

Subpart M. HOME ENERGY ASSISTANCE

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601.	LOW INCOME HOME ENERGY ASSISTANCE PROGRAM	601.1

Authority

The provisions of this Chapter 601 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)), unless otherwise noted.

Source

The provisions of this Chapter 601 adopted October 27, 1983, effective October 1, 1983, 13 Pa.B. 3287, unless otherwise noted.

CHAPTER 601. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

Subch.

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Cross References

This subchapter cited in 55 Pa. Code § 601.151 (relating to eligibility).

GENERAL**§ 601.1. Legislative base.**

The Low Income Home Energy Assistance Program (LIHEAP) is a Federal block grant program authorized by the Low Income Home Energy Assistance Act (42 U.S.C.A. §§ 8621—8629) as amended by the Human Services Reauthorization Act (Pub. L. 98-558, 98 Stat. 2878) and the Human Services Reauthorization Act of 1986 (Pub. L. 99-425, 100 Stat. 966).

Source

The provisions of this § 601.1 adopted October 27, 1983, effective October 1, 1983, 13 Pa.B. 3287; amended November 18, 1983, effective November 19, 1983, 13 Pa.B. 3650; amended June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518. Immediately preceding text appears at serial pages (86673) to (86676) and (105473).

§ 601.2. Purpose.

The purpose of LIHEAP is to help eligible low income households meet home heating needs.

Source

The provisions of this § 601.2 adopted October 27, 1983, effective October 1, 1983, 13 Pa.B. 3287; amended June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518. Immediately preceding text appears at serial page (105473).

Notes of Decisions*Agency Authority*

The Public Utility Commission erred in requiring the natural gas company to calculate patron's monthly budget bill for the 1994-95 winter heating season based on LIHEAP benefits that patron received during the 1993-94 winter heating season. By this order, the Commission had in effect determined that the patron would be eligible for LIHEAP benefits in 1994-95 and that the patron would be entitled to the same amount of assistance as was received in 1993-94. However, the Commission was without authority to make such a determination; only the Department of Public Welfare can decide whether the patron is eligible for LIHEAP benefits and, if eligible, the amount of benefits the patron should receive. *Peoples Natural Gas Co. v. Pennsylvania Public Utility Commission*, 664 A.2d 664 (Pa. Cmwlth. 1995).

§ 601.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

CAO—County Assistance Office.

Date of application—The date that a completed application is filed with the LIHEAP administering agency in the county where the applicant household lives.

Department—The Department of Human Services of the Commonwealth.

Household—An individual or group of individuals, including related roomers, who are living together as one economic unit that customarily pays for its home heating energy either directly to a vendor or indirectly as an undesignated part of rent.

LIHEAP—The Low Income Home Energy Assistance Program.

LRR—Legally Responsible Relative—A parent of a minor child or a spouse.

Main fuel type—The source of energy for the central heating system of the residence used by the household or, if the residence is not centrally heated, the source of energy used most by the household.

Resident—A person whose home is in this Commonwealth and who lives there voluntarily and not temporarily for a reason such as vacation, a visit or education.

Roomer—An individual whose payment for lodging in a room includes heat and may include a private bathroom or one of the following:

- (i) Board.
- (ii) Kitchen or bathroom privileges on a shared basis.
- (iii) Light housekeeping facilities.

Second fuel type—One of the following:

- (i) The source of energy for space heating to supplement that provided by the central heating system of the residence of the household.
- (ii) If the residence is centrally heated by a form of energy other than that set forth in subparagraph (i) the source of energy that is needed to operate the central heating system.
- (iii) If the residence is not centrally heated, a source of energy that is used for home heat to a lesser degree than the main fuel type.

Vendor—An agent or company that supplies home heating energy or service in exchange for payment. The term does not include landlords, housing authorities, hotel managers or proprietors, rental agents and other parties who are not direct suppliers of home heating, energy or service.

Source

The provisions of this § 601.3 adopted October 27, 1983, effective October 1, 1983, 13 Pa.B. 3287; amended June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518. Immediately preceding text appears at serial pages (105474) to (105475) and (84865) to (84868).

Notes of Decisions

Household

Department of Public Welfare's interpretation of the definition of "household" to exclude college students who live away from home during the school year is consistent with the regulation and the statute. *Hamilton v. Department of Public Welfare*, 498 A.2d 11 (Pa. Cmwlth. 1985).

§ 601.4. Components.

LIHEAP is comprised of the following components:

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(1) *Cash component.* The cash component provides cash payments to help eligible low income households pay the costs of home heating.

(2) *Crisis component.* The crisis component provides benefits within 24 hours or, if a life-threatening situation exists, within 18 hours after application to resolve weather-related, supply shortage and other household home heating emergencies of eligible low income households.

(3) *Weatherization component.* The weatherization component provides long-range solutions to home heating problems of eligible low income households through home weatherization and conservation.

Source

The provisions of this § 601.4 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.5. Administration.

Administrative responsibilities for LIHEAP are as follows:

(1) *Department.* The Department will administer the cash component through its CAOs, and the crisis component through the CAOs, community action agencies and other local organizations.

(2) *Department of Community Affairs.* The Department of Community Affairs administers the weatherization component.

Source

The provisions of this § 601.5 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.6. Program year.

(a) The Department will announce the schedule for the current LIHEAP year in the State Plan for that year.

(b) The Department may extend or shorten the closing date of the cash or crisis components, depending upon the availability of Federal funds.

Source

The provisions of this § 601.6 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

APPLICATION PROCESS

§ 601.21. Application completion.

A member of the applicant household shall complete an application within the established time frames for the program year. To complete an application for a LIHEAP benefit, the LIHEAP applicant, on behalf of the household, shall meet the following conditions. The applicant shall:

(1) Answer all questions on the Department's LIHEAP application form.

- (2) Sign and date the application form.
- (3) File the application form with the LIHEAP administering agency in the county where the applicant lives.
- (4) Provide income documentation.
- (5) Provide documentation of responsibility for the payment of home heat.
- (6) Provide additional verification, as needed and requested by the LIHEAP administering agency, to determine eligibility for LIHEAP and the amount of the benefit.

Source

The provisions of this § 601.21 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.22. Written notice.

The LIHEAP administering agency will send the applicant a written notice of the decision on eligibility within 30 days after receiving a completed application.

- (1) Before the official starting date of each year's program, the Department will mail LIHEAP application forms to households that received LIHEAP cash benefits during the previous year. Households that complete and return these mailed application forms to the LIHEAP administering agency before the program has officially begun will receive a written notice of a decision on eligibility no later than 30 days after the official starting date of the program.
- (2) The written notice will include an explanation of fair hearing rights and procedures.
- (3) The written notice will include the following:
 - (i) *If eligible.* If the household is eligible, the written notice will include the type and amount of the benefit and the names of the payee.
 - (ii) *If ineligible.* If the household is ineligible, the written notice will indicate the reason for the decision of ineligibility and provide a reference to the regulatory basis for the decision of ineligibility.

Source

The provisions of this § 601.22 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.23. Incomplete applications.

If an application is not complete, the LIHEAP administering agency may take one of the following actions:

- (1) *Delay.* Delay a decision on eligibility for a reasonable time beyond the 30-day time limit until the necessary information is received. If the eligibility decision is delayed beyond the 30-day time limit, the local administering agency shall provide a written notice to the client indicating what information is missing and the date by which the information must be provided to avoid rejection of the application.

(2) *Reject.* Reject the application on the basis that an eligibility decision cannot be made because the applicant has failed or refused to provide sufficient information needed to determine eligibility.

Source

The provisions of this § 601.23 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.24. Application assistance.

Upon request, LIHEAP staff will mail an application form or take necessary steps to help a homebound person apply for LIHEAP benefits.

Source

The provisions of this § 601.24 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

ELIGIBILITY REQUIREMENTS

§ 601.31. General eligibility requirements.

To qualify for LIHEAP cash or crisis benefits, a household shall meet the following requirements at the time of application:

(1) *Income limit.* The gross annual income of an eligible household shall equal or be less than 150% of the poverty level established for Pennsylvania by the United States Department of Health and Human Services. The limits, which are subject to change annually, are published in each year's LIHEAP State Plan.

(2) *Responsibility for heating costs.* For a cash benefit, the household shall be responsible for paying for its main source of heat either directly to a vendor or indirectly as an undesignated part of rent. For a crisis benefit, the household shall be responsible for paying for either its main or second source of heat either directly to a vendor or indirectly as an undesignated part of rent.

(i) The following persons and members of their households are considered to have a home heating responsibility:

(A) Home owners or renters, including subsidized housing tenants, who pay for home heating fuel or utility service directly to a vendor.

(B) Renters, including subsidized housing tenants, who pay for heat indirectly as an undesignated part of rent. Renters, including subsidized housing tenants, are ineligible if their rental charge includes an undesignated amount for heat and is based on a fixed percentage of their income or on their source of income.

(C) Roomers who pay for their lodging in either a commercial establishment or in a private home which is their permanent and primary home. Roomers are ineligible if their charge for room or room and board is based on a fixed percentage of their income or on their source of income.

- (ii) Persons are ineligible if they are in a temporary living arrangement for a reason such as a visit, vacation or education. Residents in institutions, dormitories, fraternity or sorority houses and boarding homes are ineligible.
- (3) *Residency.* Household members shall be residents.

Source

The provisions of this § 601.31 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

Cross References

This section cited in 55 Pa. Code § 601.32 (relating to eligibility requirements for crisis benefits).

§ 601.32. Eligibility requirements for crisis benefits.

Households may apply for and, if eligible, receive crisis benefits regardless of whether they apply for or receive a LIHEAP cash benefit. To qualify for a crisis benefit, a household shall meet the following requirements:

- (1) The household shall meet the general eligibility requirements under § 601.31 (relating to general eligibility requirements), the responsibility for heating costs and Pennsylvania residency.
- (2) The household shall be without heat or in imminent danger of being without heat because of a weather-related or energy supply shortage emergency.
- (3) The household shall be eligible for a crisis benefit that, alone or combined with other resources available to the applicant household, will resolve the home heating emergency.

Source

The provisions of this § 601.33 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

PROVISION FOR CASH BENEFITS

§ 601.41. Benefit amounts.

- (a) The amount of a LIHEAP cash benefit is based on the following household factors at the time of application:
 - (1) *Household size.* The members of the applicant household, regardless of relationship, including a roomer who is a relative of a household member, shall be counted when determining household size. Persons in the household who, as members of another household, have already received a LIHEAP benefit during the program year are not counted when determining household size; however, their income shall be added to that of the applicant household when determining household income.

(2) *Income level.* The income level of the household is based on the gross annual income of the persons in the household, including that of persons who, because they already received a LIHEAP benefit during the program year are not counted when determining household size.

(3) *Heating region.* The heating region in which the household lives affects the benefit amount. The composition, by counties, of each of the five heating regions in this Commonwealth is tabulated in Appendix A.

(4) *Fuel type.* Although an eligible household may choose to have the cash benefit paid toward either its main or second type of home heating fuel, the amount of the cash benefit is based on the main fuel type.

(b) Tables for cash benefits, which are subject to change annually, are published in each year's State Plan and are available at CAOs.

Source

The provisions of this § 601.41 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.42. Roomers.

Eligible roomers receive 50% of the LIHEAP cash benefit for which they would otherwise qualify.

Source

The provisions of this § 601.42 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.43. Number of payments.

An eligible household receives only one LIHEAP cash benefit during a program year. If excess LIHEAP funds are available, the Department may issue a supplemental LIHEAP cash benefit.

Source

The provisions of this § 601.43 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.44. Payees.

(a) If the household pays for fuel directly, the Department pays the vendor on behalf of the eligible household unless the vendor refuses or is ineligible to participate in the program, or the household purchased and paid for its fuel during the off-season.

(b) If the household pays for heat as an undesignated part of rent or the fuel vendor refuses or is ineligible to receive a LIHEAP payment, the Department pays the benefit to the applicant for the household.

(c) Because landlords, housing authorities, rental agents, hotel and rooming house proprietors and managers and other parties who are not direct suppliers of home heating, energy or service are not vendors, they are ineligible for a vendor payment on behalf of an eligible household.

Source

The provisions of this § 601.44 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.45. Line of credit.

The vendor shall retain unused LIHEAP funds as a line of credit in the customer's account until the funds are exhausted or until the client changes vendors, leaves the area served by the vendor or dies.

Source

The provisions of this § 601.45 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.46. Refunds.

Refunds of LIHEAP benefits are treated as follows:

(1) *Refunds from the vendor.* If the LIHEAP client changes vendors, leaves the area served by the vendor or dies, the vendor shall refund the unexpended portion of the LIHEAP benefit to the Department's Central Office. If the vendor finds it necessary to return a security deposit that had been paid with LIHEAP funds, the vendor shall refund the security deposit to the Department's Central Office.

(2) *Refunds to the client.* The Department will reissue a vendor refund of a credit balance or security deposit to the LIHEAP household if the following conditions are met:

- (i) The whereabouts of the household are known.
- (ii) The household continues to live in this Commonwealth.
- (iii) The household continues to have a home heating responsibility.

Source

The provisions of this § 601.46 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

PROVISION OF CRISIS BENEFITS**§ 601.61. Benefit amounts.**

The amount of a crisis benefit is the minimum amount needed to resolve the home heating emergency, subject to a maximum of \$300 for the program year. The household is ineligible for a crisis benefit which, alone or combined with other resources available to the household, will not resolve the crisis.

Source

The provisions of this § 601.61 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.62. Types of crisis benefits.

An eligible household may receive crisis benefits for weather-related or energy supply shortage emergencies.

(1) *Benefits for weather-related emergencies.* Crisis benefits for weather-related emergencies may include the following types of assistance if the household is without heat or in imminent danger of being without heat. The types of assistance may include:

- (i) The purchase of a new heating system if the heating system cannot be repaired or repairs will correct the problem only temporarily.
- (ii) Pipe thawing services if the household has a consistent problem with freezing pipes that cannot be repaired by a plumber.
- (iii) The repair of a broken furnace, which may include filter replacement and chimney cleaning or repair.
- (iv) The repair of a water heating system, including repair of water pumps and accessories, if the system is essential for producing home heat.
- (v) The repair of gas or other fuel lines when the lines feed the main heating source.
- (vi) The repair of broken windows.
- (vii) The loan of an auxiliary heater.

(2) *Benefits for energy supply shortage emergencies.* Crisis benefits for energy supply shortage emergencies include payment for the following:

- (i) Home heating fuel for a household that is out of fuel or in imminent danger of being without fuel. The payment may be for either the main or second fuel type and may include the cost of an added charge for off-hours delivery service.
- (ii) Arrearages to restore or continue home heating service from a utility company if the household meets one of the following conditions:
 - (A) The household is without heat or in imminent danger of being without heat because of actual or imminent termination of the main or second source of heat. The payment may include the charge, if required, for a service reconnection.

(B) The household has a \$200 or greater unpaid balance for its main or second source of heat and a current payment plan with a utility company. The unpaid balance is the amount owed the utility less the amount of the LIHEAP cash benefit and the current month's billing. The LIHEAP cash benefit shall be deducted in all cases except as follows:

(I) The crisis benefit is for a heating source other than that for which the cash benefit was paid.

(II) The cash benefit has already been deducted from the customer's account.

(III) The household is ineligible for a cash benefit.

(C) The payment or arrearages may include the charge, if required, for a service reconnection, but may not be used for security deposits or applied to late payment charges.

Source

The provisions of this § 601.62 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.63. Number of payments.

A household may receive more than one crisis benefit during the program year, subject to the \$300 maximum amount for the program year.

Source

The provisions of this § 601.63 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.64. Payees.

The Department pays crisis benefits directly to the vendor, unless direct payment to a vendor cannot be made. If the Department determines that crisis benefits cannot be paid directly to the vendor, the Department pays the crisis benefit to the applicant.

Source

The provisions of this § 601.64 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

**INCOME DETERMINATION FOR CASH AND
CRISIS BENEFITS**

§ 601.81. Income counted.

To determine the income level of an applicant household for cash and crisis benefits, the LIHEAP administering agency counts the gross annual income of the following persons:

- (1) The household members, regardless of relationship.
- (2) A roomer who is related by blood, marriage or adoption to a household member.
- (3) A person who, as a member of another household, has already received a LIHEAP cash benefit during the program year.

Source

The provisions of this § 601.81 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.82. Gross income defined.

Gross income is the total earned and nonearned income of the household and includes the following:

- (1) *Employe earnings.* Employe earnings are money, including wages, salaries, bonuses, commissions and tips, before taxes or other deductions, that a person receives for providing services on behalf of an employer.
- (2) *Profit from self-employment.* Profit of a self-employed person is gross receipts minus costs of operating a business or farm, practicing a profession, providing day care for children in an approved family day care facility, or renting nonresident real property.
 - (i) The following expenses are among those that are not deductible from gross receipts:
 - (A) Gross wages, commissions, withdrawals of money or loans paid to LIHEAP household members, including those paid to a self-employed LIHEAP client.
 - (B) Purchase of goods for personal use or gifts.
 - (C) Depreciation.
 - (D) Capital losses.
 - (E) Purchase costs of capital equipment.
 - (F) Personal entertainment and transportation expenses.
 - (G) Interest and payments on loans for the purchase of capital equipment.
 - (H) Theft and casualty losses.
 - (I) Charges for residential telephone service (even if used for business purposes).
 - (J) Mortgage payments.
 - (K) Taxes.
 - (ii) A loss from one source of income cannot be used to offset another source of income.
- (3) *Income from roomers, boarders or apartment renters.* Gross income from providing room or board, or both, or from apartment rentals paid directly to a household member is computed under Chapter 183 (relating to income).

(4) *Nonearned income.* Nonearned income includes, but is not limited to, the following:

- (i) Public assistance grants.
- (ii) Social security benefits.
- (iii) Worker's compensation.
- (iv) Supplemental security income.
- (v) Unemployment compensation.
- (vi) Support payments.
- (vii) Cash gifts and contributions.
- (viii) Pensions.
- (ix) Interest from investments or bank accounts.
- (x) Veterans benefits.

Source

The provisions of this § 601.82 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.83. Treatment of income.

(a) The applicant may choose whether the time period to be used in determining gross annual income shall be for the 12 months or the 90 days before the date of application. Regardless of the selected time period, income shall be converted to a yearly figure.

(b) If the total gross annual income exceeds 150% of the poverty level for the number of persons who are counted as household members for the current year, the household is ineligible.

Source

The provisions of this § 601.83 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.84. Income exclusions.

The following income will not be considered when determining gross yearly income for the purpose of establishing LIHEAP eligibility:

- (1) The portion of an educational loan, grant or scholarship to an undergraduate student actually spent for tuition, books and other required educational fees, and the amount of income from other sources used to pay out-of-pocket expenses for books and other required educational fees.
- (2) Allowable costs of a student's financial assistance received from a program funded in whole or in part under Title IV of the Higher Education Assistance Act Amendments of 1986 (Pub. L. 99-498, 100 Stat. 1268).
- (3) Payments for services or out-of-pocket expenses to volunteers serving as foster grandparents, senior health aids or senior companions, and to persons serving in other programs under Title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C.A. §§ 5001—5024).

(4) Payments to volunteers for VISTA, Service Learning Programs and Volunteer Programs under Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C.A. §§ 4951—4994).

(5) The value of bonus coupons received by a participant in the Food Stamp Program.

(6) The value of donated foods—surplus commodities—from the United States Department of Agriculture.

(7) The value of home produce of clients for household consumption.

(8) Money received under the Senior Citizen Rebate and Assistance Act (72 P. S. §§ 4751-1—4751-12).

(9) Money received as incentive or training-related expenses provided to persons involved in a work/training program sponsored by a Federal, State or local government agency.

(10) Deductions for Medicare premiums deducted from Social Security benefit payments.

(11) Amounts received as reimbursement for medical costs, medical transportation and special need items as defined under Chapter 175 (relating to allowances and benefits).

(12) Cash or in-kind assistance with heating costs provided by private or public agencies or utility companies.

(13) Personal loans, bank loans or other noneducational loan designated for a specific purpose from an established financial institution.

(14) The portion of a Social Security lump sum death benefit designated for funeral expenses.

(15) Up to the first \$50 of voluntary support from legally responsible relatives or a court-ordered support that the household actually receives in a given month, including support refunded during the month by the Department.

Source

The provisions of this § 601.84 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

VERIFICATION AND DOCUMENTATION

§ 601.101. Verification and documentation defined.

The applicant shall provide sufficient information regarding the household's circumstances to enable the LIHEAP administering agency to determine LIHEAP eligibility and the amount of a LIHEAP benefit.

(1) *Verification.* The term refers to any form of convincing information, including oral statements or documentation.

(2) *Documentation.* The term refers to written or printed evidence, such as fuel bills, rent receipts or pay stubs, that is needed to determine LIHEAP eligibility and the type and amount of the LIHEAP benefit.

Source

The provisions of this § 601.101 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.102. Income.

(a) The applicant shall produce documentation of the amounts and sources of income of household members, including related roomers, as well as that of anyone in the household who already received LIHEAP benefits during the current program year as a member of another household.

(b) The applicant shall report but is not required to document income of persons in the household who are current recipients of public assistance, food stamps or supplemental security income.

Source

The provisions of this § 601.102 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.103. Minimal or no income.

If the applicant states that the household has minimal or no income, the applicant may be required, as a condition of eligibility, to produce evidence that will satisfactorily explain how basic living needs of the household members are meeting their financial obligations and basic living needs.

Source

The provisions of this § 601.103 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.104. Responsibility for home heating costs.

(a) If the household pays the vendor directly for heat, acceptable documentation of a home heating responsibility for a cash benefit is a recent fuel bill or receipt from the vendor of the main fuel. A recent bill or receipt is one that was issued within 2 months of the date before application. If the household chooses to have the benefit paid to the vendor of its second fuel type, the applicant for a cash benefit shall provide documentation of a financial responsibility for both the main and second fuel types.

(b) The applicant for a crisis benefit shall prove payment responsibility for either the main or second fuel type of the household.

(c) If the household pays for heat indirectly, a written or oral statement from the landlord or rental agent may be acceptable verification of a home heating responsibility. The statement shall specify the main type of fuel used to heat the home of the applicant household.

Source

The provisions of this § 601.104 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.105. Social Security numbers.

The applicant shall present proof of Social Security numbers of household members. Verification of Social Security numbers is not required for household members whose Social Security numbers had previously been verified and are available in a LIHEAP or public assistance case record. An applicant who does not have a Social Security number or refuses to disclose it shall complete an energy assistance affidavit.

Source

The provisions of this § 601.105 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.106. Questionable information.

The LIHEAP administering agency may require the applicant to verify information affecting eligibility that appears to be incomplete, unreasonable or inconsistent with known facts.

Source

The provisions of this § 601.106 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

CLIENT RIGHTS**§ 601.121. Confidentiality.**

(a) Information about a LIHEAP applicant or recipient is confidential and may be disclosed for only the following purposes:

- (1) To aid in the determination of LIHEAP eligibility.
- (2) To aid in the investigation or prosecution of suspected fraud in connection with LIHEAP.
- (3) To cooperate with Federal or State authorities regarding LIHEAP audits, reviews and investigations.

(b) If the client concurs, the LIHEAP administering agency may disclose only that information about the applicant or recipient household that is needed to help the household apply for or obtain home energy assistance.

Source

The provisions of this § 601.121 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.122. Nondiscrimination.

The Department assures that no person on the basis of race, color, sex, age, handicap, religion, national origin or ancestry or political belief will be excluded from participation in LIHEAP, denied LIHEAP benefits or be subject to discrimination in an activity or project receiving LIHEAP funds.

Source

The provisions of this § 601.122 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.123. Appeals and fair hearings.

(a) An applicant may appeal and receive a fair hearing if the applicant believes a decision on eligibility for LIHEAP benefits is incorrect or unreasonably delayed.

(b) Client rights and procedures for appeals and fair hearings appear in Chapter 275 (relating to appeal and fair hearing and administrative disqualification hearings).

(c) Upon request, LIHEAP staff will help the client with any aspect of the appeal and fair hearing process.

Source

The provisions of this § 601.123 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

OVERPAYMENTS**§ 601.141. Overpayment defined.**

An overpayment is the payment of LIHEAP funds or provision of LIHEAP benefits to an agency or a person for which the agency or person is either fully or partially ineligible.

Source

The provisions of this § 601.141 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.142. Liability.

A person or agency that receives LIHEAP funds or benefits for which it is ineligible shall repay the Department for the overpayment.

Source

The provisions of this § 601.142 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.143. Fraud.

A person who knowingly misrepresents or withholds information in order to qualify anyone for a LIHEAP benefit is guilty of fraud and subject to a penalty of a fine or imprisonment, or both.

Source

The provisions of this § 601.143 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

§ 601.144. Treatment of overpayments.

(a) If an overpayment occurs because of suspected fraud, client error or client misrepresentation, the Department will refer the overpayment for collection or prosecution to the Office of Fraud and Abuse Investigation and Recovery (OFAIR) in accordance with procedures under Chapter 255 (relating to restitution).

(b) If a vendor has received an overpayment of LIHEAP funds, the Department will take progressive steps, if necessary, to seek repayment of the funds as follows:

(1) The Department will notify the vendor of the overpayment by telephone to request repayment within 10 days of the telephone call.

(2) If, after 10 days of the telephone call, the vendor fails or refuses to repay the Department for the overpayment, the Department will send a written notice to the vendor requesting restitution.

(3) If, after 10 days from the date of the written notice, the Department has still not received restitution from the vendor, the Department will send the vendor a notice by certified mail. This notice will inform the vendor that unless restitution is paid within 10 days, the Department will remove the vendor from the list of participating LIHEAP vendors and will refer the overpayment to OFAIR for collection.

(4) If, after 10 days from the date of the notice by certified mail, the vendor fails to return the funds, the Department will remove the vendor from the list of participating vendors and refer the overpayment to the Department's OFAIR for investigation and collection.

Source

The provisions of this § 601.144 adopted June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518.

**Subchapter B. STATE EMERGENCY ENERGY
ASSISTANCE FUND**

Sec.

601.151. Eligibility criteria.

601.152. Sunset date.

Authority

The provisions of this Subchapter B issued under Article XVII-A, Subarticle F of The Fiscal Code (72 P. S. §§ 1751-A and 1752-A); and section 403(b) of the Public Welfare Code (62 P. S. § 403(b)), unless otherwise noted.

Source

The provisions of this Subchapter B adopted January 20, 2006, effective January 21, 2006, 36 Pa.B. 285, unless otherwise noted.

§ 601.151. Eligibility criteria.

Eligibility criteria and benefits for the State Emergency Energy Assistance Fund shall be as set forth in the Commonwealth's Federal Fiscal Year 2006 LIHEAP State Plan and Subchapter A (relating to Federal Low Income Home Energy Assistance Program).

§ 601.152. Sunset date.

This subchapter will sunset on June 30, 2006.

**APPENDIX A
HEATING REGIONS**

<i>State Heating Region</i>	<i>Counties</i>
1	Bradford, Cameron, Clearfield, Elk, Forest, Lackawanna, Luzerne, McKean, Potter, Sullivan, Susquehanna, Tioga, Wayne, Wyoming
2	Blair, Cambria, Carbon, Centre, Clarion, Clinton, Columbia, Crawford, Erie, Jefferson, Lycoming, Monroe, Pike, Schuylkill, Somerset, Venango, Warren
3	Armstrong, Beaver, Bedford, Butler, Huntingdon, Indiana, Lawrence, Mercer, Montour, Northumberland, Westmoreland
4	Adams, Allegheny, Berks, Bucks, Dauphin, Fayette, Franklin, Fulton, Greene, Juniata, Lebanon, Lehigh, Mifflin, Northampton, Perry, Snyder, Union, Washington
5	Chester, Cumberland, Delaware, Lancaster, Montgomery, Philadelphia, York

Source

The provisions of this Appendix A adopted October 27, 1983, effective October 1, 1983, 13 Pa.B. 3287; amended June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518. Immediately preceding text appears at serial page (84869).

**APPENDIX B
[Reserved]**

Source

The provisions of this Appendix B adopted October 27, 1983, effective October 1, 1983, 13 Pa.B. 3287; amended June 3, 1988, effective upon publication and applies retroactively to October 15, 1987, 18 Pa.B. 2518. Immediately preceding text appears at serial pages (84870) to (84874), (86679) to (86680) and (114337).

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