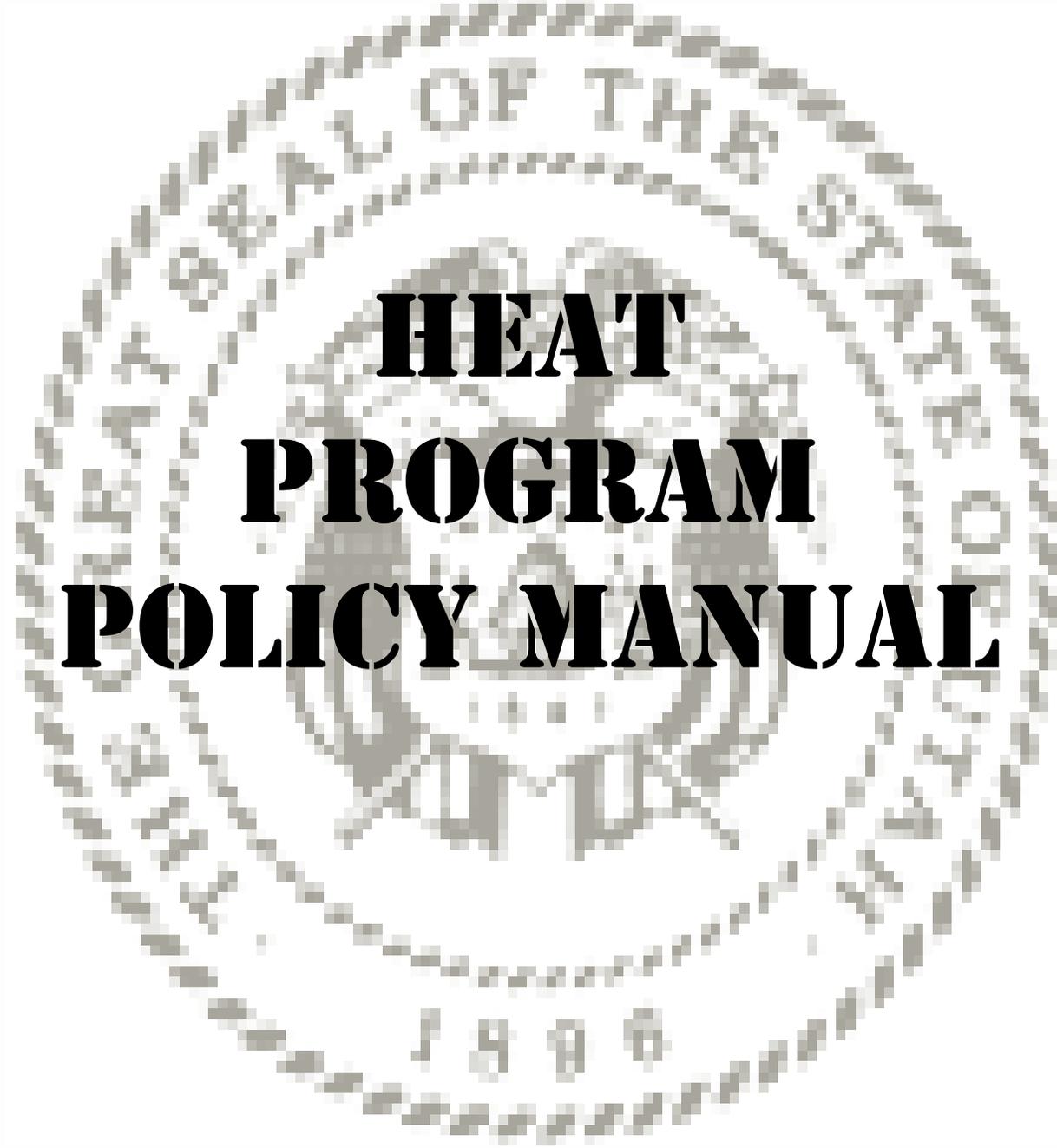


**STATE OF UTAH
DEPARTMENT OF WORKFORCE SERVICES
HOUSING AND COMMUNITY DEVELOPMENT DIVISION**

The seal of the State of Utah is a large, circular emblem in the background. It features a central figure of a Native American holding a bow and arrow, surrounded by a wreath. The words "SEAL OF THE STATE OF UTAH" are inscribed around the top inner edge, and "1896" is at the bottom. The seal is rendered in a light, pixelated gray.

**HEAT
PROGRAM
POLICY MANUAL**

REVISED OCTOBER 2013

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GENERAL PROVISIONS

A. CLIENT RIGHTS

Any person living in the State of Utah has the right to apply or reapply for HEAT assistance at least once 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 caseworker clearly identify themselves.
3. To be treated with courtesy, dignity, and respect.
4. To be asked to provide information and verification clearly and courteously.
5. To have confidential, personal information safeguarded. (See Item E.)
6. To be notified in writing of any decisions affecting his/her/her case and to be provided with a reason for denial.
7. To have an Agency Conference to discuss his/her case.
8. To request a Fair Hearing if he/she disagrees with any action taken on his/her case.
9. To look at a copy of the HEAT Policy Manual upon request.

B. CLIENT RESPONSIBILITIES

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

1. To complete and sign an application and give it to the HEAT Office. If applying through a local HEAT office or on-line, 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 correct information and requested verifications in order to determine eligibility.
3. To immediately report any address changes while he/she is under moratorium protection. (See Section 800).
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 SEALWorks. 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 or restrict access to any specific information on clients. Strict rules exist for the treatment of data from the Income Eligibility Verification System for TANF (Temporary Assistance for Needy Families), Medicaid, and food stamp clients. Information kept in the case record, in the computer system (SEALWorks), Department of Workforce Services Information sharing systems (i.e. E-SHARE), or anywhere else, cannot be shared unless 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 be exposed to and have access to information which is of a confidential nature. All HEAT client records are considered to be confidential and are open only to State and local agency personnel carrying out eligibility and audit functions. Such information should not 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. Citizenship.
7. Veteran and Disability status.
8. The name of a person who has disclosed information about a household without the household's knowledge.
9. 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:
Any client wishing to discuss his/her case with HEAT personnel may do so; however, if the client wants the case discussed with an authorized representative, he/she must designate that authorized representative in writing. 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.
2. The client, or authorized representative:
 - a) Upon presentation of government issued photo identification, may view and copy anything to do with the case record unless it has been obtained from a third party. The client **cannot** remove the case file from the HEAT office.
3. Information that cannot be released to the client
 - a) Information obtained from third-party sources (i.e, E-SHARE, CUBS, anonymous reports etc.) cannot be released to the client.

G. RELEASING INFORMATION TO SOURCES OTHER THAN THE CLIENT

1. The client must provide a notarized request to release information to a third-party. The information 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) Investigation, prosecution, criminal, or civil proceeding connected with the administration of the HEAT or Moratorium Programs.
 - e) In case an outside source subpoenas a file. In this case call the State HEAT Program Manager 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 SEALWorks)
3. Who Information Can Be Released To:
 - a) The HEAT Program can release case record information to outside sources that-safeguard 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 case 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. All complaints must be resolved as quickly as possible. Responses to a complaint should be made in the same manner received (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 (See Section 800 for hearing rights on a Moratorium case). The client has the right to have the policy and the action explained to him upon request, and to speak directly with a supervisor and/or a member of the state HEAT program staff. This may resolve many problems before having to go to a formal hearing. If the client still wants to ask for a hearing, a worker may assist him/her in filling out a request for a Fair Hearing. The following conditions will apply:

1. The client must request a Fair Hearing in writing within 90 days of the effective date of the case action with which he/she disagrees.
 2. Requests must be submitted to the local 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 local HEAT Office about the time, date, place, and reason for the hearing. This notice should be mailed at least 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 local 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.
1. 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.

2. 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 this/her process, the Hearing Examiner will call all parties back for another hearing.
3. 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 HEAT office involved in the hearing, 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.
4. 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.
5. Appealing a Decision
 - a) The local 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.
6. 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 case file 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 complete or 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 completed by an unrelated third party such as another HEAT Worker or Editor, 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 their case and process the HEAT application.
 - c) If approved by the supervisor, the employee will enter the information into the SEALWorks along with any supporting documentation and narrate 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 review the application and supporting documentation for eligibility of benefits.
 - e) A violation of the 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 of or suspicious of a violation of this policy is obligated to report it to his/her or supervisor. In case of inadvertent access, notify a supervisor immediately. It is important to understand that there is zero tolerance for violation of this policy. That means that if you break these rules you will be terminated from DWS programs.

PROGRAM STANDARDS

A. OPENING AND CLOSING DATES FOR HEAT PROGRAM

The HEAT Program begins taking applications each November 1st or the first working day thereafter for the general population including the elderly and the disabled. The HEAT Program closes the following April 30th or when federal LIHEAP funds are exhausted, whichever comes first. The program's closing date may be extended through May or longer when available funding permits.

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 persons regardless of race, religion, national origin, sex, age, or political belief. 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.
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 alien." To be eligible for HEAT assistance, a person must be a U.S. born citizen, a naturalized citizen, or qualified alien as documented by the U.S. Citizenship and Immigration Services (USCIS).
4. Individuals from these U. S. Territories are U.S. citizens and are eligible for HEAT assistance:
 - Guam
 - American Samoa
 - Northern Marianas Islands
 - U.S. Virgin Islands
 - Puerto Rico
5. Any of the following documents are proof of naturalized citizenship or qualified alien 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.
 - i. A current U.S. Passport—p.2
 - ii. A valid Certificate of Naturalization (Form N-550)—p.7
 - iii. A valid Permanent Resident Card (Form I-551)—p.10
 - iv. A valid Employment Authorization Card (Form I-766)—p.13 **only if** it is one of the following categories: A3, A4, A5, A10, C11, C25.
 - v. 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, or 212D5.
 - vi. 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.

6. 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) Aliens who have no other USCIS document.
 - 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. ELIGIBILITY DETERMINATION OF A HOUSEHOLD CONTAINING AN INELIGIBLE ALIEN

1. Verify that the entire household is vulnerable to home heating costs.
2. Count the income of all household members including the ineligible alien.
3. Allow the 20% disregard on the earned income of all household members.
4. Allow a deduction for medical payments and child support payments of all household members.
5. Do not count ineligible aliens 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 aliens. 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 zeros 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.

E. UTAH RESIDENTS, LENGTH OF RESIDENCY

There is no length of residency requirement in the State of Utah. A household's completed HEAT application must be maintained in the HEAT Office where he/she resides.

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 verify that tribal members have not received tribal LIHEAP assistance prior to applying for HEAT and document in SEALWorks.

G. HEAT HOUSEHOLDS

1. 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 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.
 - a) The applicant must be living in the residence on the day of application.
 - b) Household members need not be related.
 - c) Multiple dwellings (duplexes, apartment buildings, etc.) are considered separate households.
2. 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 that 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.

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 suppliers on currently active accounts (Proof of utility bills or receipts must be in case file).
 - b) Households that are currently paying heating costs indirectly through rent (copy of Lease Agreement or Landlord Statement Form must be in case file) or provide their own wood for a stove or fireplace (worker must note in SEALWorks).
2. Households NOT Considered Responsible for Home Heating Costs:

Persons found living in the following places or circumstances on the date of application ARE NOT eligible:

 - a) Nursing homes.
 - b) Hospitals.
 - c) Prisons and Jails.

- d) Institutions.
 - e) Alcoholism and drug treatment centers.
 - f) Group homes administered under a contract with a governmental unit or administered by a government unit.
 - g) Households not connected to a heat source (a wood fireplace or stove is considered a heat source).
 - h) Households whose heat bills are paid regularly by an outside party. If the outside party cannot or will not continue to pay the household's utility bill and provides a statement to this effect, the household is considered vulnerable and eligible.
 - i) 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.
 - j) Cars
 - k) Tents
3. If a household has no utility bills and/or claims that their utility expenses are currently the responsibility of friends, relatives, church, etc., they are not vulnerable, and the application will be denied. If vulnerability is in question, additional verification may be required.
4. 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 for their heat costs in one of two ways:
- a) Their rent must include a charge for heat, OR
 - b) They must pay a utility bill for heat costs directly to a utility provider. This includes residents of subsidized college or university housing.
 - c) If the rent includes a utility cost and BOTH are subsidized the household is not vulnerable.
5. Roomers and/or Boarders
- A Roomers and/or Boarders are one or more persons living in the same house paying rent to the owner of the home who also lives in the house or one who lives and pays rent in a commercial boarding house. Income of the owner or other boarders is not counted. Boarders cannot be related by blood or law to the owner of the home. Each situation will be treated separately. Landlord Statement Form 1062-H will be used to help determine if the household is vulnerable. If the household is vulnerable and pays for its heat with the rent, a copy of Lease Agreement or Landlord Statement Form must be in case file. Use **10%** of the household's monthly rent to determine the household's monthly energy cost and to compute its energy burden.
6. Roommates
- A roommate is one or more persons living in the same house paying rent to a landlord who lives outside the home. Any residents living together who are related by blood or law to the owner of the home must be considered roommates. Income for all roommates must be counted.

I. SOCIAL SECURITY NUMBERS

1. Social Security Cards

Each household member must submit their correct Social Security Number (SSN) or must apply for a Social Security card. Social Security cards and numbers are required for all household members before completing the application. An exception may be made for infants under six (6) months old if they have a valid birth certificate and for children adopted within the past six (6) 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, or a Medicare card.
- 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 tax returns, Veterans Administration cards, and driver’s licenses or picture identification cards issued by the Department of Motor Vehicles.

2. First Time SSN Applicant

If this is a first time applicant for SSN, the 5028 or 2880 can be accepted and the case can continue to be processed. The client needs to return a copy of the card when it is received, and the copy needs to be filed in the case record. A case can only be processed once this way and only for a person who has never had a Social Security Number. 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. SSN’s must:

- a) Have 9 digits, appear to be a plausible SSN (Not 000-00-0000 for example)
- b) Not conflict with another SSN in SEALWorks
- 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 SSN’s that are impossible:

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

J. SUPPLEMENTAL PROGRAMS

1. HEAT Energy Crisis Intervention

A crisis is any weather-related emergency, any supply shortage emergency, or any other household energy-related emergency as approved at the Regional or State Office level. To be eligible for Energy Crisis Intervention Assistance, a household must have been determined eligible for HEAT during the same program year. If the household did not receive HEAT assistance during that program year, HEAT eligibility must be determined at the time of the Crisis application. Complete a HEAT application and the Crisis Component in SEALWorks to confirm eligibility. 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.

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.

Examples of non-approvable expenditures from Crisis include:

- a) Payments that create a credit balance on a utility account.
- b) Payments for clients not making a good faith attempt to pay monthly bills.
- c) Payments on utility accounts previously sent to a collection agency.
- d) Capital improvements to rental property.

2. Local Office Guidelines for Crisis Intervention

If the local office determines that a household is eligible to receive energy crisis intervention benefits and is in a life-threatening situation, the following guidelines must be followed:

- a) Energy crisis intervention benefits must be provided within 18 hours in life threatening situations. Otherwise, energy crisis intervention benefits should be provided within 48 hours of the eligibility determination.
- b) The Regional HEAT supervisor or designee must approve all crisis intervention expenditures.
- c) A crisis application must be completed and proof documenting the crisis must be included in the case file each time crisis intervention money is used.
- d) The money should be issued to the utility. However, if propane or wood is used as a heating source, or if the state does not have a contract with the vendor, the percentage of benefit attributable to that heat source can be paid directly to the applicant. HEAT Supervisors may make exceptions to this rule if extenuating circumstances exist. Any exceptions must be clearly documented in SEALWorks.
- e) Each household may apply for HEAT Crisis assistance up to a maximum of \$500 per heating source per program year – October 1 through September 30. Any amount OVER \$500, whether it is made through a combination of HEAT Crisis payments, or one crisis payment throughout the year, MUST get prior approval from the State.
- f) All crisis applications must be entered into SEALWorks.

3. 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 at the back of this manual, under Weatherization Agencies. Fill out the Weatherization Referral Form.

K. UTILITY COMPANIES AND HEATING SUPPLY VENDOR SECURITY DEPOSITS

1. Public Service Commission (PSC) Regulated Utilities

A PSC regulated utility is required to waive the security deposit requirement for all moratorium clients during the period of the moratorium. For details on Moratorium, see Section 800. They are also required to waive the security deposit for HEAT customers for the period of the moratorium.

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.

2. Non-regulated Utilities

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.

If the company has signed a HEAT contract, the company has agreed not to charge a deposit to a HEAT client from November 15th through March 15th. This does not apply to the service initiation fees that are routinely charged as a condition of service.

L. 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.

M. CREDIT BALANCES ON UTILITY ACCOUNTS

If the household discontinues service with their utility supplier and the household so elects, the disconnecting supplier will forward to the household's new utility company any HEAT credit balance remaining on the account if the new utility company operates in Utah. The household must furnish to the disconnecting utility supplier the name and address of the new Utah utility company within 30 days after termination of service. Any remaining credit balance must be refunded to the HEAT program.

1. Some utility companies may refund credit balances to clients who still reside in Utah if a new Utah address is provided within 30 days after termination of service.
2. In no case, shall HEAT credit balances be forwarded to utility companies not operating in Utah or to clients no longer residing in Utah.
3. Once credit balances are refunded to the HEAT program they become part of the general HEAT budget and are redistributed in the form of benefits to additional eligible households.

INCOME STANDARDS

A. INCOME

For HEAT assistance cases, the local HEAT office shall determine the income of the household received in the month prior to the application date. Income is gross income minus exclusions, disregards, and deductions. (See Items E., F., and G.) This amount must be at or below 150% of the federal poverty level for the household size. Verification of income must be maintained in the case file. Income that is received on a “regular” basis (i.e., quarterly, monthly, bi-weekly, etc.) is considered countable.

B. UNEARNED INCOME

Unearned income is money received by an individual for which he/she performs no service. Unearned income includes but is not limited to the following:

1. Pensions and annuities such as Railroad Retirement, Social Security , Supplemental Security Income, Veterans Assistance, Civil Service.
2. Disability benefits such as Industrial Compensation, mortgage insurance, paycheck insurance.
3. Unemployment Compensation.
4. Strike or union benefits.
5. Veterans Assistance Allotment.
6. Child support and alimony.
7. Veterans Educational Assistance intended for family members of the student. (The student's portion is exempt.)
8. Trust payments, withdrawals, and/or dividends received on a regular basis.
9. Tribal Fund gratuities (unless excluded by law).
10. Money from sales contracts and mortgages.
11. Personal injury settlements.
12. Temporary Assistance to Needy Families (TANF) and General Assistance (GA).
13. Emergency Work Program (EWP)
14. Work allowances (including WEAT).
15. Foster care payments.
16. Rental Property Income. If the client also manages the property, the income is earned. (See Item D Self Employment Income) Call the State HEAT Office for clarification if you have questions.
17. Severance pay paid out weekly, bi-weekly, or monthly is counted as income; however, if it is received as a lump sum, it is terminated income and is not counted.

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. Rent amount when a client works for rent.
5. Monies from self-employment, including babysitting.
6. Tips and Gratuities.
7. Sale of livestock and poultry.
8. University Year for Action (UYA).
9. Military payments to cover Basic Allowance for Quarters (BAQ) and Basic Allowance for Subsistence (BAS). See Item E, Number 18.
10. Money the employee chooses to have withheld for benefit plans such as Health Savings Accounts (HSA's), Flex Plans and Cafeteria Plans.

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

The preferred option is to use the previous year's Internal Revenue Service (IRS) 1040 Tax Form to help 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 12 + Line 17 + Line 18 from Form 1040 to get total self-employment income. Divide by 12 to determine estimated monthly income. Subtract 20% disregard from estimated monthly income, then subtract any eligible medical expenses, alimony, or child support paid during the previous month to determine eligibility.

Line 12, Business Income, brought forward from IRS Schedule C (2 pages, front and back).

Line 17, Supplemental Income and Loss (rent) – brought forward from IRS Schedule E (2 pages, front and back).

Line 18, Profit or Loss from farming – brought forward from IRS, Schedule F (2 pages, front and back).

2. Self-Employment Income Worksheet

The client is responsible to fill out the Self-Employment Income Worksheet in its entirety. The total net income for the year in the lower right hand corner is divided by 12 to determine the estimated monthly income (if documentation shows business is less than a year old, divide total net income by number of months business has been operating to determine estimated monthly income). Use the estimated monthly income to calculate 20% disregard. Subtract the 20% disregard then subtract any eligible medical expenses, alimony, or child support paid during the previous month to determine eligibility. When the Self-employment Income Worksheet is used, IRS form 8821 must be completed and signed for

each adult household member and for each business owned by the household members, and a copy of IRS tax transcripts may be required.

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 household member enrolled in high school even if they are age 18. Worker must verify that high school student is enrolled as a full time student and document in SEALWorks.
2. Funds that are not paid on a regular basis. These are funds that the household member does not have direct control over how and when it is received or dispersed. 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. Reimbursements for other expenses incurred, such as medical expenses.
5. Bona fide loans of money that must be repaid by the client. In other words, if the client took out a loan that month, it is not counted as income.
6. 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.
7. Incentive and training expenses paid by self-sufficiency programs.
8. Earned Income Tax Credit refunded to the household.
9. Job Training Partnership Act (JTPA) or equivalent youth work experience.
10. Value of Food Stamp benefits, Food Stamp Cash Out checks, and surplus commodities donated by the U.S. Department of Agriculture and WIC coupons.
11. Student portion of Veterans Educational Assistance (portion of Veterans Educational Assistance intended for family members of the student are not excluded).
12. Bank Interest.
13. Subsidies for adoption of the hard-to-adopt child including Title IVE Adoptive Assistance for Disabled Children.
14. Compensation or reimbursement paid to AmeriCorps volunteers, Senior Health Aides, SCORE, Senior Companions and ACE or programs under Section 418 of P. L. 93113.
15. Church cash assistance and voluntary cash contributions by others if not received on a regular basis.
16. Rental subsidies and relocation assistance.
17. Utility subsidies.
18. 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.
19. Payments made under the Alaska Native Claims Settlement Act, Public Law 92203.

20. Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240.
21. 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.
22. Payments under Public Law 100-383 to Japanese and Aleut people who were relocated during wartime.
23. Payments made from the Radiation Exposure Compensation Act. These are exempt under Public Law 101-426.
24. Payments under the Disaster Relief and Emergency Assistance Amendments of 1988. Public Law 100-707.
25. Any funds, payments, or tribal benefits received under Public Law 92-254, Section 7 of Public Law 93-134, Public Law 94-540, or Section 5 of Public Law 94-114. In Utah, these may include the Goshute, Paiute, Navajo, Northwestern Band of Shoshone, and Ute tribes.
26. Educational assistance or college work-study payments.
27. Reverse Mortgage payments
28. Income from a mass mailing or odd pay period intended for another month will not be counted.
29. January Social Security income mass mailed at the end of December, received December 30th, would be counted as income received in January.
30. Payroll checks normally received the 1st or 5th of December mailed early or given the last week in November should be counted as income received in December

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 Worksheet or from IRS Form 1040 (Add Line 12 + Line 17 + Line 18 from Form 1040 to get total self-employment income. Divide by 12 to determine estimated monthly income). 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. INCOME DEDUCTIONS

Two kinds of expenses are allowed as deductions from the total income in determining HEAT eligibility for all households. To be eligible for the deduction, the amounts must be PAID in the month prior to the month the HEAT application was made. 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 during the same time period as the income you are counting. 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 month prior to the month of application, 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. Prescriptions written by a doctor and filled by a pharmacist.
- iii. Payments made to doctors, hospitals, or medical/dental clinics.

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, health drinks, and like items are not deductible unless specifically prescribed by a medical doctor.
- 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 (HAS) or Flex Spending Account (FSA).
- vi. Supplemental insurance plan premiums.
- vii. Payments for over the counter medicines and remedies such as aspirin and cold remedies, and medical supplies such as Depends, oxygen, and needed medical supplies are not deductible.

2. Child Support and Alimony Deductions

Deductions for child support/alimony payments are allowed when those payments were actually made by a member of the household during the same time period as the income being counted. Alimony payments that are made directly to a mortgage or car company can also be deducted. Worker must verify payment and document in SEALWorks.

INCOME ELIGIBILITY

H. HEAT INCOME ELIGIBILITY

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 calendar month prior to the application date, the application will be denied.

To verify countable income in the previous calendar month, documentation that represents the actual income received will be used.

Examples: *Preceding or current month's SSI or SSA checks, divorce decrees, award letters, or current check stubs if the amount is the same as the actual income received in the previous calendar month. Explain the documentation in SEALWorks.*

I. COUNTABLE HOUSEHOLD INCOME IN THE MONTH PRIOR TO THE MONTH OF APPLICATION

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. 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.

J. HOUSEHOLDS WITH TERMINATED INCOME IN THE PRIOR MONTH

Terminated income received in the previous calendar month or the month of application will not be counted if there is no new source of income. Eligibility is based on zero (0) income.

Example: *Mr. and Mrs. Colder applied for HEAT assistance on January 10th. Mr. Colder lost his job in December and received his last check December 25th. He is not eligible for unemployment and he has not found a new job. Mrs. Colder does not work. There is no new source of income. Therefore, their eligibility is based on zero income.*

Example: *Mr. Worker applied for HEAT assistance November 15th. He lost his job October 20th. He received his last check November 5th. He will not receive unemployment until December. Do not count the October's income because it is terminated.*

K. HOUSEHOLDS WITH TERMINATED INCOME – VERIFIED ONGOING INCOME NEW SOURCE

Count the prior month's income when a household has a new source of income immediately following (in the prior month or month of application) a terminated source. A lump sum severance pay is terminated income and not counted unless it is received on a monthly or weekly basis.

Example: *Mrs. Winter applied for HEAT assistance in February. She received her last check in January from a terminated job. She found a new job and begins working February 1st. She will receive her 1st check in February. Determine eligibility by using the income she received in the prior month (January).*

Example: *Ms. Spring applied for HEAT assistance in March. She terminated employment in February and received her last check in February. She will begin a new job in April. Her income eligibility is based on zero income because the new source did not begin until after the month of application.*

Example: *Mr. Fall applied for HEAT assistance January 15th. His old job terminated December 15th. He will receive unemployment sometime in January. His eligibility is based on the prior month income (December) from his old job because he has a new source immediately.*

L. HOUSEHOLDS WHOSE EXPENSES EXCEED INCOME

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 SEALWorks.

An Income Deficit Statement must be completed by each adult or each married 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.

PAYMENT DETERMINATION

1. 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 I under **100% of Poverty**. 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.

2. Energy Burden to determine a household's Energy Burden, divide the household's monthly energy bill by the household's NET monthly income. 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%.

When distribution of heat is dependent on electricity, i.e. gas heat, or a wood burning stove with an electric blower, and the household is using actual amounts, add the heat source amount with the amount of the electric bill and then divide the amount by the household's net monthly income to determine the Energy Burden.

a) Households That Pay All Their Own Energy Costs

Households who pay all their own energy costs directly to utility vendors have the option of using their actual energy bill or Table II, Monthly Energy Cost Standards, to determine their monthly energy cost. In order to take the Actual Costs, the household must use the most recent energy bills. Households who use their actual energy heating bill may also include their electrical bill (for the same approximate 30-day period) to determine their total energy cost for the month. When the energy bill is solely for energy costs, (i.e., Questar), state, local, and federal taxes can be included in the actual costs. However, when the energy bill contains other services, (i.e., water, sewer, garbage, etc.), taxes may not be applied. Use the household's monthly energy cost amount to compute its Energy Burden.

b) Households Who Pay All Their Energy Costs as Part of Their Rent

Households who pay all their energy costs as part of their rent directly to their landlord must use Table II to determine their monthly energy cost. Determine the primary fuel the household uses for heating to decide what fuel type to use from Table II. Use the household's monthly energy cost amount to compute its Energy Burden. (The household must provide the Landlord Statement Form completed by their landlord, in order to be determined vulnerable per Section 200, Item I.)

c) Roomers and/or boarders who pay energy costs as part of their rent must use 10% of their monthly rent amount to determine their monthly energy cost. Use the household's monthly energy cost amount to compute its Energy Burden. (The household must provide a Landlord Statement Form signed by their landlord in order to be determined vulnerable as per Section 200, Item I).

3. Target Groups

If a household has at least one member of a target group, an additional benefit amount will be added to the HEAT benefit calculation. Only one target group benefit will be added to the HEAT benefit per household.

a) 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.

b) Disabled Persons (pick from the following:)

A person is considered disabled if he/she or she 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; 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 **OR** has a medically determined mental or physical disability expected to last longer than six months.

To qualify for the disability target group credit the case file must include: a description of the visible disability, proof of SSD, SSI, or DMV Registration with permanent disability designation, or a completed Disability Verification Form signed by a licensed physician.

c) Elderly Persons

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

ASSET STANDARDS

The value of any household assets, either real or personal property, is not considered when determining eligibility for the HEAT program.

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.

A. BENEFIT PAYMENT LEVELS

The HEAT payment is based on a household's income, energy burden, and target groups. Energy burden is the proportion of a household's income used to pay for home heating. For example, households with the lowest income and the highest energy burden will receive a higher HEAT payment. Households with children under six (6) years, elderly (60+ years), or disabled persons may receive an additional energy assistance benefit amount.

B. FORMS OF HEAT PAYMENTS

1. HEAT benefit payments are payable directly to the household's fuel vendor except in the following two examples:
 - 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 heat source or if the primary heat source 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 heat source, according to the client's request (See Item C). If a mailed check is returned, the client must pick it up in person. Otherwise all other payments will be made under the following guidelines:
3. 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.
4. When The State of Utah has Contracts With Household Utility Providers
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.
5. When The State of Utah has A Contract With Only the Primary Heat Source
All payments will be sent to the primary heat source provider. However, if the primary HEAT source payment account is current, up to 50% of the HEAT benefit may be paid to the client.
6. When the State of Utah has a Contract with Only the Secondary Heat Source.
If the client wishes, the full payment may be paid to the secondary heat source. .At least 25% of the benefit must go to the secondary heat source.

7. Any request for an exception to these HEAT Payment rules must be approved by either a member of the State HEAT Program staff or the Regional Supervisor and noted in SEALWorks.
8. Split Payments
9. HEAT Payments made to utilities may be split only in the percentages listed below:
 - 100%
 - 75%/25%
 - 50%/50%
 - 25%/75%

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 household.

A. ACCEPTABLE VERIFICATION

1. All factors of eligibility must be verified and documented in the case file.
2. It is the applicant's responsibility to obtain acceptable verification. Acceptable verification may include, but need not be limited to, any official document, such as SSA letter, e-share 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 the case record and SSN documentation must be scanned into SEALWorks. If verification is provided through e-share or an outreach worker, case notes may be accepted as verification.
5. If the household refuses to present the required documentation the application will be denied.

B. DETERMINING THE PRIMARY FUEL TYPE

1. Ask the client for his/her current primary heat source.

Example: *If the house normally uses gas but is currently heating with wood because their gas furnace is broken, then use the primary fuel type wood.*
2. Steam Heat
 - a) Vulnerable for cost of the secondary fuel (electricity) only

If the household does not pay for the fuel (gas, propane, oil, etc.) that generates the steam heat, but is responsible for paying an energy cost in the form of their own electric bill directly OR through their rent, then a worker will use the apartment standard for "Coal/Other" to determine the energy burden and the cost of the electricity should not be added.
 - b) Vulnerable for cost of the primary fuel

When a household is directly responsible to pay both the primary fuel source that generates the steam (such as natural gas) and a secondary source (such as electricity) they are eligible for payment under the primary fuel source (i.e., gas, etc). If they are using actual bills for both, add the gas and the electric together to determine the Energy Burden. If they are not using actual bills or paying for the primary fuel through their rent, use the standard amount to determine their energy burden.
 - c) Not vulnerable for cost of the primary fuel nor the secondary fuel

If the household is not responsible for either the primary or secondary fuel costs, the household is not eligible.
3. If multiple heat sources are used and the primary fuel type cannot be determined based on #1, or #2 above, then choose the heat source used the majority of the time. Majority is defined as the fuel type used more than 51% of the time. If the household cannot determine which is used the majority of the time, use the most expensive fuel type and note in SEALWorks.

C. DATE OF APPLICATION

The date of application to be entered in SEALWorks is the date the application is received in the HEAT office, including applications forwarded by Outreach workers.

The application process must be completed within 45 days of the date of application unless an acceptable reason for the delay has been documented in SEALWorks. Office delay or backlog in editing/processing is not an acceptable reason.

D. 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.

RECORDS AND BENEFIT MANAGEMENT

A. CASE RECORDS

All documentation used to determine eligibility must be kept in a case file in the local HEAT office or in SEALWorks. Every person who completes an application must have a case record that pertains to him/her.

For auditing and reporting purposes the worker **MUST** enter the correct office code for every application entered in SEALWorks and **MUST** correctly designate if the application was received through outreach, mail-in, walk-in, or HEAT appointment.

Records Are Not to Be Removed From the Office

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 any action that affects the amount, form, or requirements of assistance. The notification will be mailed to the last known address of record. This notification will include:
 - a) An explanation of the action.
 - b) The reason for the action, and
 - c) The effective date of the action.

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. (See Section 100, Item I.)

C. HEAT PAYMENT CHECKS

All HEAT payments to clients and/or vendors are issued by check. The payments appear on a weekly 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.

1. Lost or Stolen HEAT Checks
 - a) The client must report a lost or stolen HEAT check and request a replacement within one year of issue date.
 - b) Lost or stolen checks may be reported 21 days after issuance.
 - c) Client must complete and sign a Lost Check Replacement Form and send to the State HEAT Office for processing.
 - d) A check that has been cashed will not be replaced.

D. APPLICATION, DOCUMENTATION AND PAYMENT ERRORS

Workers, editors, data entry personnel, and supervisors should all make efforts to minimize errors, verify information, and double check work.

1. Wrong Account Numbers

The State HEAT Office should be notified by submitting a correction in SEALWorks when the wrong account number has been posted on the pay run. **The HEAT worker** will reconcile the error with the respective utility companies.

2. Underpayments

a) A correction must be entered in SEALWorks as soon as the error is discovered.

b) Underpayments of \$10 and less will not receive a supplemental payment.

Underpayments over \$10 shall receive a supplemental payment.

c) Supplemental payments can only be made by the State HEAT Office.

4. Overpayments

a) Complete a Correction in SEALWorks documenting the reason for the overpayment.

b) If the overpayment is to a vendor, notify the State HEAT Office. The State HEAT Office will contact the utility company directly.

c) If a mistake is discovered resulting in an overpayment of over \$75 to the client due to client error, the local office must write a letter to the client requesting reimbursement of the overpayment and give the client two weeks to respond. If the client does not respond, contact the State HEAT Office and they will submit these fraud cases to the State Attorney General's Office and/or the County Attorney's Office for assessment.

d) Uncollected overpayments will be deducted from the client's future year's benefit amount.

e) If a mistake resulting in an overpayment of more than \$75.00 is found to be an error made solely by the HEAT office, the client will not be held responsible for the overpayment. This amount may be requested back from the agency by the State HEAT office. If the overpayment is discovered before the utility company applies the payment, the utility will be asked to refund the money to the State. If the error is found at a later time, the client will not be pursued for collection of the overpayment.

f) Overpayments of \$75 or less are not required to be collected.

5. Weekly Pay run Error Resolution

a) Errors to be reconciled include wrong account numbers and names, and wrong splits.

6. Crisis Funds Pay run Reconciliation

a) Crisis funds issued must be reconciled. All payments are issued by check. The payments appear on a weekly 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.

7. HEAT Benefit Activity Period

a) HEAT benefits must be used within two years of the issuance date. Any HEAT money not used within that two-year period that remains on an account should be returned to the State HEAT Office.

- b) Money returned to the State HEAT Office, for any reason, must be claimed within two years of the issuance date.

Example: *Joe Smith's HEAT payment was issued on 1-15-99 and went to XYZ Propane. On 1-15-2001 all his/her HEAT benefit money must be used up.*

FRAUD

1. Fraud occurs when a HEAT applicant knowingly and willfully provides false information or withholds information to receive assistance to which he or she is not entitled.
 - a) If client fraud is suspected the agency or the public can call the Fraud Hotline at [1-877-488-3233 ext 704](tel:1-877-488-3233). Allegations of fraud will be investigated for the current program year and the preceding program year only.
 - b) If the agency, State HEAT Office, or fraud investigator finds evidence that client fraud has been committed, the client and/or household will be denied assistance for the remainder of the HEAT program year. A detailed explanation must be provided in SEALWorks.
 - c) If the agency questions the veracity of information presented and requires additional documentation to verify eligibility, the worker will provide the client with a detailed list of needed documents and client will have 10 days to present the documentation. If the documentation is not provided within 10 days, the client and/or household will be denied assistance for the remainder of the HEAT program year. The HEAT worker will explain the situation in SEALWorks.

MONITORING

1. **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 responsibility, the Housing and Community Development Division (HCD) will help grantees identify problems and solutions in order to help grantees correct them. 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 the monitoring visit occurs. Regular telephone contact with State staff can be helpful in avoiding problems at the end of the HEAT season. **Objectives** – The objectives of monitoring and reporting are to determine if grantees:
 - a) Are carrying out the administration of the HEAT program as described in their contract and have kept organized documentation to support all actions and national objective compliance.
 - b) Are carrying out the HEAT administration in a timely manner in accordance with the time frames required by the contract,
 - c) Are charging costs to the program that are eligible under the HEAT program,
 - d) Are complying with other applicable laws, regulations and terms of the contract,
 - e) Are conducting the program in a manner which minimizes the opportunity for fraud, waste and mismanagement, and
 - f) Have a continuing capacity to carry out the approved program.

2. **Guidelines for Agency monitoring:**
 - a) 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.
 - b) The sampling of HEAT applications will be determined by the State HEAT office and will include a sampling of applications taken by appointment, walk in, and outreach.
 - c) The sampling will include applications containing medical deductions, target populations, and crisis.
 - d) The files will be reviewed for completeness and accuracy.
 - e) The Program Specialist assigned to the agency will discuss with the Regional Director/Supervisor and agency Executive Director the monitoring process and schedule an on-site visit.
 - f) Client files must include the following:
 - i. Complete and accurate application
 - ii. Copies of social security cards for applicant and all household members

- iii. Documentation of income from the month prior to application for all household members.
- iv. Proof of residency
- v. Recent utility bill or account information.
 - a. Address between bill and application must correlate.
 - b. Account should be in head of household or spouse's name – case are required to explain any deviances.
 - c. If the applicant pays for utilities through rent, a copy of the lease agreement or landlord statement is required.
- vi. Original receipts of medical expenses paid by client for household members in the month prior to the application.
- vii. Review of application processing time.
- viii. Use of correct office code.
- g) Agency review will include:
 - i. Contract – timely spend down of funding.
 - ii. Carryover funds from year to year, administrative funds expenditures.
- h) On site visit will include a review of application intake area – privacy concerns addressed, waiting time expectations set, location (near public transportation, easy parking, etc.), file storage, etc.
- iii. A review of file discrepancies will be completed with the Executive Director and HEAT supervisor (and any other interested parties) prior to State staff leaving the on-site visit. This will include a review of recurring errors and the action plan for correcting them, and any other issues that need to be discussed.
- i) Agencies will have the opportunity to respond to errors and to provide any additional documentation or explanations that may have been missing from the electronic file.
- j) All errors that are found during monitoring will require the agency to complete a "Correction" in SEALworks in addition to any other steps that are necessary (i.e. collecting additional information from client, collecting overpayments of over \$75 if warranted, contacting utility company, etc.).
- k) 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.
- l) Recurring errors in concurrent years are considered serious and will require consultation with the State HEAT Office to develop an approved corrective action plan.

MORATORIUM

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.

1. 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.

2. Eligibility Criteria

To qualify, the moratorium applicant must:

- a) Be the adult residential account holder, or have his/her name on the account.
- b) Live at the address of the service needing the protection of the moratorium.
- c) Have a termination notice from the utility company or has been refused service if the utility is not active.
- d) Be HEAT approved for the current season.
- e) Make a good faith effort to pay their utility bill on a consistent basis during the moratorium.

3. In addition, the applicant must provide proof that he/she meets at least one of the following criteria:

- a) Have suffered a medical emergency in either the month of application or the month prior to the month of application, or;
- b) Loss of employment in either the month of application or the month prior to the month of application, or;
- c) 50% drop in income in either the month of application or the month prior to the month of application; or
- d) Other emergency (attach an explanation of the emergency).

4. The HEAT worker will fill out a Request for Moratorium Form 863. It is suggested that a conference call be made among the HEAT worker, the client, and the utility. Current utility information can then be obtained. If arrangements for payment can be made between the client and the utility without proceeding with the Moratorium, then the application for Moratorium need not be completed. If a Moratorium is completed and approved, the information shall be called in to the State HEAT Office immediately. The original Moratorium forms must be faxed to the State Office immediately; a copy should be given to the client. A payment schedule will also be given to the client.

5. 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 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 month prior to the month of application.
- 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.

6. Clients Who Defaulted 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.

7. Defaults

- 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.

8. Hearing Rights

- a) 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.
- b) Hearings can be requested after shut-off, but utility service will not be resumed pending the outcome of the hearing.

9. Companies Operating In Utah Subject to the Moratorium

All of the regulated utilities listed below are also 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	One Utah Center 201 S Main Suite 2300 Salt Lake City, Utah 84111	(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
QUESTAR	333 S State St PO Box 45360 Salt Lake City, Utah 84145	(800)323-5517 (801) 324-5111