

CHAPTER 22
LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

[Prior to 12/29/21, see 427—Chapter 10]

421—22.1(216A,PL97-35,PL98-558) Purpose. Pursuant to the requirements of the U.S. Department of Health and Human Services (DHHS) and the Social Security Administration (SSA), as set forth in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35 as amended by P.L. 98-558, and Iowa Code section 216A.92, the department of human rights (department), division of community action agencies (division), will administer the low-income home energy assistance program (LIHEAP).

LIHEAP is designed to aid qualifying low-income Iowa households (homeowners and renters) in the payment of a portion of their residential heating costs for the winter heating season, to encourage regular utility payments, to promote energy awareness and to encourage reduction of energy usage through energy efficiency, client education, and weatherization.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—22.2(216A,PL97-35,PL98-558) Household eligibility.

22.2(1) Households with incomes at or below the annually determined federal poverty guidelines, but not to exceed 150 percent of the guidelines, or an amount equal to 60 percent of the state median income for the state, according to DHHS, which are published annually in the Federal Register, may be eligible for assistance under LIHEAP. To receive benefits, an application must be made, eligibility determined, and program funds available before any payments may be made.

22.2(2) Proof of income eligibility is required as outlined in the Iowa LIHEAP Policy and Procedures Manual. Any individual listed on a LIHEAP-approved application for the current fiscal year may not be listed on another application unless an exception is granted by the division.

22.2(3) Income criteria and guidelines are contained in the Iowa LIHEAP State Plan and the Iowa LIHEAP Policy and Procedures Manual.

22.2(4) All payments are contingent upon the availability of federal funds.

22.2(5) The amount of assistance a household may receive is determined by a payment matrix that considers household income, household size, fuel type, and other targeting factors, as described in the current Iowa LIHEAP Policy and Procedures Manual.

22.2(6) All households applying for this program will simultaneously be making application for weatherization assistance, and 421—Chapter 23 shall govern weatherization applications.

22.2(7) Both owner-occupied and renter-occupied households will be assisted.

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421—22.3(216A,PL97-35,PL98-558) Local administering agencies (LAAs).

22.3(1) The department shall administer the LIHEAP program by contracting with LAAs meeting program and fiscal guidelines as required by federal law. Contracts with the LAAs will specify required and allowable program activities, DHHS regulations, special conditions, transfer of electronic data to fuel vendors and the state, program and fiscal reporting to the department, and audit requirements.

22.3(2) Each LAA will conduct outreach activities to ensure that eligible households are made aware of the program. In addition to its normal outreach functions, each LAA will authorize its workers to take applications in an applicant's home as well as at local community, church, and elderly centers and other locations deemed appropriate. A notice of the appeal and hearing procedure must be posted at each intake site, and a copy of the appeal and hearing procedure and any other state-required handouts must be given to each client at the time of application or determination.

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421—22.4(216A,PL97-35,PL98-558) Application period. The application period for the program is between October 1, or the first working day of October, and April 30, or the last working day of April, or as defined in the annual Iowa LIHEAP Policy and Procedures Manual.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—22.5(216A,PL97-35,PL98-558) Payments.

22.5(1) *Types of payments.* The following types of energy assistance payments may be made:

a. To suppliers on behalf of eligible households. The client's assistance shall remain as a credit on the client account until the program assistance is expended or the account is terminated.

b. Eligible households that pay an undesignated portion of the rent toward energy costs will receive assistance sent directly to the secondary vendor.

c. Direct payments may be made to eligible households as outlined in the Iowa LIHEAP Policy and Procedures Manual.

22.5(2) *Duplicate and fraudulent payment control.* Each LAA is required to monitor and prevent possible duplicate and other fraudulent applications and payments. Duplication cross-checks shall be based on household members' names, addresses, and social security numbers, as well as vendor account numbers.

22.5(3) *Referrals.* Each LAA is required to refer all suspected cases of fraud, including duplicate payments, overpayments, and fraudulent statements on applications, to the division for investigation.

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421—22.6(216A,PL97-35,PL98-558) *Change in status.* The level of assistance for the program year will be determined based on the household's circumstances at the time of approval. If a household moves, a household of one passes away, or a household moves to a different service territory, etc., after applying for the program, the process outlined in the Iowa LIHEAP Policy and Procedures Manual is to be followed.

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421—22.7(216A,PL97-35,PL98-558) *Vendor agreement.* A signed utility vendor agreement must be on file with the LAA before payments may be made to the vendor. If a fuel supplier does not sign a vendor agreement, a direct payment may be made to the eligible applicant. In cases where a vendor has not complied with all provisions of the vendor agreement, the state may approve direct payments to clients as an alternative.

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421—22.8(216A,PL97-35,PL98-558) *Crisis assistance.* To be eligible for crisis assistance, a household must file an application, meet the income guidelines of LIHEAP, and meet the definition of "crisis" as defined in the Iowa LIHEAP Policy and Procedures Manual.

22.8(1) *Definition.*

"*Energy crisis*" means weather-related and supply shortage emergencies and other household-related emergencies, as defined in the current Iowa LIHEAP State Plan, including: a nonworking heating system, a temporary need for alternate shelter, disconnection from utility service, disconnection from utility service imminent, low or empty propane tank, and, when medically necessary, a window/portable air-conditioning unit or a repair of an existing central air unit.

22.8(2) *Evaluation.* Each crisis application will be evaluated individually by the LAA, who shall determine the appropriate resolution and the amount of assistance to be provided, as defined by the current Iowa LIHEAP State Plan and Iowa LIHEAP Policy and Procedures Manual.

22.8(3) *Appeal procedure.* Any household which has been denied crisis assistance may utilize the LIHEAP appeal procedure as described in rule 421—22.10(216A,PL97-35,PL98-558).

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421—22.9(216A,PL97-35,PL98-558) *Assurance 16 activities.* LIHEAP customer services that encourage and enable households to reduce their home energy needs, and thereby reduce their need for energy assistance, shall be provided as assurance 16 activities. Services may include conservation education, referrals to other programs, needs assessment, budget counseling, vendor negotiations, energy assessment, energy plans, and low-cost energy efficiency measures.

[ARC 6101C, IAB 12/29/21, effective 2/2/22]

421—22.10(216A,PL97-35,PL98-558) *Appeal and hearing procedures.* The following appeal and hearing procedures shall be used.

22.10(1) An applicant may initiate an appeal if the application was denied or if incorrect facts or improper procedures were used to determine eligibility, assistance amounts, or services. The applicant has 30 calendar days from the date of the approval or denial letter to appeal that decision by mailing or delivering the request for appeal to the LAA at which the application was made.

22.10(2) If the LAA neither approves nor denies the application within 30 calendar days of receipt of a complete application, the applicant may treat the failure to act as a denial. The applicant then has 30 additional calendar days to appeal.

22.10(3) To appeal, the applicant (claimant) must submit a written appeal to the LAA at which the applicant applied and include the action the applicant would like taken and any other information which might affect the decision. Those claimants unable to read or write shall have the LAA assist them in reading, writing, or understanding appeals and hearings and their associated procedures.

22.10(4) The LAA will act on the claimant's request and notify the claimant of the result in writing within seven calendar days of the date an appeal was requested (postmark date if sent in mail).

22.10(5) If the claimant does not agree with the decision reached, the claimant may write the LAA within 14 calendar days of the decision (postmark date if sent in mail) and request that a state hearing be held with the division. The claimant must explain in writing why the agency's decision is being appealed and include any information which might affect the decision.

22.10(6) The LAA will forward all information about the request for a hearing to the division, and a hearing will be scheduled within 14 calendar days of receipt of the appeal and request for a hearing. The claimant will receive written notice of a scheduled state hearing from the division. The notice will include the date, time, and place of the hearing. State hearings may be held by telephone at a mutually convenient time or in person. During the hearing, all information will be reviewed and a decision will be rendered by the division within seven calendar days.

22.10(7) The claimant may appeal the decision of the division to the Iowa department of inspection and appeals. The claimant must submit a written appeal to the division within seven calendar days (postmark date if sent in mail) of receiving the division's decision. The division will follow the appeal procedures outlined in this chapter.

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421—22.11(216A,PL97-35,PL98-558) Further criteria. The Iowa LIHEAP State Plan, the Iowa LIHEAP Policy and Procedures Manual, and assistance award criteria for the program are incorporated by reference as part of these rules. If any rule in this chapter conflicts with federal law or rule, federal law or rule shall prevail.

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These rules are intended to implement Iowa Code chapter 216A, P.L. 97-35, and P.L. 98-558.

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