT agency, and if required, by the DWS Investigations team.
2. If the local HEAT agency questions the veracity of information presented for a HEAT benefit, they must conduct an internal investigation. They may request additional documentation to verify eligibility. The local HEAT agency will provide the client with a detailed list of required documents and client will have ten (10) days to present the documentation. If the documentation is not provided within ten (10) days, the client and/or household will be debarred from the HEAT Program until they repay the State HEAT Office the full amount of the overpayment. The local HEAT agency must explain the situation in eREP case notes. If additional information is needed or a site visit is required, the local HEAT agency supervisor must contact the State HEAT Office. The State HEAT Office may request an investigation through the DWS Investigations team.
3. If the agency, State HEAT Office or fraud investigator finds evidence that client fraud has been committed and the client received a HEAT benefit or an overpayment of their HEAT benefit, the client and/or household will be debarred from the HEAT Program until they repay the State HEAT Office the full amount of the overpayment. The debarred client will receive a letter from the State of Utah HEAT Office informing them of this decision. All HEAT benefits and overpayments due to fraud must be paid in full before the client's debarment from the State of Utah HEAT Program will be lifted. The client must contact the State HEAT Office to make payment(s) and/or payment arrangements. The local HEAT office must enter a detailed explanation of the situation in eREP case notes.
4. If there is evidence that fraud has been committed by a vendor, grantee, subrecipient or employee, appropriate measures will be taken under the direction of the HEAT Program Manager or DWS Internal Audit team.

B. PROCEDURES FOR FRAUD, WASTE AND ABUSE

Each local HEAT office has the authority to request additional information from a household to verify information provided during the eligibility process. If a local HEAT office believes that an applicant has received a benefit in error due to misrepresentation or false reporting of their household information, it must begin an investigation as noted above in FRAUD SECTION, A Overview. In the event that the local HEAT office, State HEAT Office or fraud investigator confirms that the benefit should not have been administered, the client and/or household will be debarred from the HEAT Program until they repay the State HEAT Office the full amount of the overpayment. The debarred client will receive a letter from the State of Utah HEAT Office informing them of this decision. All HEAT benefits and overpayments due to fraud must be paid in full before the client's debarment from the State of Utah HEAT Program will be lifted. The local HEAT office can make a recommendation that the household is debarred from being able

to participate in the program indefinitely; however, this is subject to State approval. All applicants must be informed of their right to appeal the decision.

The monitoring review process ensures that each local HEAT office has internal controls that would protect HEAT funds from waste, fraud and abuse. During the monitoring reviews, the Program Specialists will ensure that all agencies are compliant with the rules.

MONITORING

A. OVERVIEW

Local HEAT agencies are responsible for planning and carrying out the administration of the HEAT Program in accordance with the rules and regulations of state and federal law as specified in their contract with the State. The State HEAT staff has the responsibility to ensure that grantees are carrying out the administration of the HEAT Program in accordance with these applicable laws and regulations. To accomplish this, the Housing and Community Development Division (HCDD) will help grantees identify problems and solutions in order to correct them through monitoring reviews by the State HEAT Office. Whenever possible, deficiencies should be corrected through discussion, negotiation and technical assistance in a manner that preserves local discretion. Problems should be identified and addressed as they happen, rather than waiting until monitoring occurs. Regular telephone contact with State staff can be helpful in avoiding problems at the end of the HEAT season.

B. OBJECTIVES

The objectives of monitoring reviews are to determine if grantees are:

1. Carrying out the administration of the HEAT Program as described in their contract,
2. Carrying out the HEAT administration in a timely manner in accordance with the time frames required by the contract,
3. Charging costs to the program that are eligible under the HEAT Program,
4. Complying with other applicable laws, regulations and terms of the contract,
5. Conducting the program in a manner which minimizes the opportunity for fraud, waste and mismanagement, and
6. Maintaining capacity to carry out the approved program.

C. PRE-AWARD RISK ASSESSMENT

Risk Assessments will be scored by the Fiscal Monitoring Team and the completed Risk Assessment results will be posted in a location available to division staff administering various programs, for example in the division shared drive, Google Drive, or attached in WebGrants Organization Database. Before making awards for federal funds (or as early as appropriate), staff will check that database to be sure that a Risk Assessment is in place and is current as defined in this document. If it is not, then an assessment will be conducted.

Each year, before entering into a contract with local HEAT agencies, a review of the Division Risk Assessment will be done. For agencies with a score of 12 or higher on the pre-award risk assessment, a review of the risks we will identified and a discussion of the impact on the program will be held. If the risk is determined to impact the program, adjustments to the monitoring checklist will be made. If the risk is determined to not impact the program, no adjustments to monitoring will be made. Review of the risk assessment, discussions and any adjustments to the monitoring plan will be documented. Additional monitoring may include:

1. Review additional case management files. The number of additional files will be determined by the number of applications the local office processed; the nature of the risk identified.
2. Review Additional Request for Funds (RFF). The number of additional RFF reviewed will be determined by the amount of funding an agency receives through the HEAT Program.

D. GUIDELINES FOR AGENCY MONITORING REVIEWS

1. At least once per HEAT Season, each agency will be monitored for the completeness and accuracy of a sampling of HEAT applications. Initial sampling and file review will be done as desk audits. If all of the applicant documents are not electronically saved, files will be requested from the agency and must be provided to State staff within a reasonable time period.
2. The sampling of HEAT applications will be determined by the State HEAT Office and may include any of the following application types: In-Person (In-Office, Outreach, Community Partner Outreach Events), Mail-in/By Mail, Online and Telephone/Over the Phone applications.
3. The sampling will include applications containing medical deductions, target populations and crisis.
4. The files will be reviewed for completeness and accuracy.
5. The Program Specialist assigned to the agency will discuss with the Regional Director/Supervisor and agency Executive Director the monitoring review process and schedule an on-site visit.
6. eREP must include the following for each applicant:
 - a) Complete and accurate application.
 - b) Copies of Social Security cards for applicant and any household members that are not known to or verified in eREP.
 - c) Documentation of income received in the income eligibility month for all household members.
 - d) Proof of residency.
 - e) Recent utility bill or account information.
 1. Address between bill and application must correlate or have explanation in eREP.
 2. Account should be in head of household or spouse's name – case workers are required to explain any deviances.
 3. If client does not provide a current and complete utility bill which includes the name of the utility company, name on the account, account number, service address and current monthly billing amount, case worker must complete a Utility Verification Form including this information.
 4. If the applicant pays for utilities through rent, a copy of the lease agreement or landlord statement is required.
 - f) Proof of payment (e.g., itemized print out, bank statement, original receipt, or payment history) for eligible medical expenses paid directly to a health professional by a member of the household, for household members in the income eligibility month.
 - g) Review of application processing time.
 - h) Performance measure data.
7. Findings
 - a) Compliance Findings

1. Errors that cause an incorrect payment amount to be issued or the payment to not be credited to client's correct account number, including but not limited to:
 - a. Posting an incorrect income amount or primary heating source if it affects the benefit amount causing an overpayment or underpayment of any amount.
 - b. Posting an incorrect benefit split where benefits must be returned by the vendor or client and/or reissued by the State HEAT Office.
 - c. Duplicate payments sent to a vendor or client.
 - d. Entering an incorrect account number which causes the benefit to not be credited to client's account and requires fixing on the back-end by an eREP programmer.
- b) Case Management Findings
 1. Errors on a case that do not affect the benefit amount and do not need to be fixed in eREP. These are typically data entry errors, including but not limited to:
 - a. Absent or insufficient notes on the case.
 - b. Incorrect utility evidence that does not affect the benefit amount including incorrect utility account status and incorrect name on account.
 - c. Creating a duplicate PID.
 - d. Missing evidence or incorrect evidence amounts posted that do not affect the benefit amount.
8. Agencies will have the opportunity to respond to errors and to provide any additional documentation or explanations that may have been missing from eREP.
9. All monitoring findings will require the agency to complete a "Correction" in eREP and any other steps necessary (i.e., collecting additional information from client, collecting overpayments of \$300 or more that were issued directly to a client, contacting utility companies to collect overpayments of any amount that were issued to a utility vendor, etc.).
10. Any errors found during monitoring, including errors that have been subsequently corrected, will be counted as errors in the final monitoring letter with an acknowledgement that they have been corrected.
11. Recurring errors in concurrent years are considered serious and will require consultation with the State HEAT Office to develop an approved corrective action plan.
12. Agency review will include:
 - a) Contract – timely spend down of funding.
 - b) Carryover funds from year to year, administrative funds expenditures.
13. On-site visit will include a review of application intake area, privacy, file storage, etc.
14. Monitoring will include compliance with all State HEAT Policies.

E. MONITORING RECORDS RETENTION

Documents resulting from the program monitoring will be retained by program staff for a period of 5 years.

MORATORIUM

A. OVERVIEW

House Bill 240 of the 1985 General Session of the Utah State Legislature ordered the Department of Human Services to establish a moratorium program. The Moratorium Program protects eligible persons from winter utility shut offs. A household can be approved for moratorium protection only one time per utility per program year.

B. OPENING AND CLOSING DATES OF THE MORATORIUM

The protection of the Moratorium lasts from November 15 through the following March 15. However, the State HEAT Office has the option of beginning it earlier or extending it later when severe weather conditions warrant such action.

C. ELIGIBILITY CRITERIA

To qualify, the moratorium applicant must:

1. Be the adult residential account holder, or have his/her name on the account.
2. Live at the address of the service needing the protection of the moratorium.
3. Have a termination notice from the utility company or have been refused service if the utility is not active.
4. Be HEAT approved for the current season.
5. Must have monthly income less than 125% of the federal poverty limit in the income eligibility month. In addition, the applicant must provide proof that he/she meets at least one of the following criteria:
 - a) Had a medical emergency in either the month of application or the income eligibility month, or;
 - b) Had loss of employment in either the month of application or the income eligibility month, or;
 - c) Had a 50% drop in income in either the month of application or the Income eligibility month; or
 - d) Had other circumstances that has resulted in a substantial loss of income. (Attach an explanation of the emergency.)
6. The HEAT worker will fill out a Request for Moratorium Form 863. When a Moratorium is completed and approved by the HEAT supervisor or designee, the information shall be sent to the State HEAT Office immediately. A copy should be given to the client. A payment schedule will also be given to the client.
7. Good faith payment effort
 - a) Each month during the moratorium the household must make the required payment to the utility company (at least 5% of gross monthly income if house is heated by natural gas, at least 10% if house is heated by electricity).

- b) The minimum allowed monthly payment is \$5.00 even if the client has no income in the income eligibility month.
- c) In order to activate the moratorium, including the restoration of service to those households that are shut off, the first good faith payment is due at the time of application. A moratorium is void if not activated within 14 days. Payments for subsequent months are due on or before the last day of each month.

D. DEFAULT

1. Defaults during a previous Moratorium Season

The State HEAT Office compiles a list at the end of each year's moratorium. This list includes the information listed below on each client with an outstanding default payment due before he/she is eligible for protection under the current moratorium:

- a) Client name.
- b) Payment amount due.
- c) Any other necessary identifying information.

Clients on the default list must pay the amount of the defaulted payment to the utility company before they can be eligible for the protection of the current moratorium. It does not matter whether their utility service is currently on or off.

2. Defaults in current season

- a) If the client cannot make a payment, he/she must contact a utility account representative and explain why.
- b) If the client fails to make the monthly good faith payment and fails to contact an account representative, the utility company will notify the State HEAT Office. The State HEAT Office will notify the client of the cancellation of the moratorium.
- c) When a client defaults on a moratorium application, he/she is not eligible for moratorium protection on that particular utility for the remainder of that moratorium season.
- d) He/she must also pay the amount of any previous defaulted payment before he/she can be eligible for the moratorium.

E. HEARING RIGHTS

- 1. Any dispute regarding moratorium eligibility will be decided in a hearing before the State HEAT Program Manager or designee. The State HEAT Program Manager or designee must receive the hearing request before the shut off date if the utility service is to remain on pending the outcome of the hearing.
- 2. Hearings can be requested after shut-off, but utility service will not be resumed pending the outcome of the hearing.

F. COMPANIES OPERATING IN UTAH SUBJECT TO THE MORATORIUM

All of the regulated utilities listed below are authorized HEAT vendors.

Company	Address	Telephone
Bridger Valley Electric Association, Inc.	40014 Business Loop I-80 PO Box 399 Mountain View, WY 82939	(800) 276-3461 (307) 786-2800
Dixie Power Electric Association, Inc.	71 E Hwy 56 Beryl, Utah 84714	(435) 439-5311
Empire Electric Association, Inc.	801 North Broadway PO Drawer K Cortez, Colorado 81321	(800) 709-3726 (970) 565-4444
Flowell Electric Association, Inc.	495 N 3200 W Fillmore, Utah 84631	(435) 743-6214
Garkane Energy Cooperative, Inc.	120 W 300 S PO Box 465 Loa, Utah 84747	(800) 747-5403 (435) 836-2795
Moon Lake Electric Association, Inc.	800 W Hwy 40 PO Box 278 Roosevelt, Utah 84066	(435) 722-5400
Mt. Wheeler Power, Inc.	1600 Great Basin Blvd PO Box 151000 Ely, Nevada 89315	(800) 977-6937 (775) 289-8981
Raft River Rural Electric Coop., Inc.	155 N Main Street PO Box 617 Malta, Idaho 83342	(208) 645-2211
Rocky Mountain Power	PO Box 5504 Portland, Oregon 97228	(800) 478-1210
South Utah Valley Electric Service Dist	803 N 500 E PO Box 349 Payson, Utah 84651	(801) 465-8020
Wells Rural Electric Company	1451 N Humboldt Ave PO Box 365 Wells, Nevada 89835	(775) 752-3328
Dominion Energy	333 S State St PO Box 45360 Salt Lake City, Utah 84145	(800) 323-5517 (801) 324-5111

OUTREACH AND CONTINUED ACCESS TO ON-SITE APPLICATION

A. OUTREACH AND CONTINUED ACCESS TO ON-SITE APPLICATION

In order to reach those clients who did not apply during the previous HEAT year, information should be made available throughout the community explaining the mail-in and online application procedures, the mail-in target population and a telephone number for acquiring a mail-in packet. The State of Utah has designed a rack card for the HEAT Program. These rack cards are available to agencies upon request. Federal regulations mandate that walk-in sites be available for those clients who need crisis assistance, intake services or help with completing their application. These sites must, of course, be available once the regular program begins.

FINANCIAL REPORTING

A. LOCAL HEAT OFFICE BUDGETS AND CLAIMS SUBMISSION

As a condition for receiving the HEAT block grant, the State of Utah is required to account for the expenditure of those grant funds. The subcontracting network participates in this process by providing fiscal and statistical information.

B. BUDGETS

1. The HEAT Program budget will be submitted by each local HEAT office to the State of Utah at the time of initiation of the annual contract, its renewal, or upon a change of funding notification from the State of Utah. The budget is effective October 1st through September 30th each year. The State of Utah will approve all budgets and subsequent modifications. Contract amendments occur when funds are added or taken away from the local HEAT office's award. The Executive Director of the local HEAT office will sign the legal documents and return to the State of Utah with an updated budget. The line item descriptions will look like this:
 - a) Administrative Costs
 - b) Case Management Costs
 - c) Crisis Benefits
2. Budget modifications occur when agencies change the dollar amounts between line items. Budget modifications can be completed any time during the program year, except for Administration budgets. When submitting the first budget from the contract, the local HEAT office must mark "Original" on the budget form. When submitting a budget modification, the local HEAT office must update the line item "Modification" in the top right corner.
3. An agency may use the following guidelines for assigning reimbursement costs or they may have their own procedures. However, the State suggests using the following budget guidelines for case management and administrative costs for assigning expenses to budget line items. If an agency uses the 80/20 percent of total expenses for reimbursement purposes, back-up documentation must be available to support why they are assigning 80% of their expenses to case management and 20% to administrative costs.
4. When filing a claim for program support expenses, the local HEAT office should include reports or registers from the accounting software, as well as purchase orders, invoices and receipts where applicable. The documentation should support expenses that cover outreach, referrals, case management, administration, materials and supplies, rent, utilities and other necessary eligible expenses related to the maintenance of seasonal outreach sites.

C. ADMINISTRATIVE COSTS

1. Costs directly related to program operations, planning and development. These may include indirect costs attributed to the work environment of employees that administer the program. Examples of these costs are:
 - a) Payroll Services Costs
 - b) Fiscal Reporting
 - c) Auditing
 - d) Program Reporting
 - e) HR functions
 - f) Executive Management
 - g) Public Relations
 - h) Procurement
 - i) Property Management
 - j) IT costs related to the support of the administrative functions
 - k) Costs such as rent, utilities and supplies directly associated with administrative staff activities

D. CASE MANAGEMENT COSTS

1. Costs directly related to the HEAT application process
2. These may include indirect costs attributed to the work environment of employees that case management costs are attributed to
3. Examples of case management costs are:
 - a) Salaries for employees engaged in the intake and editing process of the HEAT applications
 - b) Outreach expenses including travel to location
 - c) Postage
 - d) Supplies
 - e) Forms
 - f) Computers
 - g) Equipment
 - h) Translation Services
 - i) IT costs related to the support of the application process
 - j) Services that encourage households to reduce home energy needs and the need for energy assistance
 - k) Referral to ancillary programs for additional assistance
 - l) Case work in response to a household's energy emergency, including all Crisis related activities, such as intervention with utility companies, negotiation with township trustees or other agencies on behalf of a household
 - m) Costs such as rent, utilities and supplies directly associated with staff costs in case management activities
4. LIHEAP budgets related to the application process for utility assistance should not be confused with other programs such as Weatherization. Weatherization has their own rules for allocated funds to program activities.

E. ENERGY EDUCATION

Energy education materials and personnel time associated with energy education materials should be charged to Case Management. The State of Utah's HEAT Program stresses client education as a mandatory measure under the audit priority list. Knowledge about energy use and basic home conservation is part of the intake process and continued throughout the HEAT process.

F. PROCESS FOR REQUESTING ADDITIONAL FUNDS

1. Agencies may request additional funds from the state if they have obligated at least 85 percent of their current available benefit dollars (regular and crisis assistance). A request for additional funds must be sent to the HEAT Program Manager or his/her designee. The request should be sent by the Executive Director or his/her designee. It is preferred that the request be submitted on local HEAT office letterhead and must include:
 - a) Estimated amount of funds to be used toward program administration
 - b) Total amount of funds needed
 - c) Estimated length of time that the funds will cover
2. The HEAT Program Manager will review the funding request to ensure that the information provided reconciles and evaluates historical trends from the previous year to ensure that the estimated service delivery seems reasonable given trends from the previous years. If there is not enough available funding to complete the request, the HEAT Program Manager will request that the agencies amend the request based on the balance of available funds. The funds are not available to the local HEAT office until the amendment is signed and returned to the State of Utah.
3. Benefit costs funds for regular heating assistance and crisis assistance are paid by the State of Utah to the designated recipient of the benefit amount. Local HEAT office must request the amount of funds their local HEAT office needs to provide crisis assistance year round as a budget item.

G. ONLINE CLAIMS SUBMISSION

All service providers must submit claims for their administrative expenses at least monthly. All claims and supporting documentation are submitted online at Webgrants.utah.gov. Program Specialists assigned to each local HEAT office will review the request for funds and approve payment if appropriate. If necessary, the Program Specialist will contact a local HEAT office for additional information or clarification of a request for funds prior to approval of payment.